

Women and Men on the Ukrainian Labour Market

A Comparative Study of Ukraine and the EU



Gender policy



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Brief description of the project: Equal Opportunities and Women's Rights in Ukraine

The project's main goal is to support the Government and civil society efforts in promoting equality between men and women in all spheres of life and to improve the status of women in Ukraine as an instrument towards achieving sustainable human development, Ukrainian MDGs and building a democratic state in line with Ukrainian international, constitutional and legal commitments and within the framework of the corresponding Government action plans.

About the Dinamo Group: The Dinamo Group is a Swedish based international development consultancy firm which provides services to international organisations and governments in the areas of human rights, legal reform and gender equality. The firm has as its regular clients the UN, EU, the Nordic Council of Ministers and the Swedish International Development Co-operation Agency.

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1. Executive summary

Gender equality is a crucial component of modern labour market policies for a number of reasons. The first reason is that labour markets that allow men and women to participate on equal terms are more efficient because the competition on markets increases with a higher female participation. The second reason is that the tax basis for income tax increases with a higher participation on the labour market of both men and women. The third reason is that labour market policies that support reconciliation of work and family life are also likely to stimulate higher nativity rates as it becomes easier to combine parenthood and career. A fourth reason is that people in modern labour markets tend to demand more flexibility and choice in terms of occupation, work hours and the possibility of teleworking.

In light of the above the EU launched in 2000 the Lisbon Strategy which aims to increase the female participation on the labour markets, improve family and work reconciliation and create a flexible and still secure European labour market. The Strategy is implemented by the Member States with the help of National Programmes under the monitoring of the European Commission. Even though progress along the Strategy is relatively slow and patchy, the Strategy is still an important roadmap for the development of European labour markets in a common direction. The Strategy also allows the EU as a whole to track progress along with the implementation of National Programmes and spur further initiatives from the Member States.

Contrary to the EU, Ukraine lacks a clear strategy towards a modern labour market which is both competitive and able to protect employees, particularly a labour market that allows for better reconciliation of work and family life. The situation as of today in Ukraine is to say the least tensed for workers with family responsibilities. Parental leave facilities are on paper generous but in reality difficult to use, *inter alia*, because of the frequency of informal employment and discrimination against those who use parental leave. Men are rarely using parental leave because of traditional division of domestic labour but also because the government has failed to promote and inform about the possibility for men to use parental leave. Flexible work arrangements are also underdeveloped and employers are generally sceptical to negotiate flexible arrangements for employees with family responsibilities. Although preschool childcare is relatively accessible in urban areas, particularly for well off families, the coverage is considerable constraint in rural areas. The child care coverage rate of close to 60% of children between three and school age is mainly explained by the low nativity rate. Another worrisome development is the large pay gap between women and men, which is close to 30%. The pay gap is most likely even higher than the official figures indicate since informal employment is not included in the statistics.

In general, Ukraine needs to develop a framework for the modernization of the labour market, which includes targets and measures to decrease the gender pay gap and to improve family and work reconciliation. More specifically, Ukraine needs to:

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- Counteract the gender pay gap by stimulating more women into high paid sectors like technological sectors and to include gender considerations in collective and minimal wage bargaining;
- Study more closely the effects of the large informal labour sector on gender equality;
- Improve active employment services so that they suit women and men's different needs and that they challenge gender stereotypes;
- Build capacity of trade unions to promote gender equality;
- Start a national campaign for men's parental leave;
- Review the consequences and appropriateness of protective regulation for female workers;
- and to improve labour statistics in terms of gender disaggregation.

Ukraine can draw from successful initiatives in three case study countries that have been included in this report. Hungary is in many respects facing the same challenges as Ukraine. The gender pay gap is considerable even though not as large as in Ukraine. Only half of the female labour force is in employment

and women face serious challenges to re-enter the labour market after parental leave. Hungary has however launched a number of interesting initiatives to reintegrate women into the labour market. For example can parents, both women and men, keep childcare allowance after returning to fulltime employment. Another initiative is the Start Plus Programme, which allows employers to reduce social contributions for two years if they hire parents who have recently lost their entitlements to child care benefits, assistance or support. Stricter rules regarding the dismissal of parents while they are receiving childcare benefits have also been introduced. Hungary has moreover invested in the development and improvement of childcare services and has today about 83% coverage for children between three and school age. The Hungarian National Confederation of Trade Unions has also taken the initiative to set up a monitoring system to follow the pay gap developments.

Slovakia is another country with a similar situation as Ukraine. The gender pay gap is almost as high as in Ukraine and almost half of the female workforce is outside employment. The pay gap has been addressed by the government with two initiatives in recent years; the introduction of a National Labour Inspectorate System to improve control of employers, and a revision of the Labour Code to clarify the meaning of equal remuneration for work of equal value. Slovakia has also presented a plan for reconciliation of family and work life which includes a policy on teleworking and the possibility to combine parental allowances and salaries. In addition, Slovakia invests more than Ukraine in childcare and has a coverage rate for children between three and school age of about 70%.

Lithuania is the country among the three case study countries with the least serious situation. The gender pay gap is about 20%, almost 62% of the female workforce

is in employment and leave facilities seem to function relatively well. In terms of active labour market initiatives, Lithuania has introduced a policy on work rotation, which gives economic benefits to employers who hire unemployed persons to substitute employees that are on parental leave. Also, Lithuania has increased minimum wages in low paid sectors where women have been overrepresented, which in turn has led to a decreased pay gap. Lithuania has, like Hungary, provided directed support to women who have been outside the labour market, in order to facilitate for them to re-enter the labour market.

Ukraine can take inspiration from initiatives in these three countries and also from other countries in transition. Initiatives that should be considered by Ukraine include addressing the gender pay gap by strengthening social partners' capacity to include gender issues in collective bargaining, and also to monitor and keep track of the gender pay gap. The Hungarian trade unions provide an interesting example hereof. Another initiative which should be considered are policies to make it easier to re-enter the labour market after long leaves, like training, work rotation, deduction of social contributions for employers, or the possibility to combine leave benefits with salary. A reconciliation of work and family life policy like in Slovakia could also be introduced, with elements like flexible work arrangements and guaranties for employees who use parental leave.

In conclusion, the authors of this report believes it is crucial that the Ministry of Labour and Social Policy, Ministry for Family, Youth and Sport, the Presidential Administration and the Parliament develop a strategy for how to reduce the gender pay gap and improve active labour market initiatives as well as family and work reconciliation. Such a strategy should include indicators and targets and a yearly mechanism to follow up on the progress. It would be preferable if such a strategy is harmonized with targets and indicators of the Lisbon Strategy to make benchmarking against other countries in the Eastern European region easier, and to match Ukrainian goals with the goals of the EU.

2. Introduction

2.1 General introduction to gender equality on the labour market in the EU

In 1957, gender equality first appeared in EC law as the principle of equal pay for men and women doing equal work was introduced in the Treaty of Rome. Since then, the laws concerning gender equality have been changed and developed considerably. Starting in the 1970s, a number of directives on gender equality were introduced. These directives regarded, *inter alia*, gender discrimination in recruitment, training and during work; equal treatment in occupational security schemes; measures to improve the health and safety in the workplace of pregnant and breast-feeding women; and the entitlement to parental leave.

With the Treaty of Amsterdam, adopted in 1997, gender equality became a core objective of the EU and it is stated in article 2 of the Treaty that gender equality should be integrated in all fields of its work, i.e. gender mainstreaming. Special measures were also taken in the form of the amendment in article 141 (previously numbered article 119) in the Amsterdam Treaty to allow the EU to achieve *de facto* gender equality on the labour market in line with the provisions of CEDAW.

The above have given the result that gender equality in the EU is currently promoted along two tracks, the so-called dual track approach. The first track is integrating gender in all spheres of the EU — which is gender mainstreaming. The second track is specific measures in order to increase the status of women — women's empowerment.

