

**LEGAL RESTRICTIONS FOR WOMEN ON LABOUR MARKET  
IN EX-USSR COUNTRIES IN THE CONTEXT OF FOSTERING GENDER EQUALITY<sup>1</sup>**

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*In this paper is analyzed the current situation of the main legal restrictions to labour market for women in ex-USSR countries that directly impact gender equality. The actuality of this topic stems from the fact that promoting gender equality and empowerment of women is one of millennium goals of UN established in 2000, an objective that had to be attained in 2015. Now, after nearly two decades have passed it would be useful to see the degree of attainment of this goal in postsovietic countries. The purpose of the paper is to see the actual state of the promotion of gender equality and its particularities in the ex-USSR countries. In the paper the following methods of scientific research were used: analysis, synthesis and comparison. The results have shown that there are still many legal restrictions for women on labour market in ex-USSR countries and they still have a long way on the path to gender equality, even though Baltic states are ahead.*

*Key words: gender equality, legal restrictions, international experience, postsovietic countries.*

*În acest articol este analizată situația actuală a principalelor restricții legale pe piața muncii pentru femeile din țările fostei URSS, care au impact direct asupra egalității de gen. Actualitatea acestui subiect se datorează faptului că promovarea egalității de gen și a împuternicirii femeilor este unul dintre obiectivele mileniului ale ONU stabilite în 2000, obiectiv care trebuia să fie atins în 2015. Acum, după ce aproape două decenii au trecut, ar fi util de a vedea gradul de atingere a acestui obiectiv în țările postsovietice. Scopul lucrării este de a vedea stadiul actual al promovării egalității de gen și a particularităților sale în țările fostei URSS. În lucrare au fost utilizate următoarele metode de cercetare științifică: analiză, sinteză și comparație. Rezultatele au arătat că există încă numeroase restricții legale pentru femeile aflate pe piața muncii din țările fostei URSS și că încă mai au un drum lung spre egalitatea de gen, chiar dacă statele baltice sunt înainte.*

*Cuvinte cheie: egalitatea de gen, restricții legale, experiență internațională, țările ex-URSS.*

**JEL Classification: J16, J08, J83.**

**Introduction.** Even though there were advocates of gender equality in earlier times, only after the Second World War have appeared movements that had such a goal. For the sake of gender equality a number of conventions and other documents were adopted by various international organizations, from which can be mentioned: Convention against Discrimination in Education (1960); Convention on the Elimination of All Forms of Discrimination against Women (1979); Vienna Declaration and Programme of Action (1993); Declaration on the Elimination of Violence Against Women (1993); Cairo Programme of Action (1994) for twenty years; Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1994); Beijing Declaration (1995); United Nations Security Council Resolution 1325 (2000); EU directive Directive 2002/73/EC - equal treatment of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; Maputo Protocol (2005); Council of Europe's Convention on preventing and combating violence against women and domestic violence (2014); The Council of Europe's Gender Equality Strategy 2014-2017 and others. The main objective of all these conventions, declarations and other acts is gender equality on different levels and areas, including the employment on labour market for the sake of women empowerment.

Regarding the legal practices on fostering gender equality to empower women with focus on female economic participation's restrictions World Bank (WB) beginning with 2009 writes a biennial report called Women, Business and the Law (WBL). Since that year the number of countries included in the report grew to 189. In comparing the data on countries from this report it should be noted that Turkmenistan that is one of ex-USSR countries wasn't included in any report, probably because of lack of reliable gender-disaggregated data, so, for comparability reasons it won't be included in this paper.

A quantitative view of the state of gender equality around the world is provided by the Global Gender Gap reports (GGGR) of World Economic Forum (WEF) that publishes such reports each year beginning with 2006. It contains a composite index which is composed by a set of indices related to economic participation and opportunity, educational

<sup>1</sup> Acest articol a fost elaborat în cadrul Proiectului științific pentru anii 2018-2020, înscris în Registrul de stat al proiectelor din sfera științei și inovării cu cifra 18.80013.0807.06.STCU/6336 „Innovative approaches to applied computations and software development for gender equality regulation on labour market” („Abordări inovaționale privind dezvoltarea calculului aplicativ și software-ului pentru reglementarea egalității de gen pe piața forței de muncă..), în cadrul Programului STCU-ASM Inițiativă Comune de Cercetare-Dezvoltare, apelul din 10.04.2017.

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attainment, political empowerment, and health and survival in order to show the gender-based gaps in accessing opportunities and resources. Since postsovietic countries share a recent past after they received their independence the legislative acts, including the ones related to the empowerment of women must have had some similarities. An analysis of the current state of the restrictions for women can show the similarities and differences of these countries and one of the areas where most pressing issues lie is the economic participation of women. For comparability reasons, in the paper the comparative analysis will be done focusing mostly on these two data sources (from WB and WEF) mentioned above.

