

# **Gender Equality in the Labour Market in Ukraine**

Gulbarshyn Chepurko

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### **EU-ILO Project «Gender Equality in the World of Work»**

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The publication was developed and printed within the framework of the EU-ILO Project  
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**For more detailed information contact the Project by e-mail:  
gender@ilo-dp.kiev.ua**

Project Brief: EU-ILO Project in Ukraine “Gender Equality in the World of Work”

The Project’s core objective is to enable key state bodies and social partners to promote gender equality and women’s empowerment in the world of work by developing, implementing and monitoring gender-sensitive employment policies and programmes. The Project employs awareness-raising activities, communicates information, and supports the development and implementation of locally adapted tools and pilot interventions.

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# FOREWORD

Ukraine has made considerable legislative progress with regard to gender equality. Since becoming independent in 1991, Ukraine has established the core elements of a legal and institutional framework for promoting gender equality and addressing gender-based discrimination.

Internationally, Ukraine is party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol. Ukraine has also ratified all core ILO Conventions, including Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination, as well as Convention No. 156 on Workers with Family Responsibilities.

At the national level, in addition to the equality commitment enshrined in the Constitution, there is a law “On ensuring equal rights and opportunities for men and women” and a State Programme for Ensuring Gender Equality in Ukrainian Society up to 2010. Subsequently, regional programmes have been developed and are in the process of being implemented.

Nevertheless, gender-based discrimination and gender inequality in the world of work continue due to persistent gender stereotypes, a lack of equal opportunities and women’s greater vulnerability to multiple forms of discrimination, which are to be observed mainly in access to employment, career advancement and remuneration. These matters need to be addressed effectively.

Occupational segregation, both vertical and horizontal, is marked in Ukraine. Women are overrepresented in light industry, food processing, health care, tourism and social services, and generally are to be found among the lower skilled and general service professions. These problems have been aggravated by the current financial crisis, leading to job losses and the deterioration of employment conditions.

In a situation in which the implementation of laws lags behind the ratification of international instruments, the ability of public labour market institutions and the social partners to effectively implement gender equality commitments through policies and programmes is compromised.

Gender equality and non-discrimination have been core principles underpinning the ILO’s work since its foundation in 1919. Over the years, the ILO has accumulated rich experience in technical cooperation related to translating international labour standards into national law and practice.

In 2009, the ILO and the Delegation of the European Union to Ukraine launched a joint project to promote “Gender Equality in the World of Work” in Ukraine. It aims to equip Ukrainian public labour market institutions and social partners with the knowledge and tools they need to ensure respect for national and international gender equality commitments in the world of work, to progressively eliminate gender bias in employment policies and sexual harassment at the workplace, and to create a supportive environment for women’s economic empowerment and women’s entrepreneurship.

One important prerequisite for the project is the establishment of information on gender equality in the world of work.

### **This publication focuses on the following issues:**

- **Chapter 1** summarizes the international instruments and the national legal framework and mechanisms related to promoting gender equality at work.
- **Chapter 2** provides an overview of the economic and social situation in Ukraine, focusing on the impact of the economic crisis on working men and women and emphasizing the role of social dialogue in promoting gender equality and non-discrimination at work.
- **Chapter 3** looks at the main social partner organizations at the national level and offers an inventory of gender-related capacity-building activities implemented by the social partners.
- **Chapter 4** provides an overview of the existing social dialogue institutions and analyses their effectiveness in promoting gender equality.
- **Chapter 5** examines the collective agreement as a potentially effective tool for promoting gender equality and non-discrimination at the workplace, and explores collective bargaining agreements from a gender equality perspective.
- **Chapter 6** is devoted to examining the manifestations of gender-based discrimination in employment. It also provides examples of good practice in promoting non-discrimination at work through social dialogue, collective bargaining, corporate social responsibility and codes of practice.
- **Chapter 7** concludes with some suggestions to overcome gender stereotypes in employment and to raise the effectiveness of social dialogue on gender equality.
- **The appendix** contains a literature review on gender equality in the world of work in Ukraine.

This paper reviews documents, including official publications, periodicals, texts of laws, government resolutions, Ministry of Labour and Social Policy reports, reports of international organizations, and interviews with representatives of the government, employers' and workers' organizations, and NGOs.

This report has been prepared through the joint collaboration of Angelika Muller, Legal Officer, Industrial and Employment Relations Department at ILO Headquarters, Sergiy Savchuk, National Coordinator of the EU-ILO "Gender Equality Project in the World of Work in Ukraine", and Verena Schmidt, Senior Specialist on Gender and Working Conditions in the ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe in Budapest (DWT/CO-Budapest). Athena Bochanis, who was undertaking an internship at DWT/CO-Budapest in summer 2010, carried out substantial editing and redrafting of the English version of the text, which is much appreciated.

**Mark Levin**

*Director  
ILO Decent Work Technical Support Team and Country Office for  
Central and Eastern Europe, Budapest*

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# WOMEN IN THE LABOUR MARKET IN UKRAINE

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Awareness of gender equality issues in Ukrainian society is growing, albeit slowly. Fifty per cent of Ukrainians believe that gender inequality exists in their society, and 62 per cent say that women's rights are being infringed. The gravest infringements of women's rights take place in the home and in the labour market. As many as 75 per cent of Ukrainian women experience physical, economic, sexual or psychological violence in their families. In the labour market, women suffer from lower wages and a lack of representation in higher positions in the public and private sector. Women's average wages in 2007 were only 73 per cent of those of men, according to the State Statistics Committee. Thirteen per cent of the members of the Verkhovna Rada (Parliament) were women in 2008 (up from 8 per cent in 2001) and women made up 10 per cent of the Cabinet of Ministers (up from none in 2001). There is also a lack of high level representation of women in business. Women in Ukraine lead 12 per cent of large enterprises and account for 38 per cent of entrepreneurs.<sup>1</sup>

The development of a market economy in Ukraine has perhaps exacerbated the gender problem. Under the existing system, hiring a woman who has children or might potentially become a mother is often considered disadvantageous by private employers. Most benefits for working women are regarded as burdensome by employers, which increasingly gives rise to discrimination.

This study reviews the available source data monitoring gender equality trends in the world of work. Analysis of Ukrainian legislation shows that it currently contains a number of anti-discriminatory provisions and provides some preconditions for equality of rights. However, experts estimate that the real situation in Ukraine differs considerably from the official one, despite ratification of numerous international instruments by Ukraine and a developed legal framework.<sup>2</sup> Evidence of these inconsistencies is explored in detail in the chapters below.

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<sup>1</sup> Миколюк О. Навіщо нам гендер? – День. – №170, вівторок, 23 вересня 2008.

<sup>2</sup> Гендерні стереотипи та ставлення громадськості до гендерних проблем в українському суспільстві. – Київ, 2007.

# 1. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

## 1.1 Procedures for the implementation of UN instruments and ILO Conventions

A commitment to international legal standards is a necessary precondition for the development and improvement of any national legal system. It involves taking the following steps:

- **Directly applying international standards.** According to the Constitution of Ukraine, international treaties recognized as binding by the Verkhovna Rada are part of national legislation (Article 9).<sup>3</sup> Article 8 of the Labour Code likewise envisages mandatory application of the rules of international treaties or agreements to which Ukraine is a party when they establish rules different from those specified by national labour legislation.<sup>4</sup>
- **Amending current legislation** to bring it into conformity with international standards for the purpose of subsequent ratification of international treaties.
- **Incorporating international legal standards** into existing legal texts.

The legal foundations for the development of social dialogue in Ukraine are provided by national law, which includes the provisions of ILO Conventions No. 87 (Freedom of association and protection of the right to organize), No. 98 (Right to organize and collectively bargain, ratified by Ukraine in 1956), and No. 135 (Workers' representatives, which was recently ratified by Ukraine).

For reference: Prominent among the sources of international law on labour relations are the Conventions and Recommendations of the International Labour Organization (hereinafter: the ILO), a specialized institution whose aim is to promote better working and living conditions. For the purpose of promoting the expansion of social dialogue and gender equality in the workplace, the ILO has adopted the following instruments:

- Convention No. 87 (Freedom of association and protection of the right to organize), 1948;
- Convention No. 98 (Right to organize and collective bargaining), 1949;
- Convention No. 100 (Equal remuneration), 1951;
- Convention No. 111, (Discrimination (employment and occupation)), 1958
- Convention No. 135 (Workers' representatives), 1971;
- Convention No. 144 (Tripartite consultation (International Labour Standards)), 1976;
- Convention No. 151 (Labour relations (public services)), 1978;
- Convention No. 154 (Collective bargaining), 1981;
- Convention No. 156 (Equal opportunities and equal treatment for men and women workers: workers with family responsibilities), 1981;
- Convention No. 175 (Part-time work), 1994;
- Convention No. 177 (Home work), 1996;
- Convention on the elimination of all forms of discrimination against women (CEDAW), 1979;
- Convention No. 183 (Revision of the Maternity Protection Convention (Revised), 1952), 2000.

As of June 2010, the ILO had adopted 188 Conventions – of which Ukraine has ratified 66 and denounced eight.<sup>5</sup>

<sup>3</sup> Конституція України // Відомості Верховної Ради України. – 1996. – №30. – Ст.9.

<sup>4</sup> Кодекс законів про працю // Право України. – 1996. – № 2-3.

<sup>5</sup> As of 2009, Ukraine had ratified 55 ILO Conventions. Cf. <http://www.nspp.gov.ua/?s=40&id=3013>.

The participants in social dialogue have essentially succeeded in securing the formation of an appropriate legal framework to optimize their interests, which allows for the independence of employers' organizations and trade unions and provides the conditions for their proper functioning. Citizens' rights and guarantees of trade union participation are enshrined in the Constitution. Additionally, a number of laws have been passed<sup>6</sup> to ensure the application of the ILO Conventions ratified by Ukraine and to create conditions for the development of social dialogue. With the direct involvement of trade unions and employers, a new draft of the Labour Code was developed in 2008 but has not yet been adopted. A draft Law on social dialogue has also been developed.

It previously appeared that a number of provisions of the Law on Trade Unions, Their Rights and Guarantees of Activity did not comply with Convention No. 87 and restricted the rights of smaller unions to a certain extent. The Law was therefore amended to abolish the requirement of trade union registration, to bestow legal personality on trade unions and approve their statutes, and to substantially enhance the powers of trade unions at all levels. However, there is still a problem because some provisions of the Civil Code and the Law on the State Registration of Entrepreneurs (Legal and Natural Persons) do not comply with ILO Convention No. 87, as far as the legalization of trade unions and their acquisition of legal personality is concerned. With the aim of bringing Ukrainian legislation into conformity with the aforementioned Convention and legal provisions, the Ministry of Justice has drafted a Law on Amending Some Legislative Acts of Ukraine which plans to amend the Civil Code and the Law on the State Registration of Entrepreneurs (Legal and Natural Persons).

Cooperation between the social partners is implemented through the General Agreement, the negotiation and conclusion of which was introduced in 1991. At present, collective bargaining is under way to draft and conclude a new – ninth – General Agreement. The employers' side is represented in the negotiations by the Cabinet of Ministers, the Federation of Employers (FEU), the All-Ukrainian Association of Employers (AUAE), the Union of Leaseholders and Entrepreneurs, and the Association of Small, Medium-Sized and Privatized Enterprises. The trade union side has become more representative, with its joint representative body now including 84 national trade unions and trade union associations. As of 1 February 2009, 122 national trade unions and 15 national trade union associations were registered in Ukraine.

## 1.2 National mechanisms

The Law on Securing Equal Rights and Opportunities for Women and Men, which took effect on 1 January 2006, contains the relevant legal provisions for addressing gender discrimination in Ukraine. The implementation of the Law is carried out by the Cabinet of Ministers, the Ministry for Family, Youth and Sports (MFYS) (a central executive authority specially empowered to ensure equal rights and opportunities for women and men), executive authorities, local governments and other entities specified in Article 7. Articles 10 and 11 of the Law normalize a mechanism for the formation and approval of the National Action Plan for the Implementation of Gender Equality (hereinafter: the National Action Plan). They also outline the procedures for the drafting and implementation of state targets for equal rights and opportunities for women and men. While the practice of drafting and implementing National Action Plans existed before the adoption of the Law – National Action Plans were approved for 1997–2000 (CMU Resolution No. 993 of 8 September 1997) and for 2001–2005 (CMU Resolution No. 479 of 6 May 2001) – the practice was discontinued in 2005, which constitutes a breach of Articles 10 and 11. The Law is currently implemented through the State Programme for the Implementation of Gender Equality in Ukrainian Society by 2010, approved by CMU Resolution No. 1834 of 27 December 2006.

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<sup>6</sup> Laws on the Trade Unions, Their Rights and Guarantees of Activity (15.09.1999); on Employers' Organizations (24.05.2001); on the Procedure for Settling Collective Labour Disputes (Conflicts) (3.03.1998); on Labour Remuneration (24.03.1995); and on Collective Agreements (1.07.1993).

The ILO's Committee of Experts requested that the Government of Ukraine revise section 17 of the Law on Equal Rights and Equal Opportunities for Men and Women, in particular the provision on equal pay with a view to giving full expression to the principle of equal remuneration for men and women for work of equal value set out in Convention No. 100. It also asked the Government of Ukraine to revise sections 1 and 17 of the Law on Equal Rights and Equal Opportunities for Men and Women to incorporate provisions providing for a comprehensive definition of and prohibiting sexual harassment (quid pro quo and hostile environment) (ILO 2009).

The Interagency Council for Family, Gender Equality, Demographic Development and Counteracting Human Trafficking (hereinafter, the Council) was established under the Cabinet of Ministers as a permanent consultative and advisory body <sup>7</sup> on 5 September 2007.<sup>8</sup> The Council's principal objectives include promoting the implementation of an efficient state policy on family, gender equality, demographic development and counteracting human trafficking; considering matters that require interagency action, in particular the search for, return and rehabilitation of human trafficking victims and the prevention of domestic violence and the consolidation of equal rights and opportunities for women and men in all areas of society; and informing the Cabinet of Ministers and the public about the status of their policy implementations.

The state promotes equal treatment of women and men by taking measures to prevent direct and indirect forms of discrimination. Discrimination on the grounds of sex is prohibited by Article 6 of the Law. However, the Law does not draw attention to indirect discrimination, which is widespread in Ukraine.

For the first time in Ukrainian legislation, taking positive action – special provisional measures aimed at eliminating clear imbalances between women's and men's opportunities to exercise the equal rights granted them by the Constitution and laws of Ukraine – has been identified as a separate area of state activities on gender equality. This is in line with the recommendations of international organizations and the experience of other countries. In this respect, positive action on the part of the state is not regarded as sex discrimination.

The Law on Securing Equal Rights and Opportunities for Women and Men directs public authorities, local governments, enterprises, organizations, institutions and citizens' associations to take positive action to promote the balanced representation of the sexes in management and decision-making (Article 7). Employers may take positive action aimed at achieving a balanced male to female ratio in various labour activities, as well as between various worker categories (Article 17). The Law also creates a specially empowered central executive authority for securing equal rights and opportunities for women and men, which shall submit proposals for taking and terminating positive action (Article 11).