There are approximately 40 directives that are relevant for gender equality. The following 10 directives are some of the most relevant in the area of gender and the labour market:

Equal Pay Directive — 1975

Provides that gender discrimination in respect of all aspects of pay should be eliminated. The directive was amended in 1997 and now defines equal pay as «pay for the same work or for work to which equal value is attributed».

Equal Treatment Directive — 1976

Provides that there should be no gender discrimination, either direct or indirect, nor by reference to marital or family status, in access to employment, training, working conditions, promotion or dismissal.

Social Security Directive — 1979

Requires equal treatment between women and men in statutory schemes for protection against sickness, invalidity, old age, accidents at work and occupational diseases and unemployment.

Occupational Social Security Directive — 1986

Aimed to implement equal treatment between women and men in occupational social security schemes. Amended in 1996.

Self-employment Directive — 1986

Applies principle of equal treatment between women and men to self-employed workers, including in agriculture and provides protection for self-employed women during pregnancy and motherhood.

Pregnant Workers Directive — 1992

Requires minimum measures to improve safety and health at work of pregnant women and women who have recently given birth or are breast-feeding, including a statutory right to maternity leave of at least 14 weeks.

Parental Leave Directive — 1996

Provides for all parents of children up to a given age defined by Member States, to be given at least 3 months' parental leave and for individuals to take time off when a dependant is ill or injured.

Burden of Proof Directive — 1997

Required changes in Member States' judicial systems so that the burden of proof is shared more fairly in cases where workers made complaints of sex discrimination against their employers.

Equal Treatment in Employment Directive — 2002

Substantially amends the 1976 Equal Treatment Directive adding definitions of indirect discrimination, harassment and sexual harassment and requiring Member States to set up equality bodies to promote, analyze, monitor and support equal treatment between women and men.

Recast Directive Equal Treatment in Employment and Occupation — 2006

To enhance the transparency, clarity and coherence of the law, a directive was adopted in 2006 putting the existing provisions on equal pay, occupational schemes and «the burden of proof» into a single text.

The directives have to be transposed into national legislation by the EU Member States along the principle of minimum harmonization which means that the directives are to be considered a minimum requirement but that the Member States are allowed to provide higher standards.

The importance and possibility of increasing women's participation in the labour market is often related to the question of economic growth. The following arguments are often used in the EU to advocate community legislation to promote gender equality.

- The population of Europe is ageing and as a consequence large groups are leaving the labour market. One strategy to counteract this dilemma is to increase women's participation in the labour market.
- To be able to compete with other regions of the world the EU has to utilize the potential of both men and women on the labour market. Today there is an underused potential of the female labour force.

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- Gender equality is an important condition for increasing growth and enabling full employment.
- Gender equality on the labour market paired with strong reconciliation policies has proven to stimulate a higher nativity rate.

2.2 European Employment Strategy

The European Employment Strategy (EES), defined by the treaty of Amsterdam was introduced in 1997 as a response to the challenge of an increasing unemployment in Europe. The focal idea of the Strategy was to encourage both exchange of information and discussions among the Member States. The strategy functions as a dialogue, involving Member States, the European Commission and Social Partners, as well as for example the European Parliament and the European Economic and Social Committee. Based on these dialogues, strategy guidelines are developed which each Member State will have to implement along national action plans. The results are evaluated by the European Commission and published in an Annual Joint Employment Report. Based on the achievements, the Commission gives recommendations to Member States.

At the start, there were four pillars of the EES: employability, entrepreneurship, adaptability and equal opportunity. Under the equal opportunity pillar, there were three main topics related to gender equality on the labour market. These topics were the gender gap, the reconciliation of work and family life and facilitating the return to work. Later, gender mainstreaming was added as a fourth topic. Around these topics, a number of guidelines were formed. These guidelines included issues such as the support for increased participation and advancement of women on the labour market, the income gap between women and men, parental leave and childcare, the gender impact of different tax and benefit systems.

Starting from 2003, the national plans became three-year plans. Since 2007, the EES guidelines are integrated with the Lisbon Strategy and today, the EES is used as an instrument to reach the employment goals agreed upon in the Lisbon Strategy.

2.3 Lisbon Strategy

Acknowledging that changes were needed in order for the EU to be able to meet the challenge of globalization and increased competition from the rest of the world, the Lisbon Strategy was agreed upon by the European Council in 2000. The Lisbon Strategy is a common framework of the EU, with the overall common goals to create sustainable development and growth, increase employment and to make the EU the most competitive economy in the world. The European Council stressed the gender dimension within the Strategy, not least as far as employment was regarded.

A number of specific goals were set to be reached by 2010. The overall target for employment was that 70 percent of the total labour force and at least 60 percent of the female labour force should be employed by 2010.

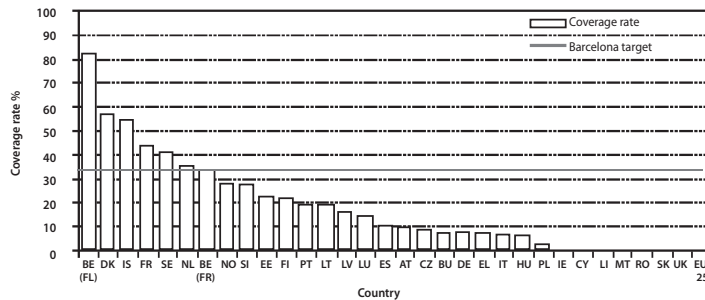
Almost all the political areas included in the Lisbon Strategy are subject to Member States' own legislation. The Member States set common goals, but each Member State designs a national plan for the implementation of the Strategy. The plan is designed according to the specific circumstances of each country. As a consequence there are differences as to how different members states have chosen to approach the common goals. As a com-

plement to the national programmes, the European Commission have also designed an EU level programme. The idea is that throughout the work process, the Member States will compare their work and results, in order to be inspired by each other's achievements.

Each Member State appoints a national Lisbon Coordinator, who is nationally involving all stakeholders to reach the common targets. The implementation of the Strategy is evaluated once a year and the European Council can give recommendation to Member States.

In 2002, the results of the Lisbon Strategy were evaluated at a meeting in Barcelona. A number of quantitative targets, in line with the Lisbon Strategy as well as the EES, were agreed upon. These so called Barcelona Targets included further measures in order to reach the Lisbon Strategy employment goals. In line with the strive to remove barriers for women to participate on the labor market, there was a call for all Member States to provide childcare for at least 33 percent of children under the age of three and no less than 90 percent of children from the age of three until they start school.

Graph 8. Estimated childcare statistics: Childcare coverage rate (0-3 years): recalculated and harmonised

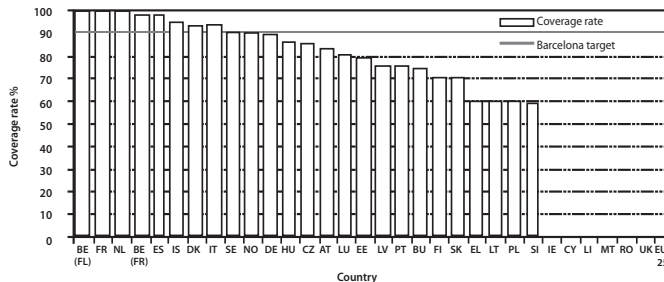


* Czech Republic figure only for pre-school
 Source: European Childcare Strategies, Statistical Annex

Figures represent 2003 levels.

Source: Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, p. 34. Brussels, 2006; Plantenga, J. and Siegel, M., *Position Paper 'child-care in a changing world' Part I: European childcare strategies*, State University of Groningen.

Graph 9. Estimated childcare statistics: Childcare coverage rate (3-compulsory school age): recalculated and harmonised



Source: European Childcare Strategies, Statistical Annex

Figures represent 2003 levels.