**Basic content.** The WB reports contain 7 indicators: accessing institutions, using property, getting a job, providing incentives to work, going to court, building credit, protecting women from violence, from which two (getting a job, providing incentives to work) are related directly to the employment on labour market. Getting a job evaluates limitations on women work ability at night or in some industries, parental leave, age of retirement, equal pay for equal work value, nondiscrimination at work, flexible working possibilities. Providing incentives to work assesses deduction of taxes, credits, childcare, primary education. Further the analysis will be focused on these two indicators that are most directly related to labour market.

According to World Bank data [1], currently 104 countries still have regulations that prevent women from working in some specific jobs, 9 of which are ex-USSR countries. According to The Women, Business and the Law Report from 2018 [2], the main changes from 2016 on regulation of conditions in employment of women took place in Azerbaijan, where the statutory retirement age is growing and is equalizing gradually, Tajikistan where the restriction to work at night for women was abolished and Moldova where paid paternity leave of 10 days was introduced and the statutory retirement age is growing and is equalizing gradually.

Legal provisions state that a woman can get a job or pursue a trade or profession, sign a contract, register a business, open a bank account in the same way as a man in all analyzed postsovietic countries. There is paid leave available to women of at least 14 weeks in all analyzed postsovietic countries. Women receive at least 2/3 of their wages for the first 14 weeks or the duration of the leave if it is shorter in all these countries. In Kyrgyz Republic the government pays only 92% of the maternity leave benefits. In Uzbekistan only the employer pays it, (while earlier in the report from 2010 it was stated that the government shared the pay with the employer). In other ex-USSR countries it's paid fully by the government. The difference between leave reserved for women and men relative to leave reserved for women, as a function of who pays is 0 for Uzbekistan, 0.92 for Kyrgyzstan and 1 for other countries.

Only in Armenia, Georgia and Kyrgyzstan there isn't paid parental leave. The law mandates equal remuneration for work of equal value only in Tajikistan, Belarus and Baltic states. The law mandates nondiscrimination based on gender in employment in all postsovietic countries. The dismissal of pregnant workers is prohibited in all these countries. According to the WB Report from 2012 then only in Georgia and Tajikistan this legal provision wasn't prohibited. By legal provisions parents can't work flexibly in countries like: Azerbaijan, Belarus, Estonia, Georgia, Ukraine and Uzbekistan. Only in Azerbaijan and Ukraine women can't work the same night hours as men. Women can work in jobs deemed hazardous, arduous or morally inappropriate in the same way as men only in Armenia, Georgia, Uzbekistan and Baltic states, while women are able to work in the same industries as men and are able to perform the same tasks at work as men only in Armenia, Georgia and Baltic states. The ages at which men and women can retire with full pension benefits aren't equal only in Belarus, Georgia, Kyrgyzstan, Russia, Tajikistan, Uzbekistan. The ages at which men and women can retire with partial pension benefits are equal only in Baltic states and Ukraine, they are different in Kyrgyzstan, while in other countries this provision is not applicable. Only in Uzbekistan there is mandatory retirement ages and they aren't equal for men and women. Regarding the providing the incentives to work, mothers aren't guaranteed an equivalent position after maternity leave only in Georgia. While government support or provide childcare services in all ex-USSR countries the payments for childcare tax are deductible only in Russia. Primary education is free and compulsory in all ex-USSR countries. These legal provisions are summarized in a score from 0 to 100 in the **Table 1**.

**Table 1. Scores on Getting a job and Providing incentives to work in ex-USSR countries, 2018**

	GETTING A JOB (Maximal Score=100)	PROVIDING INCENTIVES TO WORK (Maximal Score=100)
Armenia	86	80
Azerbaijan	57	80
Belarus	68	80
Estonia	93	80
Georgia	75	60
Kazakhstan	71	80
Kyrgyzstan	59	80
Latvia	100	80
Lithuania	100	80
Moldova	71	80
Russia	68	100
Tajikistan	75	80
Ukraine	60	80
Uzbekistan	51	80

Source: Created based on data from WB Women, Business and the Law Report, 2018 [2]

As is seen in the table Baltic States have the fewest number of restrictions in the score of Getting a job, while Uzbekistan and Azerbaijan had the most restrictions in getting a job. Analyzing the score of Providing incentives to work it may be seen that the most ex-USSR countries have few restrictions in this area. One remark here is that because the number of restrictions that is contained in the report is small, the score between countries isn't varied.