Under the Law, positive action may be general or special, and it may be applied to the regulatory, legal or political spheres. However, it does not specify the conditions for its application; instead, the expansion of positive action is left to the discretion of the executive authorities. The Law does not define a mechanism for making decisions on the use, supervision, or termination of positive action. This restricts what legal action can be taken, rendering the Law somewhat less effective. The Law also does not prescribe quotas for participation in decision-making to secure equal participation by women and men. A mandatory 40 per cent representation of women in the Parliament, as recommended by the international agreements signed by Ukraine,

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<sup>7</sup> The Council includes the Minister for Family, Youth and Sports as Chairperson, a Deputy Minister for Family, Youth and Sports as Deputy Chairperson, people's deputies of Ukraine (by agreement), representatives of the Secretariat of the Cabinet of Ministers, deputy heads of central executive authorities (Ministry of Health, Ministry of Education and Science, Ministry of Justice, Ministry of Finance, Ministry of Economy, Ministry of Internal Affairs, Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Emergencies, Ministry of Agrarian Policy, Ministry of Culture and Tourism, Security Service, State Committee for TV and Radio, State Statistics Committee, State Committee for Nationalities and Religions, State Committee for Regulatory Policy and Entrepreneurship, Administration of State Border Guard Service), the Human Rights Commissioner of the Verkhovna Rada (by agreement), the Vice President of the National Academy of Sciences, and the Vice President of the Academy of Pedagogical Sciences (by agreement). The Council may also include leading scientists, experts, representatives of enterprises, institutions, public organizations and foundations, including international ones. Organizational and technical support for the Council is provided by the MUFYS.

<sup>8</sup> This was passed by Resolution of the Cabinet of Ministers No. 1087 "On the consultative and advisory bodies on family, gender equality, demographic development, and counteracting human trafficking", pursuant to the Law on Ensuring Equal Rights and Opportunities for Women and Men and the State Programme for the Implementation of Gender Equality in Ukrainian Society by 2010 (approved by Resolution of the Cabinet of Ministers No. 1834 of 27 December 2006).

has not been adopted. It should be noted that the Millennium Development Goals for Ukraine require women's representation in the Parliament to reach 30 per cent by 2015. However, the provision in Article 15 of the Law which requires that "political parties and election blocs provide for the representation of women and men in election lists during the nomination of people's deputies in multi-seat, state-wide electoral districts" remains ill-defined.

In general, few women occupy high-ranking positions in the public sector. Out of 450 people's deputies to date, only 3.9 per cent have been women, and the percentages of women among the heads of oblast and district administrations are equally small. At the oblast council level, women make up a mere 11 per cent of total council members. Women also make up only 14 per cent of I–II category managers in Ukraine, despite the fact that the share of female public employees in Ukraine is 75.4 per cent. Among category I managers, only 13.8 per cent of posts are occupied by women, with the remaining 86.2 per cent filled by men. These numbers follow the trend of women occupying low-paid positions in almost every economic sector, with women being excluded from more promising, well-paid positions.<sup>9</sup>

### 1.3 National programmes

The Ministry of Ukraine for Family, Youth and Sports (MUFYS) is the main body charged with the implementation of state policy on gender equality. It encourages the shaping and securing of implementation of state policy on the topic, as well as on adoption, demographic processes and the prevention of domestic violence. To that end, the MUFYS has developed the Regulations on the Expert Council on the Prevention of All Forms of Sex Discrimination (hereinafter: the Expert Council), which is charged with the prevention of all forms of discrimination on the grounds of sex, prevention of violence and action against human trafficking. The Expert Council, established on 21 December 2009, is an advisory body working on a pro bono basis. It interacts with executive authorities, local governments, enterprises, citizens' associations, other institutions and organizations, and experts. The establishment of a Gender Centre within the MUFYS was proposed on 23 December 2009, and its draft Regulations were approved. Work on its practical implementation is ongoing.

The Law on Securing Equal Rights and Opportunities for Women and Men also calls for the formation of national action plans for securing gender equality and eliminating disparities. To that end, the Government of Ukraine periodically adopts National Action Plans for the Implementation of Gender Equality and ensures their fulfilment.

The National Action Plan for Improving the Situation of Women and Promoting the Achievement of Gender Equality in Society for 2001–05 for the first time defined the basic strategies for developing gender democracy. This is a big improvement over the previously vague goal of "improving the situation of women". The 2001–05 National Action Plan emphasizes the necessity of taking into account the specific concerns of both sexes. It provides for the formation of state policy and the adoption of programmes and projects taking account of gender issues; the prohibition of sex discrimination in job placement, career advancement and in the labour market; the development of educational programmes on human rights and international humanitarian law, taking gender aspects into account; and the involvement of women in decision-making.

The next State Programme for the Implementation of Equality in Ukrainian Society for 2006–10 was approved by Cabinet of Ministers Resolution No. 1834 of 27 December 2006. It is believed that this Programme contains inadequate provisions, including a lack of detailed analysis of the current status of gender relations in Ukraine. Critics argue that the State Programme does not focus sufficiently on the gender specificities and situational and social differences characterizing the lives of women and men. They believe

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<sup>9</sup> Жінки у сфері прийняття рішень! Accessed 22.05.2009  
[http://www.nspp.gov.ua/index.php?option=com\\_content&view=article&id=130:2010-03-11-09-38-17&catid=13:2010-01-19-21-48-27&Itemid=9](http://www.nspp.gov.ua/index.php?option=com_content&view=article&id=130:2010-03-11-09-38-17&catid=13:2010-01-19-21-48-27&Itemid=9)

that the gender situation in Ukraine requires an analysis of equality, including dimensions such as age, nationality, culture, and local and territorial identity, and that this is not sufficiently provided for. To that end, critics contend that recommendations need to be developed in the State Programme that take into account the specific features of the sexes.

Activities related to gender issues have been commenced and expert working groups on gender issues are being formed in ten ministries. The MUFYS, coordinating implementation of the State Programme, has organized a series of training workshops on gender problems in cooperation with the UNDP's Programme for Equal Opportunities. In most ministries, a deputy minister has been appointed to be responsible for gender issues. Thus, implementation of gender equality is gradually becoming a component of the activities of public authorities.

The State Programme provides for the establishment of an Interagency Gender Council under the Cabinet of Ministers, as well as the creation of advisory bodies and expert working groups on gender matters at the national and local level. These bodies supplement the gender process management mechanisms specified by the Law.

In accordance with Article 18 of the UN Convention on the Elimination of All Forms of Discrimination against Women, which formulates international standards on adherence to equal rights and the opportunities of women and men in society, Ukraine has submitted national reports on the implementation of the Convention in Ukraine to the UN Secretary General every four years since 1983. Preparation of the report is the responsibility of the Cabinet of Ministers. Pursuant to the Convention, seven reports have already been submitted based on a gender approach. The reports are prepared and published by the MUFYS.<sup>10</sup>

The Ukrainian government and social partners have also taken action with regard to the implementation of Article 11 of the UN Convention. A toolkit is ready for employers to use in their implementation of initiatives supporting gender equality and preventing sexual harassment in the workplace. Likewise, a specialized website on corporate social responsibility was launched in 2010. A total of 57 trade union trainers have been instructed and five hundred and forty trade union activists trained in gender equality mainstreaming in collective agreements, gender-neutral job evaluations and preventing discrimination at the workplace. Two hundred and twenty experts from employers' organizations have also undergone training in gender-neutral job evaluation and gender auditing in accordance with ILO methodology. Thematic informational materials on gender equality, equal pay for work of equal value, non-discrimination on the grounds of sex and counteracting sexual harassment are also being developed for trade unions and labour inspectors. In 2011, specific training programmes developed with ILO technical assistance will target two hundred and eighty labour inspectors and five hundred and forty counsellors of the Public Employment Service.

## 1.4 Labour dispute settlement

Individual labour disputes may be settled by the Committee for Labour Disputes (hereinafter: the Committee) within enterprises, institutions and organizations employing at least 15 persons.<sup>11</sup> If, after the Committee has considered a dispute, a worker does not feel satisfied with the decision, the worker has the right to take legal action. Settlement of individual labour disputes comes under the purview of local courts of general jurisdiction.<sup>12</sup> Article 232 of the Labour Code contains a list of types of labour disputes which may be dealt with directly in local courts. This includes disputes concerning a refusal to hire, and disputes involving "pregnant women, women with children under 3 years of age or a disabled child, and single mothers – if there is a child under 14 years of age"<sup>13</sup> [1, Art. 140].

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<sup>10</sup> Interview with E. Lamakh, Director, Department for Family and Gender Policies, MUFYS.

<sup>11</sup> The Committee's election procedure, number of members, membership and term of office are determined by a general meeting of the work collective. The number of workers in the enterprise committee may not be less than half of the workforce.

<sup>12</sup> Labour Code, Article 15, Constitution of Ukraine.

<sup>13</sup> Законодавство України про працю // Збірник нормативно-правових актів. - Харків, "Одісей". - 2006 р.

According to the Law on the Procedure for the Settlement of Collective Labour Disputes, collective disputes are to be settled through negotiations involving special procedures. If the parties to a dispute fail to reach an agreement through negotiation, a conciliatory committee is established to hold hearings and develop practical recommendations on the contents of the dispute. The goal of the conciliatory committee is to reach a decision which satisfies both parties. If such a goal is not met, a labour arbitration board is established, consisting of specialists, experts and other persons chosen by the parties. The National Mediation and Conciliation Service (NMCS) was created in 1998 in order to promote the settlement of collective labour disputes and conflicts at the national, sectoral, territorial and industrial levels. It aims to promote the settlement of disputes. To that end it organizes conciliation and negotiation procedures, provides legal support and advice, supervises the implementation of decisions made by conciliatory committees or labour arbitration boards, prepares recommendations and NMCS decisions, and conducts advisory and explanatory work at all stages of the dispute. It also coordinates interaction between the relevant central and local executive authorities, local governments, employers' associations and trade unions.

## 2. SOCIAL DIALOGUE

### 2.1 Social and political development

The adoption of the Constitution in 1996 marked the completion of the separation of powers into legislative, executive and judicial branches of government, and the establishment of the Presidency. These developments became a major force behind the consolidation of Ukrainian statehood and political, economic and social transformation. Ukraine's socio-political life also changed dramatically after the development of a multi-party system. Before April 2001, the absence of a law on political parties prevented newly established parties from consolidating. Today, more than 100 political parties of various orientations have been established. This has acted as a destabilising factor to a certain extent, such as in the development of state-building and socio-political processes.

The political situation in Ukraine remained precarious after the adoption of the Constitution, becoming especially unstable from 1998–2001 and in 2004. A face-off between the government and the opposition, accompanied by public protests in March 2001 and November 2004, led to the revolutionary events that took place at the end of 2004. Currently, similar trends may be discerned within the united democratic forces.

### 2.2 Development of social dialogue

Alongside the processes of state-building and political development, complicated processes of transition from an authoritarian to a democratic governance system have begun in Ukraine. Forms of private ownership have emerged, which has led employers to unite to protect their interests. At the same time, there developed a need to establish a forum for the representation of the interests of workers and public authorities.

The first step towards the formalisation of social dialogue in Ukraine consisted of the establishment of the Ukrainian Coordinating Committee for the Promotion of Employment, formed on a tripartite basis at the state and regional levels in 1991, pursuant to the Law of Ukraine on Employment of the Population. In 1993, the tripartite partners approached the President of Ukraine with an initiative for the creation of a National Council of Social Partnership (NCSP). A new stage in the development of social dialogue institutions came with the establishment of the National Tripartite Social and Economic Council (NTSEC) and territorial socioeconomic councils, pursuant to President's Decree No. 1871 of 29 December 2005 on the Development of Social Dialogue in Ukraine.

The effectiveness of social dialogue depends on a number of external and internal factors. These include a sufficient political will, a favourable political environment, a market economy, a legislative framework including labour law, institutions providing a foundation for social dialogue, independent and representative delegates of employers and workers, and the technical competence of all participants. The tripartite partners currently realize the need for change and are seeking to create and implement a more efficient model of social dialogue. To that end, they have jointly developed a draft Law on Social Dialogue which defines the parties and acceptable forms of dialogue, as well as a procedure for establishing tripartite bodies at the national and territorial levels.

Having legally proclaimed itself a democratic welfare state, Ukraine also undertook to comply with international standards concerning equal rights for its citizens, thereby recognizing an objective need for the transformation of traditional gender norms and gender mainstreaming in society, based on the principles of freedom, equality, justice and tolerance. Ukraine committed itself to ensuring equal rights and opportunities for women and men, and protecting women against all forms of gender discrimination and violence.<sup>14</sup> However, the National Action Plan for 2001–05 and the National Report on the application of the UN Convention on the Elimination of All Forms of Discrimination against Women suggest that gender problems and sex discrimination continue to exist in all areas of society across Ukraine. This is supported by the following findings:

- Social recognition of women is restricted by the values and priorities of men, including the domination of male-oriented lifestyles, ideologies and interests.
- Women are economically dependent on men.
- Increasing violence and human trafficking affect women in particular. There is a lack of opportunities for men and women to harmoniously combine work and family life.
- Gender inequality is widespread, particularly in the social and economic domains.

Women make up about 5 per cent of the personnel in legislative authorities, 7 per cent of the heads of central and local executive authorities and 20 per cent of owners of small and medium-sized businesses, and have virtually no representation among the owners of large companies. Women's wages are one-third less than men's, they have a far greater unemployment rate than men and their pensions are forecast to amount to 40–45 per cent, on average, of those of men.<sup>15</sup> Media coverage of women and men is based on negative stereotypes, and there is explicit discrimination in job vacancy announcements and advertisements. These problems are among those targeted by the State Programme.

## 2.3 Review of labour market indicators <sup>16</sup>

### 2.3.1 Unemployment

Working-age women in Ukraine have lower rates of employment and lower levels of economic activity than men in the corresponding age group. The level of economic activity of working-age women (15–54 years) in 2004–08 was 68.7 per cent. It should be noted that the indicator's negative dynamics turned positive in 2007–08. At the same time, working-age (15–59 years) men's economic activity grew by 2.3 per cent over five years, reaching 75.8 per cent in 2008. Working-age women's employment rate has more positive dynamics but is also less than that of men, and has lower growth rates than the corresponding indicator for men (2.4 per cent as compared to 5.8 per cent) (*Figure 2.4.1*).

<sup>14</sup> <http://www.uazakon.com/document/fpart16/idx16318.htm>

<sup>15</sup> Концепція Державної програми з утвердження гендерної рівності в українському суспільстві на 2006–2010 роки <http://www.uazakon.com/document/fpart16/idx16318.htm>

<sup>16</sup> Based on data from the State Statistical Committee.

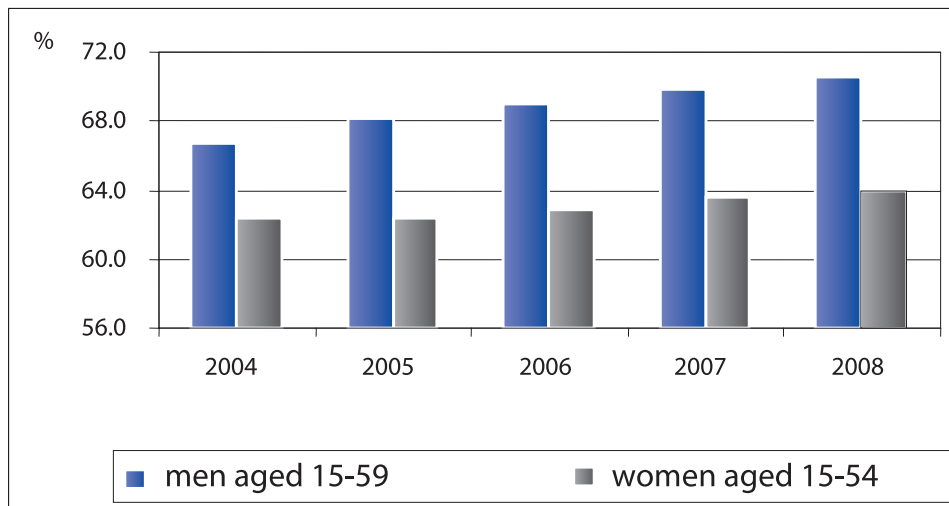


Figure 2.4.1. Employment rate among working-age population by sex, 2004–08 <sup>17</sup>

Gender parity exists among employees and self-employed persons, but men prevail among employers. The “gender equality point” in the “unpaid working family member” category was met in 2005, as women’s share in the category continues to fall (Figure 2.4.2).