Source: Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, p. 35. Brussels, 2006; Plantenga, J. and Siegel, M., *Position Paper 'child-care in a changing world' Part I: European childcare strategies*, State University of Groningen.

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In 2005, the half-time results of the Strategy were evaluated. Since they were not satisfying, a revised and simplified version of the Lisbon Strategy was launched. The second version focused even more on growth and employment. Even if the employment targets for the total workforce — women and men — had not been reached, the Member States had managed somewhat better in the efforts to increase the labor market participation of women. This was concluded to be a result not least of the increased availability of child-care. However, the employment rates differ considerably between the Member States.

Table 6: Employment rates in EU Member States In 2007 and progress towards Lisbon and Stockholm targets for 2010

	Total employment rate				Female employment rate				Older people's employment rate			
	2007	Change 2007-06	Change 2007-00*	Gap below 2010 target	2007	Change 2007-06	Change 2007-00*	Gap below 2010 target	2007	Change 2007-06	Change 2007-00*	Gap below 2010 target
BE	62.0	1.0	1.5	8.0	55.3	1.3	3.8	4.7	34.4	2.4	8.1	15.6
BG	61.7	3.1	11.3	8.3	57.6	3.0	11.3	2.4	42.6	3.0	21.8	7.4
CZ	66.1	0.8	1.1	3.9	57.3	0.5	0.4	2.7	46.0	0.8	9.7	4.0
DK	77.1	-0.3	0.8	>	73.2	-0.2	1.6	>	58.6	-2.1	2.9	>
DE	69.4	1.9	3.8	0.6	64.0	1.8	5.9	>	51.5	3.1	13.9	>
EE	69.4	1.3	9.0	0.6	65.9	0.6	9.0	>	60.0	1.5	13.7	>
IE	69.1	0.5	3.9	0.9	60.6	1.3	6.7	>	53.8	0.7	8.5	>
EL	61.4	0.4	4.9	8.6	47.9	0.5	6.2	12.1	42.4	0.1	3.4	7.6
ES	65.6	0.8	9.3	4.4	54.7	1.5	13.4	5.3	44.6	0.5	7.6	5.4
FR	64.6	0.8	2.5	5.4	60.0	1.2	4.8	>	38.3	0.2	8.4	11.7
IT	58.7	0.3	5.0	11.3	46.6	0.3	7.0	13.4	33.8	1.3	6.1	16.2
CY	71.0	1.4	5.3	>	62.4	2.1	8.9	>	55.9	2.3	6.5	>
LV	68.3	2.0	10.8	1.7	64.4	2.0	10.6	>	57.7	4.4	21.7	>
LT	64.9	1.3	5.8	5.1	62.2	1.2	4.5	>	53.4	3.8	13.0	>
LU	63.6	0.0	0.9	6.4	55.0	0.4	4.9	5.0	32.9	-0.3	6.2	17.1
HU	57.3	0.0	1.0	12.7	50.9	-0.2	1.2	9.1	33.1	-0.5	10.9	16.9
MT	55.7	0.9	1.5	14.3	36.9	2.0	3.8	23.1	28.3	-1.7	-0.2	21.7
NL	76.0	1.7	3.1	>	69.6	1.9	6.1	>	50.9	3.2	12.7	>
AT	71.4	1.2	2.9	>	64.4	0.9	4.8	>	38.6	3.1	9.8	11.4
PL	57.0	2.5	2.0	13.0	50.6	2.4	1.7	9.4	29.7	1.6	1.3	20.3
PT	67.5	-0.1	-0.6	2.2	61.9	-0.1	1.4	>	50.9	0.8	0.2	>
RO	58.8	0.0	1.2	11.2	52.8	-0.2	1.0	7.2	41.4	-0.3	4.1	8.6
SI	67.8	1.2	5.0	2.2	62.6	0.8	4.2	>	33.5	0.9	10.8	16.5
SK	60.7	1.3	3.9	9.3	53.0	1.1	1.5	7.0	35.6	2.5	14.3	14.4
FI	70.3	1.0	3.1	>	68.5	1.2	4.3	>	55.0	0.5	13.4	>
SE	74.2	1.1	1.2	>	71.8	1.1	0.9	>	70.0	0.4	5.1	>
UK	71.3	-0.2	0.1	>	65.5	-0.3	0.8	>	57.4	0.0	6.7	>
EU-27	65.4	0.9	3.2	4.6	58.3	1.0	4.6	1.7	44.7	1.2	7.8	5.3
EU-15	66.9	0.7	3.5	3.1	59.7	1.0	5.6	0.3	46.6	1.3	8.8	3.4
2010 target		70%				More than 60%				50%		

Note: * Data for RO 2002.

Source: The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities; Employment Analysis Unit, *Employment in Europe 2008*, Brussels, 2008.

2.4 EU Roadmap for Equality and the European Pact for Gender Equality

The EU Roadmap for Equality between Women and Men, proposed by the European Commission, was adopted in March 2006. The Roadmap is a political document which

is outlining the priorities for the common work for gender equality during the years 2006 to 2010. Among the priorities are equal pay and reconciliation of work and family life. The Roadmap is in principle not introducing any new priorities but rather establishing a political framework for the EU in the area of gender equality.

Inspired by the Roadmap on Gender Equality, the European Council adopted the European Pact for Gender Equality in March 2006. The initiating factor was the recognition of the need to do even more to reach the Lisbon Treaty goals on gender equality. The Pact was meant to encourage Member States and the EU as a whole to take further actions to close gender gaps and counteract stereotypes in the labour market; promote a better work-life balance for women and men; and strengthen governance, using gender mainstreaming and monitoring.

The pact is integrated with the Lisbon Strategy in the sense that the objectives, targets and instruments mentioned in the pact, are already included in the Lisbon Strategy. It should therefore be seen as a way of further promoting the work for gender equality within the framework of the Lisbon Strategy.

Another, more recent step taken by the EU is the setup of the European Institute for Gender Equality in Vilnius, Lithuania. The role of the Institute is to raise awareness and visibility of the gender equality issue and provide expertise. It will also support Member States and the European Union in their work to improve gender equality and fight gender discrimination.

3. Labour Reform and Gender Equality in Ukraine

The Ukrainian labour market is characterized by a high rate of female participation and regulation that is relatively gender neutral, apart from some protective regulation for women workers in mines and other parts of the heavy industry. The female participation grew fast during and after the world wars and gender balance on the labour market was reached in the Soviet Union at the beginning of the 1970s. However, the traditional division of paid and unpaid labour was not challenged during the Soviet years and is still following traditional patterns. As a consequence women have been charged with double burdens; to contribute to the labour market equally as men and at the same time carry out most of the domestic work. The double burdens have made career development considerably more challenging for women, particularly after the independence, and the economic downturn, when state supported childcare decreased.

The Ukrainian labour market is also characterized by a relatively non-formalized or semi-formalized relationship between the employer and the employee. In practice, many workers do not have employment agreements at all while others have employment agreements which do not cover all the terms of the employment. It is common practice that the formal agreement states a wage which is only a part of the real wage and that the lion part of the wage is paid in an «envelope». These non-formalized relationships have a number of gender-related consequences. Firstly, an employee who wishes to file a complaint against unfair treatment may be discouraged to do so because of the fear of easily losing the job, which is non- or semi-formalized. This weakened protection is having a non-proportional impact on women, as they are typically suffering more from discrimination and exploitation on the labour market than men. Secondly, social security allowances, including allowances for parental leave, are calculated on the basis of the formal wage, which is lower than the actual, non-formal, wage. In the worst case there is no official contract between the employee and employer at all, as for example for many women who serve as the increasingly popular nannies who are often paid the entire wage in an «envelope». As a consequence, these social security allowances become less attractive.