To look at gender inequality from a quantitative point of view the data from WEF Global Gender Gap Reports can be used. It must be said that further into account were taken only the indicators that directly assessed the situation of women's employment, but there may be other indicators that affect it indirectly. According to the data from those reports, as is shown in the **Table 2** where are presented the Global Gender Gap Score and an economic part of it in 2007 and in 2017 in ex-USSR countries (with exception of Uzbekistan, which is not included in the World Economic Forum reports). What can be seen from this table is that, in general, Global Gender Gap Score more or less has grown in these countries. In Belarus it's growth is based more on Labour force participation subindex. Wage equality for similar work subindex growth contributed more in Georgia, Azerbaijan. Only in Latvia the subindices of labour force participation, Wage equality for similar work and the Income all three have grown. Economic Participation and Opportunity subindex has gone down only in Armenia, Azerbaijan, Lithuania, Russia, Tajikistan. In countries like Belarus and Latvia this subindex has grown the most between postsovietic countries. It can be seen that only in Ukraine and Latvia Wage equality for similar work and Income subindices both have grown, while in Russia and Armenia both went down and in other countries these subindices went in opposing directions. Labour force participation subindex went down only in Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Ukraine. That being said, it can be seen that, if the postsovietic countries are compared based on Global Gender Gap Score, practically, the same countries are on the top in 2007 and in 2017 (Baltic countries, Belarus and Moldova) and at the bottom (Armenia, Kyrgyzstan, Georgia, Tajikistan, Azerbaijan).

**Table 2. Global Gender Gap Score and its economic component in 2017 compared to 2007 in ex-USSR countries**

	Global Gender Gap Score (1=complete equality)				
	Total	Economic Participation and Opportunity			
		Total	Labour force participation	Wage equality for similar work (survey)	Income (PPP US\$)
<b>2007</b>					
<b>Armenia</b>	0.665	0.721	0.84	0.71	0.63
<b>Azerbaijan</b>	0.678	0.732	0.85	0.72	0.64
<b>Belarus</b>	0.711	0.728	0.92	0.67	0.64
<b>Estonia</b>	0.701	0.694	0.88	0.58	0.62
<b>Georgia</b>	0.666	0.630	0.69	0.77	0.37
<b>Kazakhstan</b>	0.698	0.737	0.92	0.65	0.63
<b>Kyrgyzstan</b>	0.665	0.653	0.77	0.64	0.58
<b>Latvia</b>	0.733	0.734	0.88	0.59	0.67
<b>Lithuania</b>	0.723	0.761	0.91	0.64	0.69
<b>Moldova</b>	0.717	0.778	0.86	0.81	0.63
<b>Russia</b>	0.687	0.735	0.89	0.67	0.62
<b>Tajikistan</b>	0.658	0.710	0.75	0.78	0.57
<b>Ukraine</b>	0.679	0.708	0.87	0.60	0.53
<b>2017</b>					
<b>Armenia</b>	0.677	0.671	0.768	0.695	0.546
<b>Azerbaijan</b>	0.676	0.717	0.926	0.727	0.475
<b>Belarus</b>	0.744	0.827	0.890	-	0.652
<b>Estonia</b>	0.731	0.726	0.900	0.658	0.618
<b>Georgia</b>	0.679	0.669	0.760	0.688	0.481
<b>Kazakhstan</b>	0.713	0.744	0.900	0.725	0.594
<b>Kyrgyzstan</b>	0.691	0.664	0.659	0.706	0.500
<b>Latvia</b>	0.756	0.798	0.923	0.662	0.700
<b>Lithuania</b>	0.742	0.749	0.938	0.596	0.720
<b>Moldova</b>	0.740	0.811	0.891	0.668	0.752
<b>Russia</b>	0.696	0.724	0.865	0.648	0.617
<b>Tajikistan</b>	0.678	0.708	0.772	0.759	0.578
<b>Ukraine</b>	0.705	0.736	0.834	0.705	0.600
<b>The difference of indicators, 2017 compared to 2007</b>					

	Global Gender Gap Score (1=complete equality)				
	Total	Economic Participation and Opportunity			
		Total	Labour force participation	Wage equality for similar work (survey)	Income (PPP US\$)
<b>Armenia</b>	0.012	-0.050	-0.072	-0.015	-0.084
<b>Azerbaijan</b>	-0.002	-0.015	0.076	0.007	-0.165
<b>Belarus</b>	0.033	0.099	-0.030	-	0.012
<b>Estonia</b>	0.030	0.032	0.020	0.078	-0.002
<b>Georgia</b>	0.013	0.039	0.070	-0.082	0.111
<b>Kazakhstan</b>	0.015	0.007	-0.020	0.075	-0.036
<b>Kyrgyzstan</b>	0.026	0.011	-0.111	0.066	-0.080
<b>Latvia</b>	0.023	0.064	0.043	0.072	0.030
<b>Lithuania</b>	0.019	-0.012	0.028	-0.044	0.030
<b>Moldova</b>	0.023	0.033	0.031	-0.142	0.122
<b>Russia</b>	0.009	-0.011	-0.025	-0.022	-0.003
<b>Tajikistan</b>	0.020	-0.002	0.022	-0.021	0.008
<b>Ukraine</b>	0.026	0.028	-0.036	0.105	0.070