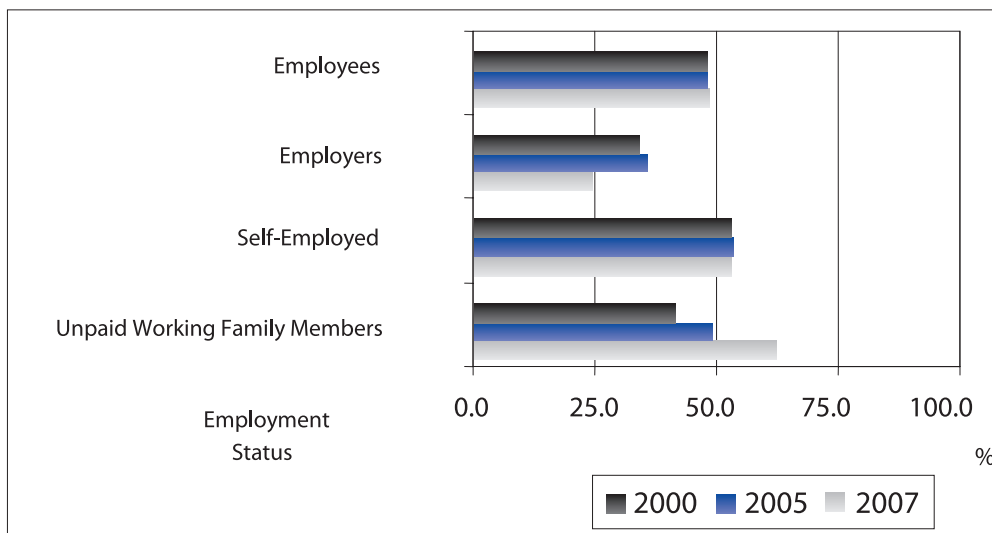


Figure 2.4.2: Percentage of women in the employed population aged 15–70, by employment status, 2000, 2005 and 2007<sup>18</sup>

<sup>17</sup> Source: Author's calculations, based on:  
[http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean\\_u/rean\\_rik\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean_u/rean_rik_u.htm)  
[http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean\\_u/rean\\_rik05\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean_u/rean_rik05_u.htm)  
[http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean\\_u/rean\\_rik06\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2006/rp/ean/ean_u/rean_rik06_u.htm)  
[http://ukrstat.gov.ua/operativ/operativ2007/rp/ean/ean\\_u/rean\\_rik07\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2007/rp/ean/ean_u/rean_rik07_u.htm)  
[http://ukrstat.gov.ua/operativ/operativ2008/rp/ean/ean\\_u/rean\\_rik08\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2008/rp/ean/ean_u/rean_rik08_u.htm)

<sup>18</sup> Source: Author's calculations based on:  
 Економічна активність населення України 2000. Статистичний збірник. Державний комітет статистики України, 2001. – С. 87;  
 Економічна активність населення України 2005. Статистичний збірник. Державний комітет статистики України, 2006. – С. 84;  
 Економічна активність населення України 2007. Статистичний збірник. Державний комітет статистики України, 2008. – С. 78.

Equal representation of men and women in employment by occupational group exists only among workers in the most basic occupations. Men are predominant in blue-collar occupations, as well as among legislators, top-level civil servants and managers. The disparity is deepening in most occupations, although not for professionals or workers engaged in services and trade. The distribution of civil servants by sex exhibits the existence of gender disparities in all managerial and specialist positions. The proportion of women is greater for lower-level positions, but falls swiftly as the positions become higher. The distribution of local government officials is even more uneven; in some categories, the percentage of either women or men in the occupation is 100 per cent.

In some sectors where women are proportionally overrepresented (in services and the public sector), they were more likely than workers in other sectors to lose their jobs. While there is gender parity with regard to the general unemployment rate (deviations between working-age men and women did not exceed 0.3 per cent from 2004 to 2008), registered unemployed persons are mostly female. A considerable decrease in the proportion of women among the registered unemployed in 2008 was the result of falls in production as a result of the global financial and economic crisis in key sectors employing mainly men, such as construction, chemicals, metallurgy and machine-building. Laying off workers in those branches in the second half of 2008 resulted in a notable increase in the percentage of unemployed men.

Job placement by the Public Employment Service secured the equal access to work of men and women from 2002 to 2005, but the proportion of women given job placements in the subsequent three years decreased. Statistical data for 2002 and for 2004–05 confirm the achievement of gender parity in terms of the proportion of women placed in jobs, but the figure reverted to its 2001 level from 2005 to 2008 (48.6 per cent).

### 2.3.2 Wages

Cutting the income gap between women and men in half by 2015 has been laid down as a specific target for securing gender equality within the framework of Ukraine's Millennium Development Goals.<sup>19</sup> The relevant indicator is women's average wage as a percentage of the average wage of men. Analysis confirms that the target is not being achieved: the proportion was 75.2 per cent in 2008, falling short of the target of 76.0 per cent for 2007 (*Figure 2.4.4*).

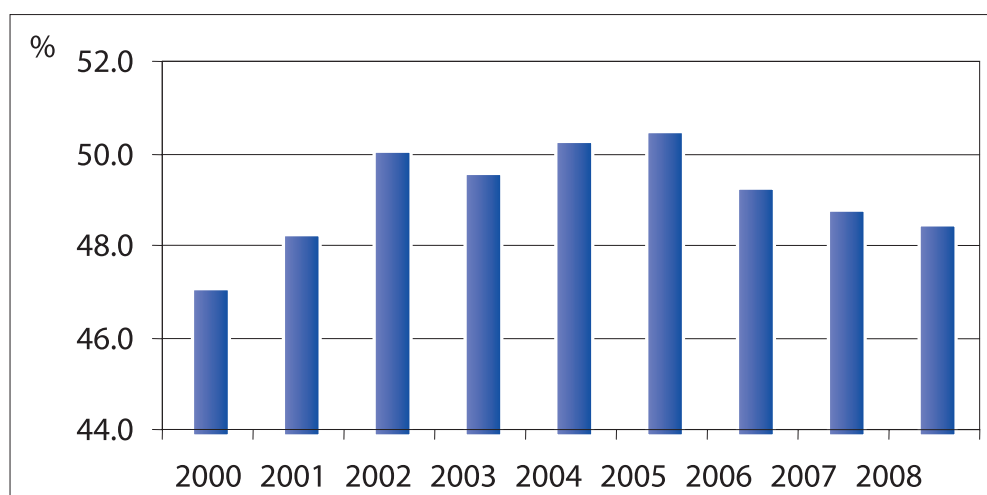


Figure 2.4.3 Women's share of job placements, 2000–08<sup>20</sup>

<sup>19</sup> The document specifying long-term development targets is an adaptation of the Global Development Goals adopted by the UN Millennium Summit in 2000, adjusted for national circumstances.

<sup>20</sup> Calculated on the basis of: [http://ukrstat.gov.ua/control/uk/localfiles/display/operativ/operativ2006/rp/zrp/zrp\\_u/prs\\_rik\\_u.html](http://ukrstat.gov.ua/control/uk/localfiles/display/operativ/operativ2006/rp/zrp/zrp_u/prs_rik_u.html).

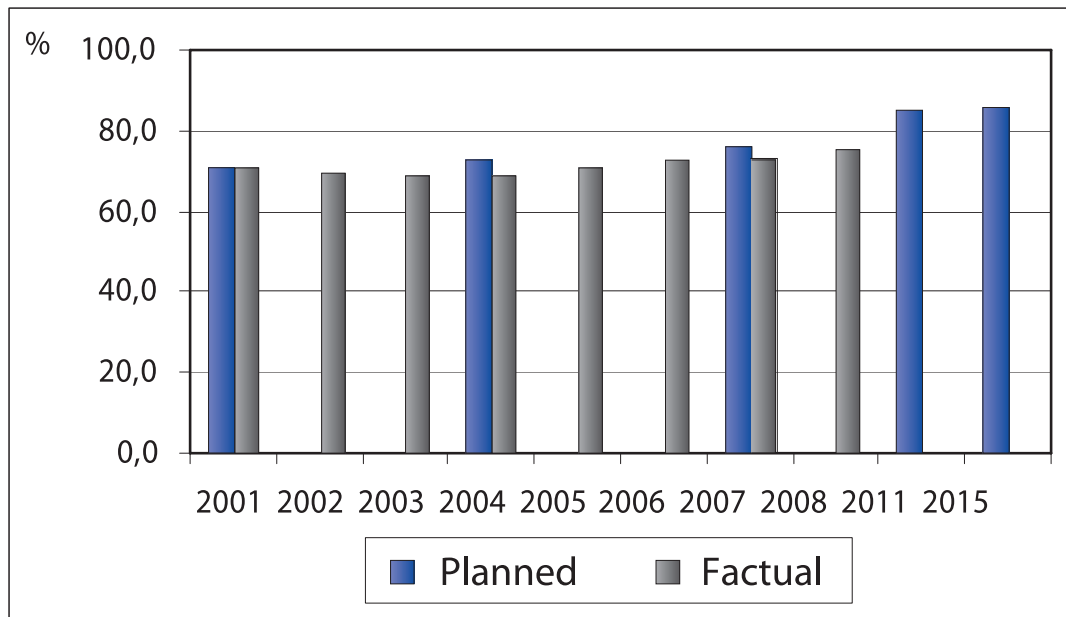


Figure 2.4.4. Women's average wages as a proportion of men's, 2001–15<sup>21</sup>

### 2.3.3 Working conditions

The ratio between men and women working under conditions which do not comply with sanitary and hygienic standards, and receiving various benefits for that reason, is 3:1, a number that did not change from 2003 to 2007. In other words, only one out of every four persons receiving benefits for working in substandard conditions is a woman. Among workers entitled to preferential pensions, the male percentage is significantly higher, at between 81.2 and 83.2 per cent. The percentage of women employed under unacceptable working conditions and receiving various benefits, including preferential pensions, is falling.

<sup>21</sup> Джерело даних: Україна. Цілі розвитку тисячоліття, 2000+5. Міністерство економіки України. – К.: Видавництво «Дія», 2005. – С. 40. Матеріали засідання «круглого столу» «Цілі розвитку тисячоліття: прогрес на півшляху до 2015 року та нові виклики».

Table 2.4.1 Average wage ratio between women and men by economic activity, 2003–08 (%)<sup>22</sup>

Economic activity	2003	2004	2005	2006	2007	2008
<b>Ukraine</b>	<b>68,6</b>	<b>68,6</b>	<b>70,9</b>	<b>72,8</b>	<b>72,9</b>	<b>75,2</b>
Agriculture, hunting	93,7	89,9	90,5	91,3	91,1	88,6
Forestry	90,5	88,7	90,2	91,5	90,7	92,5
Fishing, fish farming	91,2	90,2	87,2	96,9	100,9	105,2
Industry	66,3	66,5	66,2	67,2	67,3	67,2
Construction	76,9	74,7	79,1	81,6	84,0	86,2
Trade, repair of motor vehicles, domestic appliances and personal articles	80,0	75,4	75,7	76,7	78,3	80,4
Hotels and restaurants	71,9	72,3	74,5	78,2	78,4	84,1
Transport and communications	73,0	73,7	74,1	73,9	72,2	73,7
Finance	55,2	64,1	65,7	67,4	65,6	68,8
Real estate operations, leasing, engineering and business services	82,0	84,6	84,8	87,1	90,4	92,5
Public administration	80,5	81,1	76,4	80,7	80,5	83,6
Education	78,0	82,7	81,5	83,8	84,1	85,4
Health care and social assistance	84,5	86,3	85,8	87,9	85,2	88,0
Communal and individual services, activities in culture and sports	76,5	70,6	66,3	68,4	69,1	71,7

<sup>22</sup> Author's calculations, based on: Праця України – 2003. Статистичний збірник. – К.: Державний комітет статистики України, 2004. – С. 238. Праця України – 2004. Статистичний збірник. – К.: Державний комітет статистики України, 2005. – С. 233. Праця України – 2005. Статистичний збірник. – К.: Державний комітет статистики України, 2006. – С. 219. Праця України – 2006. Статистичний збірник. – К.: Державний комітет статистики України, 2007. – С. 225. Праця України – 2007. Статистичний збірник. – К.: Державний комітет статистики України, 2008. – С. 233. Праця України – 2008. Статистичний збірник. – К.: Державний комітет статистики України, 2009. – С. 222.

However, this drop does not necessarily indicate a general improvement of working conditions, as data related to working conditions and preferential pensions and benefits are drawn from possibly unreliable workplace assessments.<sup>23</sup> According to the Federation of Trade Unions, the manner in which workplace assessments are currently implemented does not take account of numerous infringements of workers' rights <sup>24</sup>.

## 2.4 Collective bargaining

Social dialogue in Ukraine is conducted between trade unions, employers' organizations and the public authorities responsible for the design and implementation of state policy. The objective is to reconcile the interests of workers and employers by means of mutual consultation, negotiations and arbitration on a tri- or bipartite basis. This takes place at the national level, the territorial and local levels (for enterprises, institutions, organizations and transnational corporations) and at the sectoral level in some instances.

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### The parties involved in social dialogue at the various levels are as follows:

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#### National level

Trade unions (national trade unions and their associations), employers (including national employers' organizations established on a sectoral basis) and representatives of the public authorities (state committees and departments) are the parties involved in social dialogue at the national level.

#### Territorial level

Trade union organizations, employers' organizations and state authorities operating in the relevant administrative-territorial area are the parties involved in social dialogue at the territorial level.

#### Local level

Employees, represented by the trade unions or freely-elected employee representatives, and employers and/or employers' authorized representatives are the parties involved in social dialogue at the local level. Local governments may also be party to social dialogue in accordance with the conditions laid down in the law.

In social dialogue, the parties agree in advance on who represents whom and the composition of the negotiating teams. For example, in the formation of tripartite bodies at the national level, representation is determined through quotas, taking into account an organization's status, number of members, and sectoral and territorial coverage. There are a number of different forms of social dialogue at the national level:

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<sup>23</sup> According to the Cabinet of Ministers' Resolution No. 442 of 1.08.92 (On the procedure for workplace assessment of working conditions), workplace assessments are carried out in enterprises, organizations and institutions, regardless of forms of ownership and economic management, at least once every five years, and the responsibility for the workplace assessment is placed on the head of the enterprise.