There is a considerable lack of political initiatives to increase gender equality on the labour market. As seen below, active labour market initiatives are exclusively gender blind, there are no initiatives to decrease the gender pay gap or to support women to climb the career ladder, and initiatives to improve the reconciliation of work and family life are rare. One of the few initiatives taken in recent years to promote gender equality has been to allow parental leave for fathers, but this possibility has still not been proactively campaigned by the government and there are no available statistics on the use of paternal leave.

3.1 Active Labour Market

The Ukrainian employment services provide support to unemployed in line with employment services in EU Member States. The services include for example professional guidance, help with job placements, vocational training and administration of the unemployment fund. According to the Ministry of Labour and Social Policy, the services are pro-

vided without discrimination. However, this approach fails to recognize the different situations women and men may find themselves in during unemployment, such as combining work and domestic responsibilities. It is also likely that employment services, *de facto*, treat women and men differently, e.g. offer different vocational training based on the sex of the unemployed person (for example, men are offered training to weld and women to cut hair). These are assumptions based on experience from other countries, but it is difficult to verify or falsify them, since the acknowledgement of gender is low at the Ministry of Labour and Social Policy. The employment services also provide job ads through papers and a searchable web based service. After a short study of job ads, the authors of this report could conclude that some ads were directed towards only one of the sexes. The practice of directed advertisements has been banned in legislation and the Ministry of Labour and Social Policy states that this practice does not occur in the state administrated system.

3.2 Pay and Career

It is difficult to estimate the real gender pay gap in Ukraine, since wage statistics are based on official wages and include neither what is paid in the «envelope» nor non-registered self-employment. Nevertheless, figures from UNECE suggest that there was a gender pay gap of approximately 27% in 2007. The real pay gap is most likely larger, since remedies for gender-based discrimination are even weaker in informal employment or in the calculation of the share of the wage which is paid in an «envelope». The gender pay gap in Ukraine is well above the EU average, which was 17.4% in 2007¹, and can be explained mainly by gender segregation of the labour market. This segregation is both horizontal and vertical, i.e. women are concentrated in low-paid sectors, while men are concentrated in sectors with higher wages, and men are generally occupying higher positions than women.

The Ukrainian Labour Code has a number of protective provisions for women's labour. These provisions are limiting the job opportunities for women as a group in a number of aspects. General information about the kind of work which women are excluded from is listed in the statues 174 and 175 in the Labour Code, and a more concrete list of occupations can be found in Prikaz number 256. One argument, often used to defend the protective provisions, is that they are requirements placed on Ukraine through a number of ILO conventions. The ILO has however warned its Member States of the use of such protective provisions when there is no scientifically proved increased risk specifically for women. The following statement is taken from an ILO Information Note from 2000:

«Out of concern to protect working women, many countries adopted special measures of protection which included prohibition of night-work, underground work and other activities considered dangerous to women and their reproductive health including exposure to certain agents. Other measures limited the weekly number of hours of work and overtime work and were oriented to protect women's role as mothers and wives.

In recent years, such measures have been increasingly questioned because in some cases protective legislation has had discriminatory consequences reducing women's opportunities in access to employment; but even worse, women have been excluded from hazardous occupations as a working group, instead of removing the risk from the workplace for the protection of all workers

¹ Eurostat 2009

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health. An example of this approach is the prohibition of women to work with lead, at the beginning of the century. There is no significant difference in the toxicological response between sexes, women were more exposed because of the type of work they undertook. With this measure women were excluded and men remained unprotected».²

Ukraine has different retirement ages for women and men. Women's retirement age is 55 while men's is 60. This difference has a number of gender related consequences. One consequence is that the gender pay gap increases since the income typically increases over the career, particularly for workers with higher education. This means that women and men leave the labour market at a time when their income is at its highest, albeit women five years earlier. How much the retirement differentiation actually impact on the pay gap has not been calculated. Another related consequence is the impact on the poverty level of different households, particularly in light of the low life expectancy of men, which in 2007 was 62.5 years³. Widowed and divorced elderly women often have to sustain their livelihood on low pensions (which, according to figures from the State Statistics Committee of Ukraine (SSCU) were on average around 750 UAH per month in 2008 and around 900 UAH per month so far in 2009) from the age of 55 and therefore become some of the most impoverished type of households. A more informal consequence of the early female pension age is that female pensioners often help children and grandchildren with domestic responsibilities such as childcare. For men, the retirement age is utterly ill-suited in light of the low life expectancy for men. As the life expectancy for men is as low as 62.5 years, the average Ukrainian man has only about one year of pension.

3.3 Reconciliation of Work and Family Life

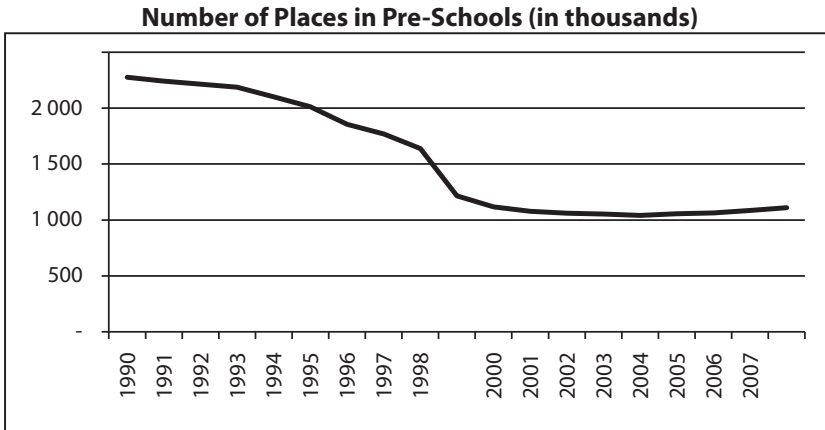
The Ukrainian parental leave is on paper relatively generous. Mothers and fathers have the right to up to 126 days of fully paid leave, given that they are insured. Uninsured parents have the right to 50% of a minimal salary for the same period. A problem is however that the parental allowance is based upon the official and not the actual salary.

Ukraine has ratified the ILO Convention 156 on workers with family responsibilities. The Convention includes men and women in their parental capacity, as well as other whom children are dependent on. One change that has been introduced in the Labour Code after the ratification of the mentioned convention is that not only women with family responsibilities have the rights to benefits such as parental leave or allowance, but also fathers and others who have the custody of children or other persons who are under the care of the worker. The Ukrainian legislation now refers to such persons as «litsa» (in this context — persons with family responsibilities). These changes have, however, not been carried out fully and there are still examples of new legislation which favour women in similar circumstances. One example is a new law on HIV/AIDS which gives fathers the right to extra leave to take care of people living with HIV only in the absence of a mother.

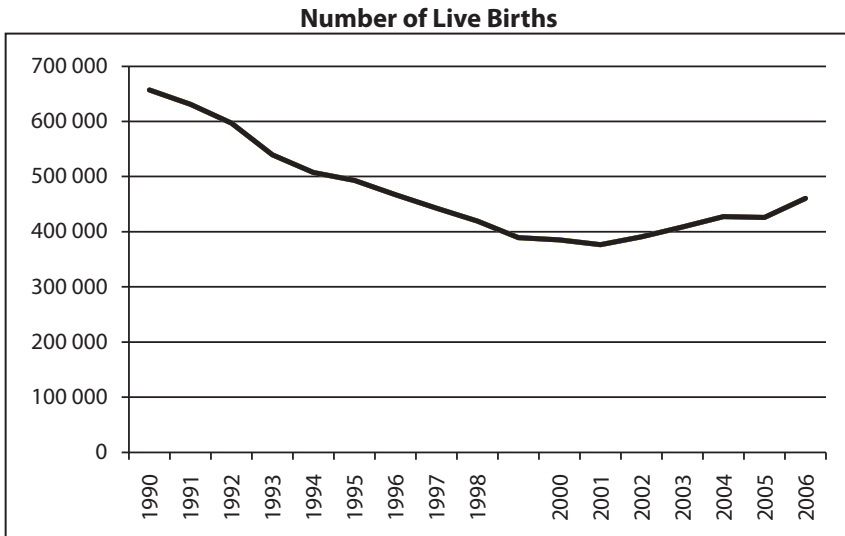
² Forastieri, V., *Information Note on Women Workers and Gender Issues on Occupational Safety and Health*, ILO Geneva, 2000. <http://www.ilo.org/public/english/protection/safework/gender/womenwk.htm>

³ World Bank Gender Stats 2009 <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/EXTANATOOLS/EXTSTATINDDATA/EXTGENDERSTATS/0,,menuPK:3237391~pagePK:64168427~piPK:64168435~theSitePK:3237336,00.html>

Ukraine is also offering lump sum allowances to parents for each child that is born (12,000 for the first child, 24,000 for the second and 50,000 UAH for the third in 2009). Pre-school childcare has decreased drastically, starting from the independence and up to 1999. After 1999, the decrease was only marginal, and since 2004, childcare coverage levels have even increased slightly. In all, the number of places in childcare institutions has been reduced by more than half between 1990 and 2004. At the same time, the number of children being born between 1990 and 2001 were reduced by about 43%⁴. According to SSCU, the overall childcare coverage was approximately 56% in 2008. The availability of childcare is reported to be particularly troublesome in rural areas.



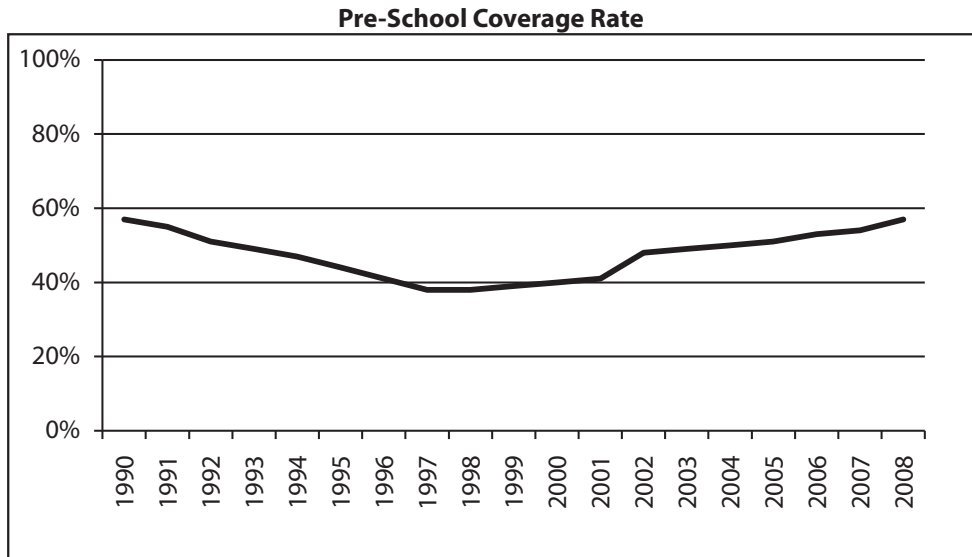
Source: State Statistics Committee of Ukraine 2009
www.kmu.gov.ua



Source: WHO Health for All Database 2009
<http://data.euro.who.int/hfad/>

⁴ WHO Health for All Database 2009
<http://data.euro.who.int/hfad/>

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Source: State Statistics Committee of Ukraine 2009
www.kmu.gov.ua

4. Three case studies from European countries

The countries chosen for this comparative analysis have been chosen because they share similarities in labour regulation and are all post Socialist countries. The phenomenon of labour decline also occurred to various extent in all three countries. Furthermore, they are still fairly young members of the European Union and have, in comparison with other EU members, been implementing EU regulation for a relative short period of time. Therefore it can be valuable to examine how, and to what extent, these countries have dealt with the issues of gender mainstreaming and labour regulation in a free market.

4.1 Hungary

4.1.1 Functional Set-up

Gender discrimination is prohibited and civil, political, economic, social and cultural equality between women and men is ensured according to Article 66 of the Hungarian constitution. In December 2003, the Hungarian parliament passed an Act on Equal Treatment and the Promotion of Equal Opportunities. The EU accession was an important factor behind the passing of the act.

The Department for Gender Equality under the Ministry of Labour and Social Affairs carries the main responsibility for promoting gender equality on the labour market. In January 2005, an Equal Treatment Authority was also launched. The authority investigated reported cases of inequality, including cases of gender discrimination.

4.1.2 Active Labour Market

In 2008, the unemployment rate in Hungary was 7.8%, which was slightly higher than the EU-27 unemployment average of 7%. However, the Hungarian total employment rate was in the same year only 56.7% (with a male employment rate of 63% and a female employment rate of 50.6%). These figures reveal that Hungary is quite far behind the EU-27 average and will not be able to reach the employment targets set out in the Lisbon Strategy. The rate of employment increase is also among the lowest of all the EU-27 countries.

In 2005, less than 1% of Hungarian GDP was spent on active labour market policies (ALMP). This is well below the European average⁵. The ALMP expenses make up about half of the total labour market policy expenses in Hungary. Participation is still comparatively low and ALMP is something quite new in Hungary, which had a totally different system of labour market policies before the transition⁶. Between 1993 and 2005 the participants made up on average only about 2-3% of the total economically active population. The most common ALMPs include labour market training, public and community work, and wage subsidies⁷.

⁵ Eurostat 2009

⁶ Horváth-Soltán Szalai, H., *Labour Market Institutions in Hungary with a Focus on Wage and Employment Flexibility*, The Central Bank of Hungary, Budapest, 2008.

⁷ Frey, M., *Legal and Institutional Environment of the Hungarian Labour Market*, Hungarian Academy of Sciences, Institute of Economics, Budapest

<http://econ.core.hu/doc/mt/2007/en/legal.pdf>

According to a report by the Group of Experts on Gender, Social Inclusion and Employment (EGGSIE), there is little evidence of gender mainstreaming in Hungarian ALMP. There are also few examples of gender equality projects. Starting in 2004, there has, however, been increased focus on the reintegration of women in the labour market. Special attention has been paid to women older than 40 and those who have taken long leaves while taking care of children or other relatives. Several of the projects have included the encouragement of self-employment, providing training and networking possibilities.⁸

4.1.3 Pay and Career

The gender pay gap in Hungary was fairly high (around 20%) until the beginning of the 21st century. At that time, the Hungarian government introduced a general 50% increase of public sector wages. This measure led to a gender wage gap decrease, since a majority of the employed in this sector are women. However, in recent years the gender pay gap has increased again. In 2007, women on average earned 16.3% less than men⁹. The gender pay gap is to a great extent caused by vertical and horizontal segregation¹⁰. A study performed by the Expert Group on Gender and Employment (EGGE) states that the Hungarian government has made attempts to improve the labour market situation of, among other groups, women. These attempts have not been very successful. This is, according to EGGE, due to lack of knowledge about the impacts of different social, education and employment policies on gender equality. The gender issue is also not addressed in the 2008–2010 National Reform Plan of the European Employment Strategy. Moreover is the public lacking interest in the issue¹¹. Recently, the National Confederation of Hungarian Trade Unions has launched a new project. It aims to set up an interactive gender pay gap database and provide mechanisms for monitoring¹².