<sup>24</sup> Марушенко Т. Пільгове пенсійне забезпечення працівників, зайнятих на роботах із шкідливими та важкими умовами праці: реалії сьогодні. – Електронний ресурс. – Режим доступу: [http://www.fpsu.org.ua/index.php?option=com\\_content&view=article&id=314%3A2009-08-05-21-38-35&catid=1%3A2009-06-19-18-32-02&Itemid=2&lang=uk](http://www.fpsu.org.ua/index.php?option=com_content&view=article&id=314%3A2009-08-05-21-38-35&catid=1%3A2009-06-19-18-32-02&Itemid=2&lang=uk)

- exchange of information (the public authorities update the trade unions and employers about the current situation with regard to wages and the labour market, and the parties inform one another about the progress of the implementation of agreements and so on);
- participation by authorized representatives of national trade unions and employers' organizations in the meetings of the Cabinet of Ministers and other government committees;
- preliminary consultations between the public authorities and national trade unions and employers' organizations prior to government decision-making and the adoption of legislative acts, which must be registered with the Ministry of Justice and involve consideration of observations and proposals submitted by national trade unions and employers' organizations;
- social partner participation in the development and public examination of draft legislation related to socio-economic development (including parliamentary and public hearings, and the creation of tripartite working and expert groups);
- collective bargaining to conclude a general agreement;
- participation in tripartite bodies, such as NTSEC and UCCPEP.

Pursuant to Cabinet of Ministers' Order No. 445 of 1 August 2006 ("On the approval of an action plan for the development of social dialogue in Ukraine"), regional procedures for social dialogue have been developed and implemented in the Autonomous Republic of Crimea, every oblast, Kyiv, and Sevastopol. Social dialogue between representatives of local authorities, trade unions and employers' organizations is carried out on the basis of mutual respect, confidence, equal rights and responsibility for compliance with decisions made and agreements reached. Social dialogue assumes agreement between the parties on economic development in a particular territory, taking into account the territory's social and labour characteristics. By doing so, it aims to realize social and economic policy and reconcile the interests of the public authorities with those of employers and employees of enterprises, institutions and organizations. The social partners seek compromises to prevent conflicts, strikes and collective labour disputes, and to attempt to reach joint decisions.

Collective bargaining is an important industrial relations instrument. In 1993, the Law on Collective Agreements was passed, specifying a procedure for bargaining, as well as the content and scope of collective agreements. According to the Law, collective agreements are concluded on a bilateral basis between trade unions and employers or their representatives. There are both company-level collective agreements (also in institutions and organizations) and collective agreements concluded at the national, sectoral and regional levels.

The provisions of enterprise-level collective agreements apply to all workers, regardless of whether they belong to a trade union, and are binding on all parties. However, general, sectoral and regional agreements apply only to those falling within the scope of the signatory parties. The Law states that a sectoral agreement may not worsen the workers' situation in comparison to the situation created by the general agreement, while regional agreements have to contain social guarantees, compensation and benefits that are superior to those in general agreements. In practice, certain differences emerge between the provisions of agreements at various levels because the subjects of sectoral agreements and company-level agreements often do not come within the scope of the parties that signed the general agreement.

The content of company-level collective agreements is determined by the parties, within the scope of their competence. They establish specific norms concerning wages, guarantees, compensation and benefits, and regulate the parties' obligations in case of changes in the organization of production, working schedules and working conditions.

Sectoral agreements regulate wage rates and lay down minimum wage guarantees based on a uniform tariff, taking into consideration the specific features of occupational groups in certain sectors. Regional agreements regulate standards of social protection for employees of enterprises situated in a particular territory. The General Agreement concluded between the Cabinet of Ministers, national employers' organizations and national trade unions for 2008–09 contains 193 provisions. These specify arrangements between the parties on the formation of a legislative framework and outline principles and procedures of interaction between the parties with regard to the design of state economic and social policies. Only about 10 per cent of the provisions take the form of concrete obligations: there are eight joint obligations on the parties and nine obligations on the government.

Prior to the creation of sectoral employers' organizations, agreements were concluded between sectoral trade unions and the ministries responsible for enterprises in the relevant sector. Since the proportion of state-owned enterprises has fallen to about 20 per cent, the scope of such agreements is fairly restricted. For example, only five of the 31 sectoral agreements registered in 2008 involve sectoral associations of employers' organizations.<sup>25</sup>

**According to the Labour Code, provisions securing equal rights and opportunities for women and men must be part of general, sectoral, regional and company-level collective agreements.** In the course of the registration of sectoral agreements, the Ministry of Labour monitors that these provisions have been complied with and, if they are lacking, recommends that the parties develop them. The Ministry examines in particular whether agreements have provisions on securing equal rights and opportunities for women and men in accordance with the requirements of Article 18 of the Law on Ensuring Equal Rights and Opportunities for Women and Men. According to the Ministry and other executive authorities, the abovementioned obligations are included in sectoral and company-level collective agreements. However, it is practically impossible to assess whether or not this legal provision is being complied with. There is neither state- nor trade union-level reporting on the subject, and practical implementation of this provision is not compulsory.

## 2.5 Impact of the economic and financial crises starting in 2008

The basic labour market indicators developed positively in Ukraine in 2007–08: economic activity and employment rates grew, the number of registered unemployed persons fell and the unemployment rate (ILO methodology) remained stable. However, as the financial and economic crisis developed in the second half of 2008, negative tendencies appeared. These affected the overall annual indicators with regard to registered employment (number of unemployed persons registered with the state employment service, job placement rates, number of vacancies and the ratio of job seekers to job openings), labour market indicators (hiring and retirement of workers), use of working time (percentage of workers who were on leave initiated by the management or working part-time) and wages (average monthly real wage, level of wage arrears and the number of workers not receiving wages on time).

The average number of workers at enterprises, institutions and organizations<sup>26</sup> decreased by 7.3 per cent between August 2008 and June 2009. In November and December 2008, the state employment service registered almost 530,000 jobless persons. The daily increase in the number of persons looking for a job with the assistance of the state employment service was 8,000 in November 2008 and 9,000 in December 2008. In December 2008 alone, 286,800 unemployed persons were registered, the highest monthly increase in the past 17 years. The increase in the number of applications filed at employment centres was highest in the oblasts of Poltava, Vinnytsya, Kharkiv, Dnipropetrovsk and Donetsk (between 15,000 and 20,000 persons per month). The number of jobless persons registered with the state employment service as of late January 2009

<sup>25</sup> [http://www.mlsp.gov.ua/control/uk/publish/article?art\\_id=88855&cat\\_id=34940](http://www.mlsp.gov.ua/control/uk/publish/article?art_id=88855&cat_id=34940)

<sup>26</sup> Not including the employees of statistically insignificant enterprises and self-employed persons.

was 1.3 times greater than during the corresponding period in 2008, and the situation had not changed substantially by late June 2009 (see Figure 2.6.1). Of the total number of registered unemployed persons as of 1 July 2009, 64,300 workers (or 9.6 per cent) had been made redundant for economic reasons, 2.1 times more than on 1 January 2009.

In the period between October 2008 and June 2009, the number of workers on leave initiated by the management grew by 1.2 times, whereas the number of persons working part-time (shortened working day or week) increased by four times. The number of vacancies as of late 2008 was half of those available at the beginning of the year, the most substantial decrease being seen in November and December of 2008 (from 3,000 to 4,000 fewer vacancies daily). The falling trend in the number of vacancies did not continue in 2009: the number was 2.7 times less as of late June than in the same period of 2008. The ratio of job seekers to job openings as of late January 2009 had increased by 2.7 times compared to 2008, and by 3.3 times as of late June 2009 (to 88 persons per 10 vacancies) compared to June 2008. The highest value of this indicator was recorded in Ivano-Frankivsk oblast (522 persons per 10 vacancies), where it was almost six times greater than the Ukrainian average.

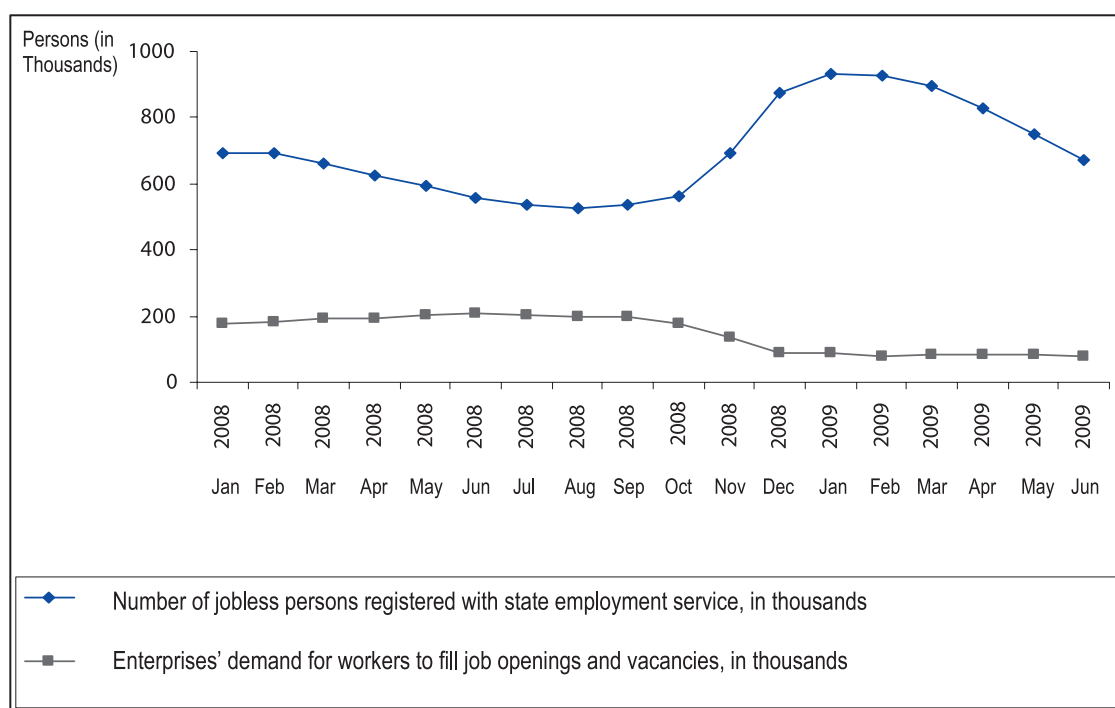


Figure 2.6.1 Labour demand and supply in 2008–09 <sup>27</sup>

The number of unemployed persons (ILO methodology) increased by 7,500 per month in 2008 to 1.4 million persons, of whom 596,000 were registered with the state employment service. As of late June 2009, 658,500 persons were unemployed, 1.2 times more than the figure for the same period in 2008. Seventy six per cent of these persons received unemployment benefits. The average benefit received between 2008 and 2009 was less than the subsistence minimum for able-bodied persons, and was only slightly above the minimum wage in November 2008 (by 0.7 per cent) and in February 2009 (by 0.9 per cent). While the average duration of registered unemployment was four months in late 2008, it had increased to five months by late March 2009. The number of women among the registered unemployed has been higher than that of men for the past 18 months (see Figure 2.6.2).

<sup>27</sup> Based on the author's calculations, see: [http://ukrstat.gov.ua/operativ/operativ2008/rp/sz\\_br/sz\\_br\\_u/piprs\\_2008\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2008/rp/sz_br/sz_br_u/piprs_2008_u.htm)  
[http://ukrstat.gov.ua/operativ/operativ2009/rp/sz\\_br/sz\\_br\\_u/piprs\\_2009\\_u.htm](http://ukrstat.gov.ua/operativ/operativ2009/rp/sz_br/sz_br_u/piprs_2009_u.htm)

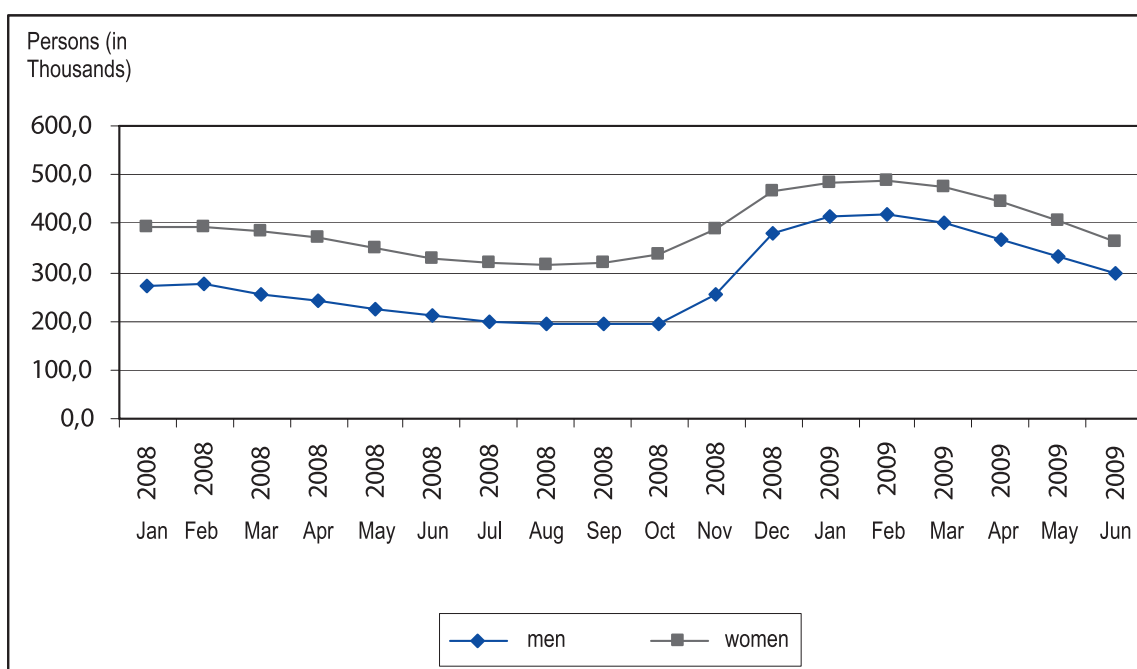


Figure 2.6.2 Number of registered unemployed persons, by sex, 2008–09 <sup>28</sup>

The outbreak of the financial and economic crisis substantially affected the extent of the gender gap with regard to unemployment. While the number of registered unemployed women between January and September 2008 exceeded the respective indicator for men by 117,500 – 128,800 persons in some months, in October and November 2008 it increased (by 144,100 – 144,700 more persons), and in January 2009 fell to 85,500 more persons. The drop continued in 2009, with 67,100 more women registered as unemployed than men in June 2009.

The level of job placement during the crisis has also been higher for men; only in late 2008 was it the same for both sexes (Figure 2.6.3).