4.1.4 Reconciliation of Work and Family Life

According to an EGGSIE report on the reconciliation of work and family life, Hungary is one of the countries in the EU where parenthood has the largest impact on women. The provision of childcare has decreased significantly since the start of the transition. As underlined by EGGSIE, this is not only due to decreased state financial support, but also an effect of changing attitudes towards the role of women¹³. Part-time work, teleworking or flexible working hours are uncommon in Hungary. In 2003, the childcare coverage rate for children between the age of 0 and 3 was only 6%. The lack of childcare is more severe in villages, rural areas and suburbs. Childcare for children from the age

8 Plantenga, J., Remery, C. and Rubery, J., *Gender mainstreaming of employment policies — A comparative review of thirty European countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2007.

9 Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

10 Plantenga, J. and Remery, C., *The Gender Pay Gap: Origins and Policy Responses A comparative review of 30 European countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006.

11 Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

12 Plantenga, J. and Remery, C., *The Gender Pay Gap: Origins and Policy Responses A comparative review of 30 European countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006.

13 Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006

of 3 up to school age is available to a higher extent. In 2003, the coverage rate was 86%. Public childcare is available free of charge and payment is required only for the meals.

Mothers are entitled to 24 weeks of maternity leave with full payment. Fathers are, since 2003, able to take 5 days of paternity leave when the child is born. It is possible to take parental leave during a period of three years, receiving 70% of the previous earnings in the first two years, and less during the third year. Parents have the legal right to return to their employment after the leave.

A number of policy measures have been introduced during the last few years in the area of reconciliation of work and family life. Since 2006, parents can return to fulltime employment and still keep their childcare allowance, when the child has reached the age of 1. Furthermore was the Start Plus Programme launched in 2007. The aim of the programme is to increase the return of parents to the labour market. In order to reach this goal, employers can have their social contributions reduced for two years, if they hire parents who have recently lost their entitlements to childcare benefits, assistance or support. More focus is also put on the long-term goal of developing the childcare institutions. A national strategy called «Making Things Better for our Children» for 2007-2032 was adopted by the parliament in 2007; it can be defined as a cross-sectoral outline for policy development, with a long-term approach¹⁴. Included in the strategy are developments and improvements of childcare services. Another example is the New Knowledge Action Program, which since 2006 includes stricter rules regarding the dismissal of parents while they are receiving child care benefits¹⁵.

4.2 Slovakia

4.2.1 Functional Set-up

The Ministry of Labour, Social Affairs and Family has two bodies that are tasked with gender policy. The first is the Desk for Equal Opportunities and Anti-discrimination which is developing, monitoring and coordinating gender policy. The second body is the Coordination Committee on Women's Issues which consists of both governmental and non-governmental representatives. The latter body performs primarily a consultative function.

4.2.2 Active Labour Market

Slovakia had the highest unemployment rates in Europe at 11.1% in 2007. One consequence of the high unemployment is labour emigration. The female employment rate was 51.9% in 2006 which makes the Lisbon target of 60% far to reach. The share of long-term unemployed is the highest within the EU. 10.2% of the unemployed have been unemployed for more than one year. Slovakia is allocating roughly 0.6% of GDP on active labour market initiatives¹⁶. This figure places Slovakia under the average of EU Member States. As a comparison the top four EU Member States all spend more than 3% of GDP on labour market initiatives.

¹⁴ Walther, A., *Youth policy in Hungary: conclusions of the Council of Europe international review team*, Council of Europe, 2008.

¹⁵ Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

¹⁶ Eurostat 2009

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Slovakia has one of the smallest allocations in Europe for training of unemployed while the largest share of initiatives is allocated to direct job creation. Active labour initiatives are formulated gender-neutral. Some of the measures taken recently include an allowance to support employment of long-term unemployed and a career counselling system. Most of the measures are presented without considering their impact on women. The expert group «Group of experts on Gender, Social Inclusion and Employment» mentioned in a report from 2008 that: »Many findings show the need to pay more attention to women and to give them more support. However, the concept of gender mainstreaming is not developed in active labour market policy».

4.2.3 Pay and Career

Slovakia has one of the highest pay gaps in Europe. It was in 2006 calculated at 27%. The large gap is caused by structural imbalances on the labour market such as labour market segregation, gender stereotypes, failure to comply with equal remuneration legislation and access to education and vocational training. The government has launched two initiatives in recent years to tackle the pay gap. The first initiative is the National Labour Inspectorate system which is meant to increase control of employers. The second initiative is a revision of the Labour Code to provide a more precise definition of the principle of equal remuneration for work of equal value. These initiatives are however according to the «Group of experts on Gender, Social Inclusion and Employment» not sufficient and other measures will be needed to tackle the pay gap. Slovakia has in recent years significantly postponed the retirement age of women which has in turn lead to the need for more attention towards the problem of employability of elderly women.

4.2.4 Reconciliation of Work and Family Life

Reconciliation of work and family life is an area where the Slovak government has presented some measures in recent years. In 2006 the government adopted a specific plan to improve reconciliation. The plan was called «The measures for reconciliation of work and family life for the year 2006 with prospects until 2010». The main objective of this policy document was to «promote growth of employment and employability of persons with family responsibilities and to reduce the risk of these persons facing the dilemma 'job versus family' or becoming the victims of discrimination in the labour market and employment because of they need to take care of their families». One positive initiative in recent years is the introduction of a policy on teleworking in the Labour Code. Two measures to support parents and caretakers are parental and care allowances. These allowances can be combined with jobs and currently about 5% of the labour force are recipients of parental allowances and about 2% are recipients of care allowances. 98% of the recipients of parental allowances are women while about 80% of recipients of care allowances are women. There are 28 weeks of maternity leave that can be taken from the sixth week before the expected birth. The allowance is based on a calculation of earlier salary with a gap of 1.5 times of the average national wage. Parental allowances are given for children up to the age of three (95 € a month in 2003, up to 52 weeks). The parental leave can be combined with work but then the allowance is decreased in relation to the work time.

Municipal childcare facilities (nurseries and kindergartens) are available under the school age (6 years). Kindergartens for children between 3 and scholage are covering about 70%.

4.3 Lithuania

4.3.1 Functional Set-up

Since 2001, the Ministry of Social Security and Labour is coordinating the implementation of gender equality in Lithuania. However, each ministry is responsible for gender equality within its own field of work. A Commission for Equal Opportunities for Women and Men has also been formed. Each ministry is represented by one member of the Commission. The Commission's main tasks are to submit proposals and ideas to the Government and state institutions on how to implement the principle of gender equality. It also functions as a coordinator of the work with the 2003-2004 National Programme for Equal Opportunities for Women and Men. An Equal Opportunity Ombudsman monitors the implementation of the Law on Equal

Opportunities of Women and Men. Any citizen can turn to the Ombudsman if he or she considers that the law is being violated. The Ombudsman works closely together with the Commission¹⁷.

4.3.2 Active Labour Market

In 2008, Lithuania had a total unemployment rate of 5.8%. This is slightly below the European Union average. An unemployment decrease was achieved during the first few years of the 21st century, thanks to labour market improvements. Another important factor behind the improved unemployment figures is the labour force emigration from Lithuania. Women constitute a slightly higher share of those who leave the country for economic reasons¹⁸. The total employment rate in 2008 was 64.3%, which was below the Lisbon target of 70%. Nevertheless, with a female employment rate of 61.8% in the same year, Lithuania had reached the Lisbon target for female employment.

In 2005, less than 0.5% of GDP was spent on labour market policy interventions¹⁹. During the last few years, Lithuanian new active labour market policy measures have emphasized on job creation²⁰. One example of this is work rotation, meaning that unemployed persons are hired when regular employees are on planned leaves, such as parental leave. During the rotation, which must not be longer than 12 months, the employer receives economic compensation for hiring the unemployed. This compensation is 50% of the minimum monthly salary. The work rotation is a useful mean to reintegrate unemployed and other vulnerable groups, not least women, into the labour market. According to an evaluation made by EGGSE, there are positive tendencies in Lithuania as far as gender mainstreaming in active labour market policies are concerned²¹.

¹⁷ <http://daccessdds.un.org/doc/UNDOC/GEN/N05/398/00/PDF/N0539800.pdf?OpenElement>

¹⁸ Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

¹⁹ Eurostat 2009

²⁰ Lazutka, R. & Poviliunas, A., *Assessment of the 2008-2010 National Reform Programmes for Growth and Jobs from a Social Inclusion Perspective: The extent of Synergies between Growth and Jobs Policies and Social Inclusion Policies — A Study of National Policies*, The European Commission DG Employment, Social Affairs and Equal Opportunities, Brussels, 2008.

²¹ Plantenga, J., Remery, C. and Rubery, J., *Gender mainstreaming of employment policies — A comparative review of thirty European countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2007.

4.3.3 Pay and Career

In 2007, the gender pay gap in Lithuania was 20%, which was higher than the EU-27 average of 17.4%. The pay gap is bigger in the private sector than the public. Female wages are increasing more slowly than men's in all sectors, and pay gaps are largest for the age group 25-34, which most probably is related to the fact that these are the childrearing years. The gender pay gap is mentioned neither in the Lithuanian policy agenda nor in the National Reform Plan for the European Employment Strategy²². However, some improvements have been made. In 2006, minimum wages were increased in low-paid sectors. Although the reform may not have been aimed at women explicitly, the result was a narrowed gender pay gap, since women are over-represented in the low-paid sectors²³. According to an EGGE report, employment in Lithuania is also segregated to a high extent. Women make up a very large share of the employees in traditionally female-dominated sectors, such as health, social protection and education, and are under-represented in well-paid sectors and sectors «crucial for economic development». This is despite the fact that more women than men attain higher education. Examples of recently considered policies on the promotion of gender equality in the labour market in Lithuania are training of elderly women and women who have taken long leaves, as well as the organisation of seminars on gender stereotypes²⁴.

4.3.4 Reconciliation of Work and Family Life

Lithuanian reconciliation policies have been focusing on leave facilities rather than childcare facilities. In comparison with other EU Member States, Lithuania provides the longest so called «effective» parental leave (a measure given when the leave duration is weighted by the level of payment). However, long leaves may negatively influence the possibility of women to return to the labour market. Parental leave is possible up to the child's third birthday. During this time, the parent on leave is paid 70% of the previous wage. The majority of the parental leave is taken by women (in 2002, the share was 99%). A mother is entitled to maternity leave for 18 weeks with full payment (included in the three years). Since 2006, fathers are entitled to one month of paternity leave when the child has been born. During this month, he receives 100% of earlier wages. The paternity leave payment is given only if the parents of the child are married²⁵.

Childcare enrolment levels in 2003 were 18% for children under the age of 3 and 60% for children between 3 and school-age. The number of childcare institutions decreased rapidly when the transition began. As employment rates are increasing in Lithuania, the lack of childcare is becoming an even larger problem, and especially in rural areas. The aim of providing affordable and accessible childcare as well as suggestions of measures needed to ensure this, are included in the 2008-2010 Lithuanian National Reform Plan of the European Employment

22 Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

23 Plantenga, J., Remery, C. and Rubery, J., *Gender mainstreaming of employment policies — A comparative review of thirty European countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2007.

24 Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

25 Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006

Strategy. The price of childcare is decided by the provider. Single parents, students or families with 3 or more children, pay only 50% of the childcare fees²⁶.

Two large programmes, the Social Services Infrastructure Development Programmes 2006 and 2007, have recently focused on improved possibilities to reconcile work and family life, for example by setting up children’s day care centres and family support services²⁷. Support for working parents is ensured also by the Lithuanian Labour Code. For example are parents with children under the age of 14 entitled to higher job security in the sense that their «employment agreements can be terminated only in special cases». Another example is that single parents have a right to choose work shifts prior to other employees²⁸.

5. Conclusions and recommendations

1.

Conclusion
The gender pay gap in Ukraine exceeds by far the EU average. Different factors like a large informal labour market and different pension ages of women and men contribute to the situation. Horizontal and vertical gender segregation on the labour market is also a considerable problem.
Recommendation
Since one of the major factors behind the gender pay gap is the horizontal labour market segregation, with women usually over-represented in the lowest paid sectors, it is recommended that measures are taken in order to change or break gender stereotypes in choices of education and profession. One example of such a measure can be found in Norway, where a project called «Girls and Technology» was set up with the aim to make girls more interested in technology. According to a report by EGGSI, there was a 30% increase in the number of girls choosing technological education in the year following the project. It is also recommended to focus on wage formation in the different sectors of the labour market. In several EU Member States, including Lithuania and the United Kingdom, national wage reforms increasing the minimal wages have indirectly led to a decreased gender wage gap, due to the unequal distribution of women and men in the different sectors of the labour market.
Recipient of recommendation
<ul style="list-style-type: none"> • Trade Unions • Ministry of Labour and Social Policy • Ministry of Education and Science

2.

Conclusion
The large informal labour sector and non- or semi-formalized employment agreements constitute a major problem on the Ukrainian labour market. Not only does this reduce the possibilities of filing complaints against unfair treatment, but it also has serious consequences for the possibility of workers to use social security benefits like parental leave, particularly since the amount of benefits are calculated on the basis of the formal salary.

²⁶ (ibid)

²⁷ Villa, P. and Smith, M., *The National Reform Programmes 2008 and the Gender Aspects of the European Employment Strategy*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2009.

²⁸ (ibid)

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Recommendation

A first measure against the negative gender related consequences of non-formal employment is to investigate the effects of informal work on social benefits, based on the official salary, such as allowances for parental leave.

Recipient of recommendation

- Ministry of Labour and Social Policy
- Ministry of Family, Youth and Sport

3.

Conclusion

Like in most EU Member States, a large part of the Ukrainian active labour market policy is implemented through local employment centers. Although their services are reported to be non-discriminatory, the fact that unemployed women and men may face different difficulties is not taken into consideration. In a segregated labour market, the segregation will as a result not be challenged and women's and men's different needs will not be properly met.

Recommendation

The Center of Employment under the Ministry of Labour and Social Policy should develop a gender mainstreaming strategy, which addresses unemployed women's and men's different situations. Among important issues that should be included are the allocation of responsibilities and education of personnel. Examples of similar measures can be found in, for instance, Poland. In a project called «Gender Mainstreaming in Labour Market Institutions», staff from Polish public and non-public labour market institutions took part in trainings, where they were acquainted with the concept of gender mainstreaming and learned how to mainstream gender in the activities and services provided to the unemployed.

Recipient of recommendation

- Ministry of Labour and Social Policy
- Employment Centres

4.

Conclusion

The Ukrainian labour code restricts women's choice of work in a number of instances. The jobs and positions that are forbidden for women include «heavy work and work in harmful and dangerous conditions and also work underground» (jobs and positions are numbered in Prikaz 256 and 292). Women are also forbidden to lift objects that are heavier than a certain limit, which is stated in a regulation (Prikaz # 241), normally 10 kilograms. Night work is also generally forbidden for women (between 22 and 6) to protect «women's biological rhythm and not to leave children without their mothers nighttime»²⁹.

The above described restrictions are fulfilling the requirements for discrimination on the basis of sex. However, a number of provisions in international law are making exceptions to protect maternity, for example article 4 of CEDAW. The Ukrainian legislation goes much further than protecting maternity, as it restricts all women's labour, regardless if women are pregnant or nursing children. The question of the protection of female workers was reviewed at the CEDAW 27th session in 2002 and there were several questions about the impact of protective regulation on women. The Ukrainian representative (former minister Ms. Dovshenko) stated during the session that there were periodic reviews of the lists of jobs and positions and that the aim of the Government was to eliminate the number of restrictions as work conditions improved.