<sup>28</sup> Based on author's calculations, see: [http://ukrstat.gov.ua/operativ/operativ2006/rp/zrp/zrp\\_u/kzbs\\_rik\\_u.html](http://ukrstat.gov.ua/operativ/operativ2006/rp/zrp/zrp_u/kzbs_rik_u.html)

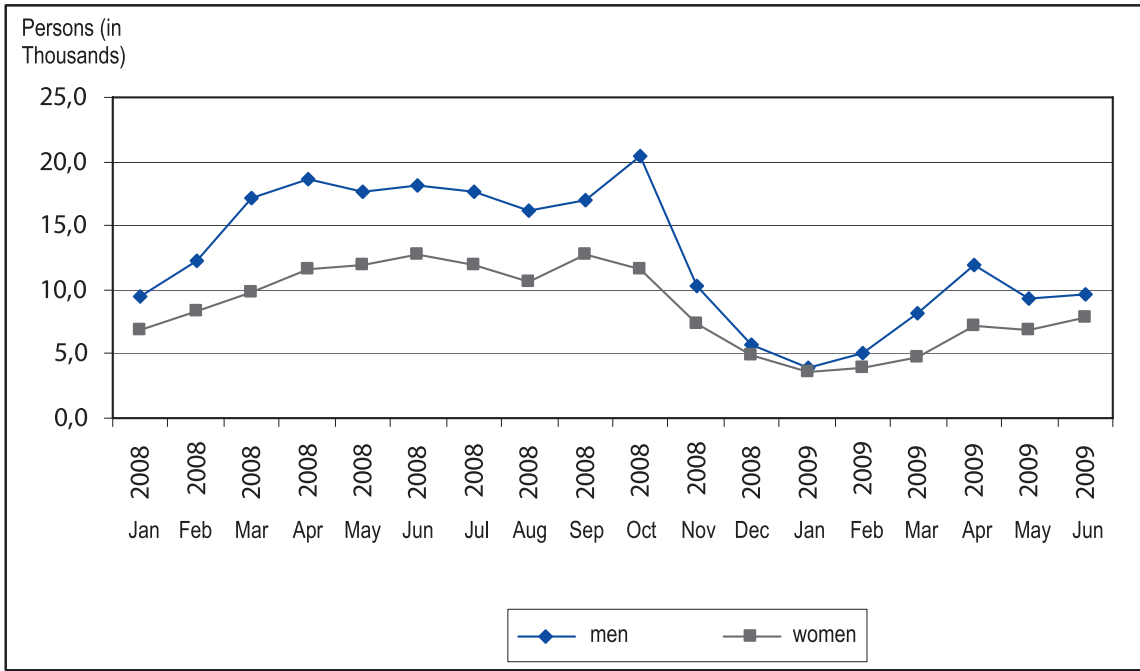


Figure 2.6.3 Level of job placement of persons not engaged in labour activities, by sex, 2008–09 <sup>29</sup>

In the fourth quarter of 2008, the reduction of employment opportunities for men was greater than for women. Since 2009, the values of this indicator for men and women have been converging.

<sup>29</sup> Based on author's calculations, see: [http://ukrstat.gov.ua/operativ/operativ2006/rp/zrp/zrp\\_u/prs\\_rik\\_u.html](http://ukrstat.gov.ua/operativ/operativ2006/rp/zrp/zrp_u/prs_rik_u.html)

## 3. SOCIAL PARTNERS

The social partners are increasingly attaching importance to gender equality in the world of work. In 2009, a number of employers' organizations and trade unions conducted gender audits based on the ILO's participatory gender audit methodology. The participatory gender audits have become an important tool for analysing the level of gender equality institutionalization in Ukraine's labour market institutions, as well as for identifying positive practices and determining ways of improving gender mainstreaming at work.

### 3.1 Trade unions

In most cases, trade unions address problems of gender discrimination after an incident has already occurred, by initiating collective labour disputes, mass protests and legal action. It should be noted that "address[ing] issues related to the development of gender policy during the negotiation of collective agreements" and "address[ing] gender issues", provided for by the Law on Securing Equal Rights and Opportunities for Women and Men, are currently mere recommendations. However, many enterprises, especially those employing large numbers of workers, establish committees on gender issues that focus on the prevention and elimination of gender discrimination. The FTUCU has also set up a Committee for the Protection of Women's Rights and Gender Equality. The Committee provides training and seminars to union members to help overcome gender-based stereotypes and raise awareness of relevant legislation among working women (interview with a representative of the Independent Trade Union of Miners of Ukraine). Thus, the problems related to gender discrimination are addressed in various ways: through collective agreements; in various consultations, meetings and conferences, sometimes within the enterprise itself; through legal means; and through the development of trade union programmes dealing with the issue.

The proportion of women in the member trade unions of the FTUCU was 47 per cent as of the second half of 2009 (interview with an FTUCU representative). In the FTUU, the proportion of women is 55.5 per cent. The largest proportions are found in Zakarpatya oblast (61.77 per cent), Mykolayiv oblast (61.52 per cent) and Lviv oblast (61.01 per cent), whereas the lowest is in Vinnytsya oblast (5.25 per cent) (interview with an FTUU representative). Women make up 46 per cent of the 150,000 members of the All-Ukrainian Union of Workers' Solidarity (VOST). Among the delegates to the most recent VOST Congress (2005), women accounted for 43 per cent. In VOST's elected bodies – the Coordinating Council and the Presidium – the proportion of women is 48 per cent and 40 per cent, respectively (interview with a VOST representative).

An analysis of trade union activities shows the gradual emergence of new approaches to gender issues in Ukraine. Although gender equality is becoming a more important component of trade union activities, it has tended to be of an educational or training character so far.

The training centres of the FTUU offer the following seminars for members of gender councils, trade union committees, representatives of public organizations and enterprises and individuals interested in gender subjects:

- Training for female entrepreneurs and women wishing to start their own business. The training boosts women's economic opportunities by establishing and maintaining permanent communications on gender issues between businesses, the authorities and their communities, and by developing local women's organizations.
- Training to promote the equal participation of women and men in political and public life at the local level by raising awareness of gender problems.
- Training of young women for leadership. The goal is to shape a modern outlook among young people with regard to the need for gender transformation in Ukraine and to train volunteers in the implementation of gender equality.
- Seminars and lectures on gender-related subjects (for trade unions and workers' collectives). Titles include "The notion of equality between the sexes", "Strategies to secure equality between the sexes in public administrative bodies", "Legislative support for equality between women and men", "Gender and politics", "Gender relations", "Strategies to implement equality between women and men in decision-making processes in public administration", "Strategies for the consolidation and self-realization of female deputies", "Basics of conflict psychology", "Ukrainian mass media and gender equality", "Psychology of communication", "Gender relations in the family" and "Implementing gender approaches in the activities of trade union organizations".

Active members of the FTUCU's Committee for the Protection of Women's Rights and Gender Equality provide training and seminars to union members to overcome gender-based stereotypes and raise awareness of legislation among working women (interview with an FTUCU representative). The Committee cooperates actively with the La Strada international women's rights organization and with the ILO. The ILO provides consultations on gender equality and assistance in the translation of ILO documents.

All of the seminars provided by VOST highlight gender issues to some extent. VOST representatives are actively involved in organizing events focusing on gender problems held under the aegis of the ILO, the International Trade Union Confederation (ITUC), the Council of Europe and the EU (interview with a VOST representative).

Trade union staffs undergo gender equality training within the framework of the EU–ILO Project "Gender equality in the world of work". During 5–7 October 2009, a training seminar was held on "Bargaining to improve living and working conditions: gender mainstreaming in collective bargaining" in Lutizh, in Kyiv oblast. During 7–9 October, there was a seminar entitled "From discrimination to promotion of equality: equitable pay", aimed at training trade union leaders and activists interested in conducting gender-sensitive training inside trade union organizations and promoting gender equality through collective agreements. This training involved representatives of the FTUCU, the FTUU and VOST. During the seminars, the attendees acquired skills related to gender mainstreaming in collective bargaining and the promotion of gender equality at work, and mastered the methodology of gender-neutral job evaluation. By employing gender sensitivity in collective bargaining, participants hoped to improve working conditions and increase labour productivity in the medium and long term, and also to reduce the pay gap between women and men in the long term. A total of 57 trade union members have been trained in gender equality mainstreaming in collective agreements, gender-neutral job evaluations and the prevention of discrimination at the workplace. Supported by the aforementioned project, they provided training for 540 trade union activists in 2010.

The FTUU communicates with the general public, first and foremost, via social dialogue in the form of trade union cooperation with employers and public authorities, The FTUU also cooperates with the media to provide coverage of, among other things, the results of collective agreements and memorandums of cooperation, violations of the rights of trade union members and subsequent action taken on their behalf.

At the international level, trade unions cooperate with the ILO, the ITUC, the International Monetary Fund (IMF), the UN and other trade union and non-governmental organizations (interview with an FTUU representative). VOST maintains multifaceted relations with state structures and public, scientific and international organizations dealing with the promotion of gender policy. At the international level, VOST cooperates closely with the ILO and the ITUC, specifically with their women's and youth committees. At the national level, VOST cooperates at the tripartite level with the main social partners: the Ministry of Labour and Social Policy, employers' organizations and trade unions. Cooperation has recently started to develop between VOST and the MUFYS. There is also contact at the national level between VOST and La Strada international women's centre.

### 3.2 Employers' organizations

In the opinion of the All-Ukrainian Association of Employers (AUAE), gender issues are currently irrelevant for the country as a whole. For them, the gender situation in Ukraine is described as adequately fair compared to many other countries, specifically developing countries. Consequently, many employers and heads of employers' organizations who are AUAE members state that they have no data related to gender discrimination (interview with an AUAE representative).

However, the relationship of a number of other employers with gender issues is more complex. For instance, the Federation of Employers of Ukraine (FEU) takes part in a number of projects on gender issues: the ILO/EU Project "Gender Equality in the World of Work", the Ukrainian-Swedish Project "Labour Market Dialogue", the ILO project on job placement of persons with disabilities, the Ukrainian-German project on reforming vocational training and the UN Global Compact (interview with an FEU representative).

In member organizations of the Confederation of Employers of Ukraine (CEU), there is no monitoring of problems related to gender discrimination. However, a gender audit was recently carried out at the CEU that revealed some problems. The audit covered the CEU from July 2006 to July 2009. Analysis of the CEU's activities revealed a lack of gender-sensitive indicators, showing that combating gender inequality is not a priority in the organization. Its strategy, policy documents and current documentation contain mainly gender-neutral indicators. No gender component is highlighted in the CEU's policy documents or budget, which mainly use gender-blind or gender-neutral language. Nonetheless, a survey revealed that the current availability of methods and tools is considered sufficient. Results from the seminar and interviews suggest that staff have developed some ideas about gender, but that they are not systematic. Gender aspects are dealt with by the CEU mainly in administrative and informative documents, not in documents concerning substantive issues and technical cooperation. However, the CEU's leaders sometimes use sex-disaggregated statistics (educational attainment, migration indicators and so on) in their speeches and reports.

The proportion of female employees of the executive body of the CEU is 56 per cent, whereas its governing body (Council) is 100 per cent male. The ratio between men and women among employees of executive bodies of the employers' organizations which are members of the CEU or interact with it on a con-

tractual basis is 80:20 (interview with a CEU representative). The top positions in the FEU (Director-General and deputies) are also occupied by men. The proportions of women in the FEU are 45 per cent of unit managers, 42 per cent of chief specialists and specialists, 66 per cent of desk officers and 50 per cent of other employees (technical staff). The average percentage of women in all posts is 42 per cent (interview with an FEU representative). In the AUAE, men are predominant (79 per cent), with women accounting for only 21 per cent of membership. In AUAE member organizations, women make up 9–14 per cent in the Vinnytsya, Dnipropetrovsk, Zakarpatya and Odessa oblast organizations, 24–36 per cent in the Zhytomyr, Sumy, Khmelnytsky and Chernihiv oblast organizations, and the Kyiv and Chernihiv city organizations, and 67–100 per cent in the Lviv, Mykolayiv, Ternopil and Kharkiv oblast organizations. There are no women in the Kirovohrad oblast organization (interview with an AUAE representative).

Until recently, employers and the employers' organizations had no opportunities to participate in seminars or training on gender issues. The first training in the ILO participatory gender audit was held on 22–24 June 2009 within the framework of the EU–ILO technical cooperation project "Gender equality in the world of work" (hereinafter: the Project). The training involved eight representatives from the FEU, the CEU, the AUAE and the Union of Leaseholders and Entrepreneurs of Ukraine. As a result of the Project, other representatives of employers' organizations will also have the opportunity to participate in such training. A seminar for staff was held within the framework of a participatory gender audit by the CEU. Through its involvement in various international projects, the FEU provides consultation, takes part in the development and publication of information and training materials and disseminates these materials among its member organizations. It also plans to develop a manual for employers on the implementation of gender equality policy and best practices with regard to gender equality promotion among member organizations, under the auspices of the Project. However, no training in gender equality has been provided so far because there were no available experts. Hence, most employers' organizations continue to be without systemic training in the implementation of equal rights and opportunities for men and women.

Employers' organizations have a wide range of contacts with the public, both in Ukraine and outside it, on gender issues. The FEU cooperates with its member organizations (regional and sectoral employers' associations, individual enterprises), other national-level employers' organizations and trade unions, government structures and parliamentary committees. Outside Ukraine, the FEU collaborates closely with the International Organization of Employers, the ILO and the WHO (interview with a FEU representative).

The CEU interacts with the Women's Professional League directly on gender issues. The CEU also communicates through meetings of the National Supervisory Council for Ensuring the Implementation of the International Programme on the Elimination of Child Labour, in the MUFYS's expert working group on the prevention of domestic violence and counteracting human trafficking, and in topical meetings on equal opportunities in the labour market held by the Swedish International Development Agency (SIDA) through joint participation in the tripartite committee of the ILO Programme to counteract human trafficking.

Member organizations of the AUAE also have active ties inside and outside Ukraine. They work on the Programme of Equal Opportunities and Rights for Women in Ukraine (with the EU, SIDA and UNDP), with sectoral ministries (the Ministry of Labour and Social Policy and the MUFYS), oblast administrations, local communities and women's organizations (such as the Donetsk Oblast League of Business and Professional Women and the Alliance Donetsk oblast organization). AUAE representatives take part in the work of commissions, working groups and other bodies established under state structures, and engage in a variety of public activities, including roundtables, seminars, conferences and training (interview with an AUAE representative). The CEU and the AUAE also participate in the ILO "Gender equality in the world of work" Project.

Analysis of the State Programme for the Implementation of Gender Equality in Ukrainian Society through 2010 shows that it is unsystematic and inconsistent. The central and regional authorities have no relevant programme documents or persons responsible for implementation. In most regions, gender inequality was not yet a priority in 2007, despite the fact that two mandatory activities – adoption of relevant regional programmes, and a competition for scholarly papers on gender topics – had already been adopted through the State Programme. The first was implemented by only two-thirds of all oblasts, and the second by only seven oblasts. This confirms the need for a stricter definition of certain terms in the State Programme, specifically identifying those directly responsible for carrying the Programme out.<sup>30</sup> Hence, the promotion of gender equality in Ukrainian society through the State Programme has not yet properly begun, and its implementation is presently insufficient.

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<sup>30</sup> <http://www.dipsm.org.ua/all/2801>

## 4. TRIPARTITE BODIES

The core objectives of the National Tripartite Social and Economic Council (NTSEC) are to promote social dialogue with regard to social and economic issues and industrial relations, and to draft and submit proposals on the shaping and implementation of state social and economic policy to the President of Ukraine. To date, the NTSEC has prepared and submitted to the President of Ukraine, the Verkhovna Rada and the Cabinet of Ministers over 300 proposals for legislative and regulatory acts and policy documents on economic and social policies, tax reform, sectoral reform, a vocational training system and the labour market.

Territorial-level social dialogue is conducted in the form of collective bargaining to conclude regional agreements. Local authorities also coordinate with representatives of employees and employers in draft decision-making through consultation, negotiation, conciliation and working meetings.

Social dialogue mainly takes the form of meetings between territorial tripartite social and economic councils. The participants in territorial tripartite social and economic councils are involved in the development of draft orders, instructions and other documents submitted for their consideration. They submit proposals to improve existing legislation on economic regulation and industrial relations, organize negotiation processes to conclude regional and local agreements, support the development of social dialogue in the field and promote efficient mediation and conciliation services to prevent the emergence of collective labour disputes (conflicts).