²⁹ <http://hr.org.ua/Staty/zakonodatelstvo/>

Recommendation
In a country with large mining and heavy industry sectors the restrictions of women's labour in these very sectors must have consequences. These consequences should be studied and the periodic review of the list of jobs and positions which women are restricted from should be critically reviewed to ensure that the protective regulation does not discriminate women.
Recipient of recommendation
<ul style="list-style-type: none"> • ILO • Ministry of Labour and Social Policy • Ministry for Family, Youth and Sport

5.

Conclusion
There is a significant difference between trade unions in Ukraine as far as gender awareness and knowledge about gender discrimination is concerned.
Recommendation
Since the trade unions have the potential to play an important role in the work for gender equality on the labour market, it is desirable that the EU and UNDP will engage in the promotion of gender issues as an important part of the agenda of the trade unions. Measures to include gender issues in the work of the trade unions have been taken in for example Slovenia, where members of the Association of Free Trade Unions have been encouraged to include the problem of gender pay gaps in their bargaining agenda. Another example is the Slovak Republic, where the Confederation of Trade Unions set up an equal opportunities project, which included the implementation of the equal pay principle in wage bargaining, in order to promote a labour market equality agenda.
Recipient of recommendation
<ul style="list-style-type: none"> • UNDP • EU

6.

Conclusion
Even though Ukrainian fathers are legally entitled to parental leave, no special measures have been taken to raise the awareness of this possibility or to encourage fathers to make use of the leave. Furthermore, there are no available statistics, showing to what extent male parental leave or paternity leave has been used.
Recommendation
It is therefore recommended that the Ministry for Family, Youth and Sport together with the Ministry of Labour and Social Policy will organize campaigns in order to increase the public awareness of paternity leave and that incentives for fathers to use the leave are created. Also, statistics should be generated to keep track of the dynamics over time.
Recipient of recommendation
<ul style="list-style-type: none"> • Ministry for Family, Youth and Sport • Ministry of Labour and Social Policy • State Statistics Committee of Ukraine

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7.

Conclusion
The number of available childcare places in Ukraine has decreased rapidly during the 1990s and even if fertility rates have been declining as well, the decrease in born children has been smaller than the decrease in available childcare. In spite of this, official statistics show that the pre-school coverage rates are about the same today as in 1990.
Recommendation
It is recommended that a study will be conducted in order to get an overview of the demand for, in relation to the availability of, childcare, including existing private alternatives, as well as geographical differences in childcare availability.
Recipient of recommendation
• Ministry of Education and Science

8.

Conclusion
Available official Ukrainian labour statistics do not clearly disaggregate gender in different categories. For example the quarterly reports about the labour force ³⁰ specify the number of economic active citizen in different age categories, but do not specify their gender. Statistics also fail to disclose what women and men who are not economically active do, for example being on parental or sick leave or studying. In general, it would be useful to specify different categories in line with practices in the EU, like for example employed, un-employed but available for employment, un-employed but not available for employment etc. This would make it easier to benchmark Ukraine against other countries, including EU Member States.
Recommendation
Support labour statistics which a) disaggregate on basis of gender in all categories and b) disclose what men and women outside official employment are doing (sick leave, studies, unregistered employment, parental leave etc.). The latter task could be done through a survey if relevant information is not available.
Recipient of recommendation
• State Statistics Committee of Ukraine • Ministry of Labour and Social Policy

6. Statistical overview

EU at a glance:

General				Year
Population	497,659,814*			2008
Fertility rate, children per woman	1.53*			2006
Pay gap	17.5%*			2007
	Combined	Male	Female	
Life expectancy at birth, years		75.8*	82*	2006
Unemployment	7.6%*	7.4%*	7.9%*	Dec 2008
Employment by gender	65.9%*	72.8%*	59.1%*	2008
Average exit age from the labour force	61.2*	61.9*	60.5*	2007

*Eurostat 2009

³⁰ Основные показатели рынка труда (квартальные данные)

Ukraine at a glance:

General				Year
Population	46,029,281*			2009
HDI Rank	0.786 (82nd place)**			2008
GDI Rank	68th place **			2005
GEM Rank	0.453 (86th place)**			2008
Fertility rate, children per woman	1.31***			2006
Average annual population growth,%	-5.3%*			2008
Pay gap	27.1%****			2007
Children between 3 and school age in childcare ³¹	57%*			2008
	Combined	Male	Female	
Life expectancy at birth, years	68.2*****	62.5*****	74.2*****	2007
GDP per capita (PPP US\$)	6,848**			2005
Unemployment ³²	6.9*	6.9*	6.9*	2008
Employment by gender ³³	67.3%*	70.6%*	63.9%*	2008

*State Statistics Committee of Ukraine 2009

** UNDP 2009 <http://hdr.undp.org/en/statistics/>

***WHO European Health for All Database 2009

****ENECE

*****World Bank 2009 <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/EXTANATOOLS/EXTSTATINDDATA/EXTGENDERSTATS/0,,menuPK:3237391~pagePK:64168427~piPK:64168435~theSitePK:3237336,00.html>

Hungary at a glance:

General				Year
Population	10,031,208*			2009
HDI Rank	0.877 (38th place)**			2006
GDI Rank	12**			2006
GEM Rank	54**			2006
Fertility rate, children per woman	1.32*			2007
Pay gap	16.3%*			2007
Children between 3 and school age in childcare	86%***			2003
	Combined	Male	Female	
Life expectancy at birth, years		69.4*	77.8*	2007
GDP per capita (PPP US\$)	18,154**			2006
Unemployment	7.8%*	7.6%*	8.1%*	2008
Employment by gender	56.7%*	63%*	50.6%*	2008
Average exit age from the labour force		61.2*	58.7*	2005

* Eurostat Database 2009

** UNDP 2009

*** Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006.

³¹ Preschool coverage rate

³² Men aged 15-59, women aged 15-54

Women and Men on the Ukrainian Labour Market

Slovakia at a glance:

General				Year
Population	5,463,046*			2009
HDI Rank	0.863 (42nd place)			2008
GDI Rank	39			2005
GEM Rank	33			2008
Fertility rate, children per woman	1.35 children born/woman*			2009
Average annual population growth, %	0.137%*			2009
Pay gap	23.6% (EU)			2007
Public expenditure on labour market policy interventions	0.7% of GDP***			2005
	Combined	Male	Female	
Life expectancy at birth, years	75.4 years*	71.47 years*	79.53 years*	2009
GDP per capita (PPP US\$)	\$21,900*			2008
Unemployment	13.4%***	12.3%***	14.7%***	2006
Employment by gender		67%***	51.9%***	2006
Average exit age from the labour force	59.2 years***	61.1 years***	57.6 years***	2005
Share of self-employed in total employment		17.2%****	7.1%****	2007

* CIA World Fact Book 2009

*** Eurostat Yearbook 2008

**** Eurostat, Statistics in Focus, 99/2008

***** Eurostat, The Life of Women and Men in Europe, 2008

Lithuania at a glance:

General				Year
Population	3,349,872*			2009
HDI Rank	0.869 (43rd place)***			2006
GDI Rank	38***			2005
GEM Rank	25***			2005
Fertility rate, children per woman	1.35*			2007
Pay gap	20%*			2007
Children between 3 and school age in childcare	60%**			2003
	Combined	Male	Female	
Life expectancy at birth, years		64.85*	77.23*	2007
GDP per capita (PPP US\$)	15,739***			2006
Estimated income from paid employment, in US\$				
Unemployment	5.8%*	6.1%*	5.6%*	2008
Employment by gender	64.3%*	67.1%*	61.8%*	2008

* Eurostat 2009

** Plantenga, J. and Remery, C., *Reconciliation of Work and Private Life: a Comparative Review of thirty European Countries*, The European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Brussels, 2006

*** UNDP 2009

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