The decisions of territorial tripartite social and economic councils must be taken into consideration and are implemented, in accordance with due procedure, through orders or instructions by oblast administrative heads, oblast trade union councils and oblast employers' organizations.

Gender discrimination in Ukraine, which is widespread and prevents women from making full use of opportunities in the labour market, often takes the form of requirements related to sex, age, marital status and wages.<sup>31</sup>

The problem of gender discrimination in the Ukrainian labour market was raised in the "Discrimination against women in the workplace" roundtable discussion, held in Kyiv in 2006<sup>32</sup>. Afterwards, the roundtable adopted recommendations to be presented to the Verkhovna Rada, particularly concerning approval of the State Programme for the Implementation of Gender Equality in Ukrainian Society for 2006–15. It also developed recommendations for employers, employers' organizations and trade union organizations, particularly on establishing a Coordinating Council on Discrimination against Women in the Workplace and developing a working programme and action plan to address gender problems.

### 4.1 Women in tripartite organizations

Since the NTSEC and the Ukrainian Coordinating Committee for the Promotion of Employment have no vertical integration of oblast tripartite councils or coordinating committees, proper analysis of women in these councils and committees is not yet possible. At the national level, 28.9 per cent of the members of the Ukrainian Coordinating Committee for the Promotion of Employment are women (six state representatives, four employer representatives and three trade union representatives), while 15.2 per cent of NTSEC members are women (six state representatives, one employer representative and three trade union representatives).

<sup>31</sup> [http://www.rusnauka.com/2.\\_SND\\_2007/Economics/19261.doc.htm](http://www.rusnauka.com/2._SND_2007/Economics/19261.doc.htm)

<sup>32</sup> [http://www.rusnauka.com/2.\\_SND\\_2007/Economics/19261.doc.htm](http://www.rusnauka.com/2._SND_2007/Economics/19261.doc.htm)

## 5. GENDER DISCRIMINATION IN COLLECTIVE BARGAINING

### 5.1 Underrepresentation of women in collective bargaining

Men constitute an overwhelming majority among the representatives who conduct collective bargaining on the General Agreement on behalf of employers, the Cabinet of Ministers and trade unions (interview with a CEU representative). More than 80 per cent of the members of the trade union working committee on collective bargaining and the conclusion of the General Agreement are men. They determine the principal approach to be taken, and the range of issues submitted for consideration (interview with an FTUU representative). According to trade union representatives, issues such as wages, social benefits and the preservation of jobs have always dominated collective bargaining and will continue to do so. Employers tend to include occupational safety issues among these core concerns. According to experts, gender issues are generally not brought to the fore in collective agreements and are sometimes entirely absent (interview with a VOST representative).

### 5.2 Statistics on collective agreements

The importance of collective agreements is increasing in Ukraine. The number of collective agreements concluded between 1994 and 2007 increased by 2.5 times, in particular due to the restructuring of large enterprises, which was accompanied by the separation of structural units and the creation of new economic entities. The number of workers covered by collective agreements has increased by 1.3 times. Only about one-sixth of workers are not yet covered.

According to government statistics, as of 31 December 2007 there were 95,781 company-level collective agreements at Ukrainian enterprises, containing 58,050 provisions on employment conditions, 117,240 on wages and 115,120 on occupational safety.<sup>33</sup> The coverage of workers by collective agreements is 82.4 per cent, on average.<sup>34</sup> It is highest in the regions in which large industrial enterprises are concentrated – in Kharkiv oblast (90.9 per cent), Sumy oblast (90.8 per cent) and Luhansk oblast (90.4 per cent) – while the lowest figures are found in Kyiv (66.1 per cent) and Ternopil (69 per cent) oblasts.

As of 31 February 2009, there were 27 regional agreements between local authorities, employers' organizations and trade unions, and 85 sectoral agreements, 56 of them between central authorities and trade unions, and 19 involving sectoral associations of employers' organizations (data from the Ministry of Labour and Social Policy).<sup>35</sup>

<sup>33</sup> [http://www.mlsp.gov.ua/control/uk/publish/article?art\\_id=75801&cat\\_id=34940](http://www.mlsp.gov.ua/control/uk/publish/article?art_id=75801&cat_id=34940)

<sup>34</sup> [http://www.mlsp.gov.ua/control/uk/publish/article?art\\_id=75801&cat\\_id=34940](http://www.mlsp.gov.ua/control/uk/publish/article?art_id=75801&cat_id=34940)

<sup>35</sup> [http://www.mlsp.gov.ua/control/uk/publish/category?cat\\_id=34940&page=0](http://www.mlsp.gov.ua/control/uk/publish/category?cat_id=34940&page=0)

### 5.3 Gender issues in collective agreements

The opportunities offered by social dialogue to help improve the position of women in the world of work are not yet fully realized in Ukraine. This was confirmed by an examination of agreements –sectoral, regional and general – conducted in 2005 with the support of the ILO technical cooperation Project “Promoting fundamental principles and rights at work in Ukraine”,<sup>36</sup> and through interviews with representatives of employers’ organizations and trade unions.

The General Agreement for 2008–09 recommends taking youth and gender policy issues into consideration in the conclusion of collective agreements. These recommendations were adopted in the Sectoral Agreement in Housing and Municipal Services. They were also adopted in the sectoral agreements in the automotive industry, machine-building, instrumental engineering, aerospace, radio electronics, forestry, metal processing, shipbuilding, defence, and mechanical, electrical and nuclear engineering industries, which include obligations to include gender equality provisions in company-level collective agreements (interview with a CEU representative).

The General Agreement for 2008–09 includes three points which touch on the issue of gender. Employers are obligated to propose detailed work policies for pregnant women, providing additional expenditure to increase the caloric and vitamin content of catered food, as well as providing additional items, medical services and transport services. Second, the Agreement recommends the expansion of women’s representation amongst public authorities, in local government, in management positions in enterprises, and within the elected bodies of trade unions and other public organizations. Third, the Agreement recommends that the development of cultural activities, physical training, sports, improving children’s health and youth and gender policies is included in collective agreements. The FEU has no data on the extent to which gender aspects are in fact included in collective agreements (interview with an FEU representative).

Despite the text of the General Agreement, employment, wages and occupational health and safety remain the major issues in collective agreements. The articles of collective agreements usually do not recognize the existence of unequal treatment of women and men, and the principal sections of collective agreements, which deal with wages, working conditions, employment, social protection and the development of domestic production, are usually not gender-sensitive. Only between 5 and 7 per cent of agreements include gender-sensitive provisions or language (interview with an FTUU representative).

Both direct and indirect discrimination still exist in Ukraine. Direct (de jure) gender discrimination – that is, discrimination arising out of laws or legal regulations – exists, for example, when there are explicit requirements in job advertisements which state that the job in question may be filled only by a man (for example, chief accountant) or woman (for example, manager’s personal assistant, secretary, spokesperson and so on). On the other hand, there is widespread indirect (implicit) gender discrimination, which includes, for example, imposing gender requirements unrelated to job performance.

Provisions protecting women are generally found in the section on social protection, which addresses maternity leave and benefits for mothers with two or more children. They also can deal with additional paid leave, financial aid and other social benefits. However, employers are rather resistant to including such benefits and commitments in collective agreements (interview with an Independent Trade Union of Miners of Ukraine [ITUMU] representative). This is despite the fact that failure to comply with the principle of equal pay for work of equal value is a major violation of international standards.

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<sup>36</sup> Аналітичний звіт «Ситуаційний аналіз проблеми гендерної рівності у сфері праці в Україні». – К. –2005.

## 5.4 Collective agreements in the economic crisis

As a general rule, collective agreements may not lay down inferior conditions of employment as compared to those in employment contracts (principle **in favorem**). But in recent years, because of economic hardship, this principle has come under pressure in some countries and partial departures from it are allowed (principle **in peius**). During an economic crisis employers usually renegotiate collective agreements to diminish social guarantees for workers, or to lay off more workers than specified in an existing collective agreement. Trade unions maintain that compliance with the provisions of collective agreements is mandatory and only temporary reductions in social guarantees are allowed (excluding wages). For this reason, trade unions try to avoid renewing existing collective agreements as proposed by employers (interview with a CEU representative).

Instances of non-compliance with collective agreement provisions have increased sharply during the current crisis. Trade unions tend to back the management in such cases. One reason they do so is because trade union committee chairs are dependent on employers – for example, in small trade union organizations, the committee chairs must carry out their duties on their own time – and because they receive no support from the workers, who tend to be pessimistic about significant improvements and believe that it is “better to get something than nothing at all” (interview with an FTUU representative).

With the situation of enterprises worsening in the crisis, workers increasingly assert their rights only after they are dismissed. Such passivity stems from fear of job loss, lack of qualified legal assistance and a lack of legal awareness of workers’ rights (interview with an ITUMU representative).

## 6. GENDER DISCRIMINATION – PROBLEMS IN PRACTICE

### 6.1 Problems of gender discrimination at enterprises

Despite Ukrainian legislation's achievements in securing equal rights for men and women, the realization of gender policy is far from being achieved, especially with regard to women's employment rights. Inequality tends to manifest itself in employers' preference for men in hiring and retaining workers during layoffs, and in unequal wages.

Ukrainian labour law entitles women to bring an action against an unjustified refusal to hire them<sup>37</sup> (1, Art. 232), but there is no cause of action against an unlawful refusal to promote a woman to a higher position.

Critics maintain that procedural labour law must take account of gender stereotypes in the labour market. In order to secure real gender equality in labour relations, the law must provide for additional procedural safeguards for women. In particular, there should be additional grounds for legal action if a woman is not appointed to a higher position despite her qualifications. The burden of proof in such cases must be on the employer. Women should also be allowed to initiate such legal action if they believe that they have been discriminated against, whereas employers must provide evidence that, in giving preference to a man, they were guided solely by the workers' professional skills and there was no discrimination against the woman. Incorporating such provisions into Ukrainian legislation would make it possible to reduce discrimination against women in appointments to higher positions considerably, because female workers would have a legal mechanism for exercising their rights.

Occupational segregation in Ukrainian society reflects current occupational stereotypes. The asymmetric treatment of women in the occupational structure results in pay gaps, discrimination in hiring, uneven distribution of men and women in various sectors (horizontal segregation) and discrimination in the distribution of positions within individual occupational groups. Contrary to constitutional norms, gender has a significant influence on career advancement opportunities as well.

As far as horizontal segregation is concerned, there is a distinct division of economic sectors between the sexes. Traditionally female-dominated sectors include teaching, health care and food preparation. Considerable changes are now taking place in industry, however, and the proportion of women in construction, transportation, and heavy and light industry is growing. But the reason for these changes has less to do with increasing gender equality than with the withdrawal of male workers from these sectors because of low earnings and sizeable wage arrears.

Under current socio-economic conditions, with employment shifting to the private sector in the transition to a market economy, employers often violate the rights of women with young children. This can include requiring overtime without extra compensation and unlawful dismissal.<sup>38</sup> In some cases, women on leave caring for children under three years old are dismissed on the grounds of a failure to come to work for more than four successive months due to temporary incapacity<sup>39</sup> [1, Art. 40, para 5]. This is both unlawful dismissal and an infringement of women's constitutional right to work. Article 40 CLL states that workers

<sup>37</sup> Кодекс законів про працю // Право України. – 1996. – № 2-3.

<sup>38</sup> Н.А. Плахотіна. Правове забезпечення реалізації гендерної політики в трудових процесуальних відносинах // [http://www.nbuv.gov.ua/portal/Soc\\_Gum/Apptip/2007\\_10/plashotina.pdf](http://www.nbuv.gov.ua/portal/Soc_Gum/Apptip/2007_10/plashotina.pdf)

<sup>39</sup> Кодекс законів про працю // Право України. – 1996. – №2-3.

may not be dismissed at the employer's initiative when they are on leave, and the dismissal of women with children under three years of age is prohibited unless the enterprise is subject to liquidation. Nonetheless, such discrimination is not publicized, and women who experience it tend not to approach trade unions to help them exercise their rights (interview with a VOST representative).

Under current Ukrainian legislation, men and women are absolutely equal in terms of their procedural rights. In practice, however, women often have no opportunity to assert their rights, and judicial equality does not ensure actual equality. For instance, a woman on leave caring for a child under three years of age usually is unable to leave the child with another, and judicial proceedings can be lengthy. This problem might be solved by the representation of the interests of the woman in court by a lawyer or other representative. However, not all women can afford one, making it extremely difficult for many women to exercise their labour rights. In light of this, one important addition to Ukrainian gender policy would be to grant women with children under three years of age free legal representation in court by a qualified expert. This would promote the real equality of labour rights between men and women under contemporary market conditions.

A survey of employers' organizations concerning current problems of gender discrimination at enterprises indicates, on the one hand, a general lack of awareness of gender issues, as can be seen from the lack of data on the issue. On the other hand, many representatives refuse to recognize acts that do not directly relate to wage levels as inequality, indicating a deeper lack of understanding amongst employers with regard to gender discrimination.

Widespread evidence exists of indirect gender discrimination (such as imposing unjustified gender-specific requirements for certain positions), although these practices are not characteristic of every employer. As far as career advancement is concerned, men excel more easily than women. Gender-based divisions of labour also exist at the grassroots level. As a rule, female employees perform traditional female duties at meetings (lay the table, do the dishes), whereas male employees perform organizational tasks (interview with an AUAE representative).

## **6.2 Gender discrimination in hiring, work placement and career advancement**

### **State Department for the Supervision of Labour Legislation Compliance (Derzhnalyadpratsi)**

The Derzhnalyadpratsi aims to secure compliance with labour legislation, particularly with regard to women. They focus on work from which women are prohibited; restrictions on women doing night work; pregnant women and women with young children doing night work and overtime, working on days off and going on business trips; women with young or disabled children doing overtime and going on business trips; transfer of pregnant women and women with children under three to an easier job; granting maternity leave and leave for child care; combining annual leave with maternity leave granting leave to care for children and including it in the service record; granting leave to women with adopted children; granting additional leave to workers with children; granting breaks for feeding a baby; hiring and prohibition of the dismissal of pregnant women and women with children; giving pregnant women and women with children under 14 years of age vouchers for health resorts and rest homes, and granting them financial aid; and the equality of labour rights of men and women in Ukraine.

In February 2009, within the framework of a campaign of targeted inspections, compliance with labour legislation on women was investigated in 1,716 enterprises employing 14,863 women at the time of the inspection. The inspections revealed no breach of legal requirements with regard to equal rights and opportunities for women and men at work, including wages. Other breaches of labour legislation, particularly with regard to women, were found at 936 enterprises. The most common breach was the late payment of wages for the entire period of annual leave due three days prior to the beginning of the leave (795 enterprises). Besides that, there were breaches of the provision requiring additional paid leave to (female) workers with children (at 18 enterprises) and not requiring women to do night work (32 enterprises). No breaches were found of the requirement that pregnant women, women with children aged 3–14, or women with disabled children are prohibited from working overtime or taking business trips without their consent. There were also no breaches found of the requirement that women be granted the possibility to work part-time at their request, given unpaid leave to care for a child under six, or that pregnant women or women with children under three years of age not be dismissed (interview with a Derzhnakhlyadpratsi representative).

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### Public Employment Centre

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Taking into consideration the importance of gender-related issues, the Public Employment Centre (PEC) engages in the following activities:

- promoting job placement by ensuring the free and equal access of jobseekers to up-to-date and complete information on vacancies, the labour market situation and labour law;
- providing targeted social services, ensuring participation in seminars, training and other events designed to make people more independent and to speed up their job placement, on the basis of gender equality;
- ensuring the equal access of unemployed women and men to vocational training for the purpose of job placement;
- developing projects and programmes to ensure equal rights and opportunities for women and men in employment;
- taking part in international projects to promote international standards of gender equality in the world of work, and in social protection.

Implementation of a comprehensive approach to gender equality is ensured by the participation of PEC specialists in the expert working group on gender issues, established by the Ministry of Labour and Social Policy in 2007.

The PEC's activities are organized on the basis of a strategic planning system built around targeted programmes and annual and semi-annual work plans, which makes possible the integration of gender issues in the work of each unit in accordance with their function. Progress in implementing the programmes is evaluated on a quarterly basis. Summary information is presented to PEC management for decision-making purposes.

According to a representative of the PEC, gender centres (corners) or libraries have been established in employment centres containing manuals, information booklets, books and regulations on gender issues. Each basic employment centre provides information seminars covering gender issues and explaining the implementation of gender policy. In internet centres or computer rooms, visitors may find information on

gender issues on the web-pages of the Public Employment Service <sup>40</sup>. This work in basic employment centres is coordinated by PEC experts. In some employment centres, women's clubs have been created, with such names as "Me, my family and my work", "I am a successful woman", and "Women, let's unite", where successful women share their experiences with others.

Employers are not permitted to explicitly advertise jobs to women or men only, except for specific work that can be performed solely by persons of a certain sex. An example for this could be a theatre advertising the job of a male actor or a hospital advertising the job of a female midwife. They may not lay down different requirements giving preference to one sex, or require that job seekers provide data on their personal life or childbirth plans. The following are not regarded as discrimination on the grounds of sex: special protection of women during pregnancy, delivery and breastfeeding; mandatory regular military service for men; the difference in pensionable age between women and men; special requirements with regard to occupational safety for women and men related to the protection of reproductive health; and positive action in the form of special temporary actions to remove an imbalance between women's and men's opportunities to exercise equal rights granted by the Constitution and the law. However, women working in certain occupations and sectors – especially in the informal economy, where undefined or hidden labour relations dominate – do not necessarily receive these protections.

Despite these prohibitions, 70 per cent of job advertisements specify conditions related to candidates' gender. There is no sanction for violating the law in this respect. Women are also the first to experience the negative consequences of the economic crisis, including cut-backs in social packages, dismissals, working time reductions or wage cuts. VOST is aware of cases in which an employer gave preference in hiring to men or unmarried women over married women, women with children and pregnant women. However, no complaint was brought by any of the women concerned (interview with a VOST representative).

Practice also points to the existence of discrimination against young women on "biological grounds", namely in relation to pregnancy, delivery and child care. Striking examples of this may be found in job ads which call for unmarried women without children or married women with grown-up children. Furthermore, women under 35 not infrequently become the object of sexual harassment by their supervisors or colleagues, sometimes in exchange for wage rises or promotions.

The FEU has not conducted any targeted research on gender discrimination in hiring, work placement or career advancement and does not gather such statistics (interview with an FEU representative). Likewise, the criteria governing selection for positions in the CEU are not gender-sensitive. They are based on a candidate's qualifications, education, professionalism and work experience in a certain field. This also applies to decisions on whether to provide workers with advanced training and career advancement (interview with a CEU representative). This lack of sensitivity towards gender issues within employers' organizations is related to their scant experience in addressing gender problems, mainly due to the lack of awareness of gender issues among both women and men. This, in turn, gives rise to a distorted perception of gender discrimination at the institutional and individual levels (interview with an FTUU representative).

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<sup>40</sup> [www.dcz.gov.ua](http://www.dcz.gov.ua)

### 6.3 Addressing gender discrimination by means of social dialogue and collective bargaining

The system of social dialogue will remain ineffective and merely formal until mandatory compliance is established with collective agreements whose provisions take gender equality principles into consideration. Collective bargaining can be effective in addressing women's issues, but these issues must first be properly raised. However, it is often the case, at various stages of collective bargaining, that women's interests are neither taken into account nor considered on an equal footing with those of men, except for maternity protection provisions. This so-called "gender-neutral approach" can strengthen existing discrimination or call forth new forms of it. And as collective bargaining often relies on past agreements, new gender-oriented provisions are not included in agreements or remain minimal.

According to representatives of employers' organizations, the General Agreement and a number of sectoral, regional and company-level agreements have increasingly paid attention to gender equality issues in the past two years. Trade union representatives point out that fear of job loss prevents workers from addressing labour issues or employer breaches, and many problems such as sexual harassment are not usually raised by women (interview with an ITUMU representative; interview with an FTUCU representative).

According to a public opinion poll conducted by the La Strada Centre in Ukraine, in cooperation with the Kyiv International Institute of Sociology, 40 per cent of Ukrainians regard sexual harassment as an important issue throughout the world and 43 per cent think it is particularly important in Ukraine. Six per cent of respondents described this form of discrimination at work as relevant to themselves.<sup>41</sup> These low figures correspond to the view of Kateryna Levchenko, head of the La Strada Centre and advisor to the Minister of Internal Affairs, that Ukrainians' level of understanding of sexual harassment is generally low.

In another survey, conducted in November 2008 by the FTUU and the MIA's Department for the Monitoring of Compliance with Human Rights in the Activities of Bodies of the Interior [Ministry?], workers in health care, education, transport, industry and bodies of the interior were asked about sexual harassment in the workplace. Of those surveyed, many displayed a better understanding of the problem: 70 per cent believed that sexual harassment is systematic and unwelcome conduct of a sexual nature; 75 per cent thought that it is unwelcome sexual advances or pressure to engage in sexual relations; and 63 per cent agreed that it is conduct, remarks or sexual contact which a worker finds humiliating or insulting. A total of 22.3 per cent of respondents stated that the sexual harassment problem was relevant to them. A majority of respondents also recognized the problem of sexual harassment as significant in Ukraine as a whole (68.5 per cent). When disaggregated by activity, the highest percentages of those believing that the problem is significant in the country as a whole were educators (79.3 per cent), medical workers (54 per cent) and transport staff (51.5 per cent).

At the same time, another survey conducted in cooperation with the trade unions showed that most respondents understood sexual harassment as involving a supervisor's actions towards a subordinate, failing to acknowledge that it can also take place between peers.

According to Kateryna Levchenko, Ukrainian legislation on counteracting sexual harassment at work is rather formal in nature and practical application is difficult.<sup>42</sup> For example, the Law on Ensuring Equal Rights and Opportunities for Women and Men, which contains a definition of sexual harassment and legal action against it, includes no effective mechanism of protection against sexual harassment. Regrettably, Ukrainian legislation in this area does not take international experience into account.

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<sup>41</sup> Сексуальні домагання на робочому місці - актуальна проблема в Україні? - Ресурсний центр Гурт // <http://gurt.org.ua/news/recent/1884/>.

<sup>42</sup> [http://www.lastrada.org.ua/content/doc/bul\\_1\\_Jan\\_March\\_2009.pdf](http://www.lastrada.org.ua/content/doc/bul_1_Jan_March_2009.pdf)

## 6.4 Prohibited occupations for women

Sanitary rules and regulations lay down mandatory hygiene requirements for production processes, workplaces, working processes, production environments and sanitary and housekeeping support for female workers. These apply to all forms of enterprises, institutions and organizations where women are employed.

Women employed by private enterprises must be given workplaces which conform to hygienic standards. Any physical changes to the workplace must be made during prescribed rest periods and must have no unfavourable impact upon female workers' long- or short-term health. If hazardous chemical substances, pathogenic microorganisms or substances with allergic, carcinogenic or mutagenic effects are present in the workplace, the employment of women of child-bearing age is not permitted.

According to Article 174 CLL <sup>43</sup> and Article 10 of the Law on Occupational Safety, <sup>44</sup> women are not permitted to work under harmful, hazardous or hard working conditions, or to work underground (except when doing non-physical work or work related to sanitary and housekeeping services). There are also load limits for women with regard to manual lifting and the moving of heavy items, established by Order No. 241 of the Ministry of Health (On the approval of limits for the lifting and moving of heavy items by women, from 12 October 1993). The order prohibits the employment of women in any work related to the continuous movement of cargos weighing more than 7 kg during a work shift, or in night work or overtime.

Current legislation permits the employment of women in night work but only temporarily and in sectors in which it is necessary. Pregnant women and women with children under three years of age are prohibited from working overtime or at night, as well as from working on days off and being sent on business trips (Articles 174–186 CLL).

More than 500 work categories in various production branches are listed as hard work in harmful and hazardous conditions, in which the employment of women is prohibited (Order of the Ministry of Health No. 256 of 29 December 1993). Nevertheless, the number of women working under hard and harmful conditions is falling only slowly. According to statistics, the proportion of women doing hard work in industry is 20 per cent, and in construction above 25 per cent. In shops with hard and harmful conditions, women make up more than 30 per cent of the employees.<sup>45</sup>

Current restrictions, representatives of employers' organizations believe, must not be regarded as a drawback of this legislation because they are, first and foremost, of a protective character: women generally are physically unsuited for very heavy physical work and their reproductive health can be harmed. At the same time, they emphasize that the existing list of types of work may be too long and outdated and should be revised (interview with a CEU representative). Trade union representatives also regard such a list of types of work and occupation as objectively necessary with regard to women's physical nature. In their opinion, the main shortcoming is outdated legislation on occupational safety, particularly as far as women are concerned (interview with an FTUU representative).

It is important to call into question the objectivity of the types of work and occupation which are prohibited for women. To what extent are jobs deemed unsuitable for women really based on differences of physical strength between men and women? To what extent are certain jobs considered unsuitable for women not also dangerous for the reproductive function of men? To what extent are these jobs deemed unsuitable for women based on gender stereotypes? It is important that lists of prohibited jobs are reviewed at a regular basis, with reference to scientific criteria.

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<sup>43</sup> <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?page=5&nreg=322-08>

<sup>44</sup> [http://www.jobs.ua/pravo/labour\\_protection/lib-article-206/](http://www.jobs.ua/pravo/labour_protection/lib-article-206/)

<sup>45</sup> <http://www.library.if.ua/book/86/6070.html>

## 6.5 Good practice on gender equality

To prevent discrimination in access to employment, the Labour Code guarantees equality of labour rights for Ukrainian citizens (Article 2) and the right to work (Article 5), and prohibits unjustified refusals to hire, restrictions of rights and granting preferences in the conclusion, amendment and termination of employment contracts based on gender (Article 22).

Equality of rights can be witnessed in the following situations: granting women opportunities with regard to work and remuneration which are equal to those of men; taking special measures for women with regard to occupational safety and health; providing conditions that allow women to reconcile work with maternity, including provision of paid leave and other benefits to pregnant women and mothers. The state guarantees all able-bodied citizens permanently residing in Ukraine legal protection against unjustified refusal to hire and unlawful dismissal, as well as promotion in job preservation.

Despite the law, in practice there are many cases in which women are kept out of certain positions because they do not have the necessary service record or because there is a belief that they will be unreliable because of family responsibilities. As a result of such treatment, women tend to remain in lower positions and receive lower wages, while their opportunities for career advancement are limited. Women returning to work after having children find themselves at a disadvantage because they are older, have a shorter period of service in their speciality, are less mobile and are less able to work overtime.

State regulation of women's occupational safety aims to provide proper conditions for full restoration of their working potential, to secure full productive employment for women, improve women's working conditions, and reduce the risks to health and life. Ukraine has a comprehensive approach to the problems of women's occupational safety, based on national programmes and state directives in socioeconomic matters. The Long-term Programme for the Improvement of the Situation of Women and Family, Maternity and Childhood Protection (approved by Cabinet of Ministers' Resolution No. 431 of 28 July 1992), the Programme for the Release of Women from Production Requiring Hard Work and under Harmful Conditions, and for the Restriction of the Employment of Women for Night Work for 1996–98, specify ways of implementing state policy on women's occupational safety and improving their working conditions. Most of them are recognised as top-priority measures in the Principal Directions of the Development of Ukraine's Working Potential through 2010. Releasing women from production under hard and harmful working conditions is considered one of the principal measures for improving women's working conditions. A system of preventive measures offers technical upgrading of workplaces and reduction of negative production factors.

## 7. CONCLUSION AND POLICY RECOMMENDATIONS

The government, along with employers' and workers' organizations are increasingly making an effort to promote equal opportunities and treatment of women and men in the world of work. However, the level of general awareness and, most importantly, the level of practical experience in the implementation of non-discriminatory policies and gender mainstreaming are still insufficient. This is true for the whole range of partners responsible for the implementation of the Law on Securing Equal Rights and Opportunities for Women and Men, including state institutions and social partners.

Securing equal rights for men and women depends on the individual gender understanding and experience of participants in a given process. While formal equality exists in legislation, a deeper understanding of gender issues must be achieved in Ukrainian society if genuine equality is to be achieved.

National labour legislation still does not directly address gender equality issues. However, legal relations in this field will be streamlined to some extent due to the adoption of the Law on Securing Equal Rights and Opportunities for Women and Men (No. 2866-IV of 8 September 2006). Article 17 of the Law requires that equal rights and opportunities are ensured for women and men in the world of work. Employers must create working conditions that allow women and men to conduct labour activities on an equal footing, providing workers with the possibility of combining work with family responsibilities, securing equal wages for women and men given the same qualifications and working conditions, and requiring safe working conditions and the prevention of sexual harassment. The Law also provides for equal rights and opportunities in job placement, career advancement, skills improvement and retraining, social protection and the conclusion of collective agreements.

Monitoring of the Law's implementation is carried out by the MUFYS. The State Statistical Committee of Ukraine, in turn, must ensure that state statistical bodies produce indicators concerning the status of men and women in all domains of society.

Most workplaces remain unaware of gender issues and their presence in national legislation. According to estimates,<sup>46</sup> workers in half the organizations surveyed were not properly informed about the Presidential Decree<sup>47</sup> on the appointment of authorized representatives for ensuring equal rights for women and men, according to which every executive authority or local government must appoint one of its deputy heads as such a representative. Only 49 per cent of experts reported any gender-related activities in their institutions and organizations. The rest indicated that no activity related to gender issues had been carried out at their workplaces during the past year.<sup>48</sup>

The Cabinet of Ministers, as an initiator of legislation, must direct its activities towards improving and shaping gender legislation. The State Programme for the Implementation of Gender Equality in Ukrainian Society through 2010 envisages amending election laws and the Law on Political Parties with regard to gender quotas as provisional special measures to assert equality of rights between women and men, which is to be introduced by 2010. This step corresponds to international recommendations and the experience of many European countries. One of the conclusions of an expert examination of the Law on the Status of People's Deputies, presented by the Ministry of Justice in May 2008, also deems it reasonable to introduce gender quotas to ensure equal gender representation in the formation of the bodies of the Verkhovna Rada.

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<sup>46</sup> The expert survey was conducted in September-October 2006 by the Centre of Social Expertise under the Institute of Sociology, NAS of Ukraine. Overall, 175 experts, responsible executives in various domains of public life, were polled.

<sup>47</sup> Decree of the President of Ukraine On improving the work of central and local executive authorities in ensuring equal rights and opportunities for women and men, 26 July 2005.

<sup>48</sup> Гендерні стереотипи та ставлення громадськості до гендерних проблем в українському суспільстві. – К., 2007. – С. 18.

The results of this working paper suggest that some progress can be seen in Ukraine in the implementation of the principle of equality between women and men in all domains of life, particularly in the world of work. This is evidenced in the regulatory legal framework, established institutions and the implementation of gender-oriented activities. However, despite the existence of legislation, gender policy supervision in enterprises, monitoring gender discrimination, budget funding, awareness-raising and advocacy may be described as insufficient. This also applies to current practices of protection against gender discrimination through the judicial system and the submission of complaints to authorized persons. According to a survey,<sup>49</sup> the investigation of complaints in cases of gender discrimination and the analysis of the gender imbalance in the staff of organizations rarely took place. They were mentioned by only 10 per cent of the experts among the representatives of 11 organizations surveyed.

## Policy Recommendations

### Public employment policies should be mainstreamed, in particular with regard to the following:

- The existence of a specifically female labour market, which reproduces global development trends in most cases (narrow demand, low wages, increased need for occupational safety and social benefits).
- The need for state social protection.
- The need for a review of existing social rights, including the full scope of employment issues concerning women and their connection to other aspects of public life (demography, human rights and freedoms, gender equality).

In light of this, the creation of conditions for increasing women's competitiveness in the labour market and for their involvement in different economic sectors may be made a priority for government policy on female employment. This must be accompanied by job subsidization, support programmes for production, entrepreneurship and self-employment, and the introduction of non-standard employment regimes. Such measures should be used in a differentiated manner, taking into consideration age, educational and professional level, and place of residence.

Ways of overcoming gender-based stereotypes and increasing the efficiency of social dialogue on gender discrimination issues include the following:

- educational activities, dissemination of publications on gender equality, creation of a National Gender Resource Centre and the expansion of a network of gender resource centres in the oblasts;
- implementation of training programmes on gender equality for the social partners at all levels;
- dissemination of best practices and results with regard to gender equality;
- establishment of relations between the social partners and women's, human rights, feminist and other organizations involved in the promotion of gender equality.

<sup>49</sup> Гендерні стереотипи та ставлення громадськості до гендерних проблем в українському суспільстві. – К., 2007. – С. 18.

## **Measures to overcome gender-based stereotypes and increase the effectiveness of social dialogue on gender discrimination issues should cover:**

### **In the domain of work:**

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- promoting international labour standards, particularly those dealing with maternity protection and workers with family responsibilities, occupational safety, part-time employment and home workers;
  - adhering to the Declaration on Fundamental Principles and Rights at Work (1998), which promotes the fundamental right to gender equality.
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### **In the domain of employment and income:**

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- expanding employment opportunities for women, and providing women with equal access to vocational training, use of new technologies and the acquisition of new skills to eliminate occupational segregation;
  - eradicating poverty by eliminating quantitative and qualitative constraints on women's job placement, and combating trafficking of women;
  - supporting employees and self-employed persons in the informal economy through the use of innovative approaches and schemes;
  - supporting women in management and entrepreneurship;
  - developing special measures that take into consideration women's particular vulnerability in the current economic crisis.
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### **In the domain of social protection:**

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- providing safe and decent conditions in the workplace, preventing poverty and social exclusion, and securing equal access to the social protection system;
- eliminating discrimination in the application of the main principles of social protection, and extending these principles to those outside the social protection system;
- securing protection of workers' health, taking due account of the specific needs of men and women;
- protecting maternity, preventing sexual harassment in the workplace and improving working conditions;
- developing practical measures to ensure the equal rights of men and women with regard to labour remuneration and bringing up children.

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### **In social dialogue:**

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- supporting the ideas on gender equality promotion integrated in draft legal texts, and ensuring the incorporation of a gender component into the National Development Strategy and programmes on social and economic development at the state, regional and sectoral levels;
- monitoring regulatory legislation for gender sensitivity, in cooperation with national gender organizations;
- ensuring a gender balance in management positions and at the decision-making level, as well as among the representatives of the social partners.

### **In order to strengthen the efficiency of measures for implementing gender policy, it is necessary to:**

- conduct public hearings on the status of the implementation of gender policy in Ukraine;
- create a public institution for the gender-sensitive examination of draft laws and management decisions (programmes, projects, plans) and of the relevant infrastructure (accounting, monitoring, system analysis and simulation modelling);
- agree on a position concerning the place of gender equality at the national level, and formulate a concrete message to disseminate;
- introduce gender analysis in sectoral and territorial programmes on social and economic development;
- develop the monitoring of gender equality implementation, as well as gender-sensitive indicators, determine the frequency with which the effectiveness of gender policy implementation is analysed, and prepare reports on the results of monitoring the relevant processes, taking into account the experiences of other countries;
- ensure further development of gender statistics, and formulate recommendations for improving the system of planning, reporting and information collection;
- take gender approaches into consideration at public events (roundtables, seminars, conferences);
- provide seminars on gender problems at regional and basic employment centres;
- promote an awareness-raising information campaign on gender equality policy, particularly by means of participatory gender audits based on the active involvement principle;
- prepare a training manual for government specialists and NGO experts, as well as an information booklet on gender issues for workers and employers;
- specify in organizations' statutory and policy documents concrete objectives with regard to the achievement of gender equality and the development of a strategy for promoting gender equality in the organization;

- break down stereotypes in personnel policy to ensure women's equal access to decision-making and a gender-balanced work force, and develop a system for encouraging women to seek promotion to higher management positions in organizations;
- develop and implement a system of support for workers with family responsibilities (at the level of collective agreements, or as part of internal company rules);
- recommend an increase in the number of provisions that ensure equal rights and opportunities for women and men, specifying concrete time limits for their implementation of collective agreements, and develop and submit proposals on increasing the number of relevant provisions in the General Agreement;
- establish cooperation with public organizations, in particular women's organizations, for gathering information and defining ways of preventing gender discrimination.

Another important aspect of improving staff skills and competences is training in the implementation of gender analysis as an important part of socio-economic analysis. This can be achieved by means of staff participation in special training programmes on the gender aspects of economic, financial and social policies.

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**It is recommended that educational institutions:**

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- include the subject "Ensuring equal rights for women and men in legislation" in their curricula, highlighting the UN Millennium Declaration and the Millennium Development Goals for Ukraine;
- encourage students to engage in research on gender topics, and include gender issues in university and inter-university academic competitions.

In Ukraine, public awareness of gender discrimination must be increased as there is currently little recognition of the problem. This objective should be promoted as much as possible through the framework of the ILO–EU Project "Gender equality in the world of work".

## APPENDIX A: REVIEW OF LITERATURE ON GENDER DISCRIMINATION IN UKRAINE

Gender studies began in the territory of the former USSR only in the second half of the 1990s. The development of gender studies in Ukraine is discussed by E. Plisovska, N. Lavrynenko and L. Smolyar, whose studies analyse the problems and prospects of domestic research, and the history of women's public activities and feminism in Ukraine. In particular, L. Smolyar studies specific features of the contemporary women's movement in Ukraine and draws connections between it and the historical feminist traditions in the country.

### Gender Equality in the Law

The works of T. Melnyk/O. Rudneva and M. Buromensky focus on the legal aspects of gender equality in Ukraine. They point out the uneven representation of women and men in politics, and analyse mechanisms for ensuring equal rights and opportunities in the international context. A. Oliynyk, Z. Romovska, I. Lavrinchuk, N. Bolotina and S. Khrisanova examine Ukrainian legislation from a gender-expert perspective in their works. In this branch of research, we should also note the recent collective publication which presents the basic findings of gender analysis of Ukrainian legislation. It focuses on the gender analysis of certain branches of national legislation, including constitutional, labour, housing and international law. The work also mentions legislative areas which might be improved.

### Equal Representation

A need to ensure equal representation of women and men in public administration and decision-making is underlined by N. Grytsyak, Yu. Galustyan and other scholars. L. Kobelyanska suggests that a comprehensive approach to gender problems be implemented in Ukraine, based on international experience.

### Gender Economics

Gender economics is discussed in articles by T. Zhurzhenko, Ye. Mezentseva, M. Malysheva and N. Rymashevskaya. The authors summarize the main foreign economic approaches to research on gender discrimination, in the household context and in the labour market, and trace the history of gender economics more generally.

### Gender Discrimination

Gender discrimination in Ukrainian society and economy is analysed by E. Libanova, O. Grishnova, V. Novikov, O. Makarova, L. Lobanova, M. Baksakova, T. Zhurzhenko, M. Liborakina, E. Plisovska and H. Herasymenko. The authors present examples of gender discrimination in the Ukrainian labour market, including women's lower average wages and greater risk of unemployment.

Among recent publications which comprehensively consider problems of gender discrimination, of note is Герасименко Г.В. Гендерні аспекти соціальної політики в Україні. – Умань: «Візаві», 2008. – 250 с. It develops the theoretical foundations of gender studies in the socio-economic sphere, in particular laying down a conceptual and terminological framework, analysing the history of the development of gender studies and the principal economic approaches to gender equality. It offers methodological approaches to the assessment of gender problems in the labour market and with regard to economic equality. It also provides a comprehensive assessment of gender problems from a regional standpoint. The author conducts a regional analysis of gender inequality problems, discusses global experience of gender transformations and international legal foundations for the affirmation of gender equality, and considers current mechanisms for ensuring gender equality in Ukraine and the history of their development. The work analyses gender problems in decision-making (in politics and public administration), and in the labour market (in economic activity and employment, occupational segregation and the gender pay gap). The author discusses gender aspects of economic inequality at the household level, particularly in the formation of income and the distribution of economic resources. Analysis of the current pension system in Ukraine has been conducted, identifying the factors which have a gender-differentiated impact. Proposals and recommendations are also made for the promotion of gender equality in Ukrainian society.

### **Gender Discrimination and Ukrainian Pension Policy**

Gender discrimination due to the implementation of pension reform is discussed in articles by E. Libanova, H. Herasymenko and Yu. Kulikov, who point out that gender differentiation of pensionable age in Ukraine not only results in irrational use of labour resources, given the considerably higher life expectancy of women, but also constitutes discrimination against women with regard to the right to work.

### **Gender Demographics**

Gender problems related to socio-demographic development are studied in works by V. Steshenko, O. Tymchenko, N. Chyslovska and H. Herasymenko. In the field of demographic research, there are a number of publications which deal with the gender aspects of migration and the modern family.

### **Life Expectancy and Health**

Demographers also focus on the gender dimensions of life expectancy and health. In this context, special attention should be paid to Е.М. Лібанова, Г.В. Герасименко, С.В. Ничипоренко, С.О. Щербина. Залучення чоловіків до збереження здоров'я в Україні. Аналітичний звіт. – К.: UNFPA, 2006. This is a study encouraging men to adopt healthier lifestyles in Ukraine. The work discusses general tendencies in health, the prevalence of social diseases and the gender dimensions of life expectancy and mortality. A separate section deals with men's reproductive health. Considerable attention is paid to the regulatory legal framework that governs health care in Ukraine, as well as state policy and the activities of NGOs. The authors suggest a multisectoral model of cooperation between various representatives of civil society to raise awareness of health issues among men.

## Gender and Sociology

Considerable attention is paid to gender discrimination problems in contemporary sociological studies. Among the latter, of particular interest is the monograph *Гендерні стереотипи та ставлення громадськості до гендерних проблем в українському суспільстві* / Ю. Саєнко, Л. Амджадін, М. Васильчук та ін. – К.: ПРООН, Інститут соціології НАНУ, 2007, which presents the results of a sociological study on gender-based stereotypes in Ukraine. It discusses the development of gender, the results of a public opinion poll on gender relations in various spheres of public life and an analysis of print media materials from a gender perspective. The work discusses gender-based stereotypes and attitudes towards gender in modern Ukrainian society and the particular manifestations of gender asymmetry in various realms of society.

Comprehensive studies of gender discrimination are likewise presented in numerous analytical reports and informational materials prepared by international organizations, human rights advocacy organizations and the State Statistics Committee of Ukraine.

## Training in Gender Theory, Gender Policy and Gender-Sensitive Legislation

A number of training manuals on the basics of gender theory have been developed in Ukraine, the foremost being *Основи теорії гендеру. Навчальний посібник*. – К.: Вид-во «КІСС», 2004. This manual presents the basic concepts and structure of gender studies. It considers the foundations of the notion of gender and the development of gender theory, and discusses the biological, psychological and socio-cultural factors related to gender. Separate sections deal with gender socialization and socio-cultural factors related to gender roles and stereotypes. The manual discusses the women's movement and its ties to social change, politics, the law and the media. Special attention is paid to gender relations in the economy and in the family. Problems of gender in religion, literary theory, Ukrainian culture and linguistics are analysed. The development of gender education in Ukraine is also studied.

With support from international initiatives, a number of practical guides on the implementation of the gender approach have been prepared for legislators, civil servants, trade unions and experts whose activities concern gender issues. The guides contain materials on gender policy, the legal regulation of gender processes in Ukraine and in international and European law, and on the gender-based examination of draft laws. They aim to promote the formation and realisation of gender policy.

The Kharkiv Centre for Gender Studies has published the *Gender Studies* journal bi-annually since 1998, with support from the MacArthur Foundation. It is the only academic journal in the former USSR which publishes materials by domestic and foreign researchers on gender subjects. The high level of scholarly interest in problems of gender discrimination is illustrated by the large quantity of studies on these subjects conducted in public administration, political science, economics, law, pedagogy, psychology and sociology.

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**This report was prepared by Gulbarshyn CHEPURKO** – National Consultant, Project Manager, doctor of sociology, senior research fellow, Institute of Sociology of the NAS of Ukraine, deputy director of the Centre of Social Expertise.

**The following experts also took part in the preparation of the report:**

**Ella LAMAKH** – expert, director, Department for Family and Gender Policy, Ministry of Ukraine for Family, Youth and Sports, member of the Interagency Council for Family, Gender Equality, Demographic Development and Counteracting Human Trafficking.

**Nataliya SHEVCHENKO** – expert, deputy head, Department for the Organization of Social Service Provision, Ministry of Labour and Social Policy of Ukraine.

**Viktoriya OKARA** – expert, chief specialist, section for organizational and analytical support, State Department for the Supervision of Compliance with Labour Legislation, Ministry of Labour and Social Policy of Ukraine (Derzhnahllyadpratsi).

**Bronislav MOROZOVYCH** – expert, deputy head, Secretariat of the National Tripartite Social and Economic Council.

**Oleksandr ASTASHKIN** – expert, specialist, Department of Social Policy, Federation of Employers of Ukraine.

**Nataliya GOSTEVA** – expert, director, Department of Legal Support, Confederation of Trade Unions of Ukraine.

**Vyacheslav BYKOVETS** – expert, acting president, All-Ukrainian Association of Employers.

**Bohdan ILCHENKO** – expert, vice president, Union of Leaseholders and Entrepreneurs of Ukraine.

**Yuliya VITYUK** – expert, Department for Economic Protection, Administration of the Federation of Trade Unions of Ukraine.

**Yuriy KURYLO** – expert, vice president, VOST.

**Tetyana CHERKASHANINA** – expert, economist, industrial relations section, Independent Trade Union of Miners of Ukraine, Confederation of Free Trade Unions of Ukraine.

**Iryna NOVAK** – expert, PhD, senior research fellow, human development studies section, Institute of Demography and Social Studies, NAS.

**Hanna HERASYMENKO** – expert, PhD, senior research fellow, social policy section, Institute of Demography and Social Studies, NAS.