Source: Created based on data from World Economic Forum from 2007 and 2017 [3]

In the *Table 3* is shown the Global Gender Gap Score (GGGS) in ex-USSR countries in 2007-2017. In Armenia, Ukraine and Russia it remained practically the same. In Belarus GGGS has grown in the last 4 years, while in Tajikistan the score went up more in the last 3 years. In Estonia the score didn't change much during 2007-2014, but it has grown significantly in 2015, following a slow decline in the following years. Latvia, Lithuania and Georgia's score has grown more after 2011, the same can be said about Kazakhstan, while in Moldova GGGS has grown more in 2014 compared to previous year and has stayed steady in the next years. Kyrgyzstan has shown a growth of the GGGS in 2007-2008, but in the following years it has remained practically the same. The data shows a variety of developments between ex-USSR countries. It must be said that different indicators had different influence on GGGS evolution. For example, growth of Labour force participation score had a greater influence in Tajikistan while Income score's growth had a greater role in Belarus. In Latvia all three subindices (Wage equality for similar work, Labour force participation and Income) had contributed to GGGS growth, while in Lithuania and Georgia Labour force participation and Income scores had grown, while Wage equality for similar work score has gone down. On the contrary, in Kazakhstan Wage equality for similar work score has gone up, while the other two subindices have decreased.

**Table 3. Global Gender Gap Score in ex-USSR countries in 2007-2017**

	Global Gender Gap Score										
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Armenia</b>	0.665	0.668	0.662	0.667	0.665	0.664	0.663	0.662	0.668	0.669	0.677
<b>Azerbaijan</b>	0.678	0.686	0.663	0.645	0.658	0.655	0.658	0.675	0.675	0.684	0.676
<b>Belarus</b>	0.711	0.710	0.714	-	-	-	-	0.730	0.734	0.737	0.744
<b>Estonia</b>	0.701	0.708	0.709	0.702	0.698	0.698	0.700	0.702	0.749	0.747	0.731
<b>Georgia</b>	0.666	0.665	0.668	0.660	0.662	0.669	0.675	0.685	0.687	0.681	0.679
<b>Kazakhstan</b>	0.698	0.698	0.701	0.706	0.701	0.721	0.722	0.721	0.719	0.718	0.713
<b>Kyrgyzstan</b>	0.665	0.705	0.706	0.697	0.704	0.701	0.695	0.697	0.693	0.687	0.691
<b>Latvia</b>	0.733	0.740	0.742	0.743	0.740	0.757	0.761	0.769	0.752	0.755	0.756
<b>Lithuania</b>	0.723	0.722	0.718	0.713	0.713	0.719	0.731	0.721	0.740	0.744	0.742
<b>Moldova</b>	0.717	0.724	0.710	0.716	0.708	0.710	0.704	0.740	0.742	0.741	0.740
<b>Russia</b>	0.687	0.699	0.699	0.704	0.704	0.698	0.698	0.693	0.694	0.691	0.696
<b>Tajikistan</b>	0.658	0.654	0.666	0.660	0.653	0.661	0.668	0.665	0.675	0.679	0.678
<b>Ukraine</b>	0.679	0.686	0.690	0.687	0.686	0.689	0.694	0.706	0.702	0.700	0.705

Source: Created based on data from World Economic Forum from 2007-2017 [3]

**Conclusions.** The analysis of the restrictions of women on labour market in postsovietic countries has shown that in some countries there are restrictions for women for working in certain hazardous industries and for work at night and others. Baltic states, being part of European Union, are ahead of other postsovietic countries, having less restrictions, so, they are more "job-friendly" for women. Gender Gap has different sources in ex-USSR countries, but in general, it comes more from Income inequality, followed by Wage inequality for similar work and the last is Labour force participation. Economic Participation and Opportunity subindex has gone down only in Armenia, Azerbaijan,

Lithuania, Russia, Tajikistan. In countries like Belarus and Latvia this subindex has grown the most between postsovietic countries.

These restrictions put to protect women from harmful effects on their health when working in harmful conditions, having in mind women being mothers and housewives, became barriers faced by women on labour market. At their time they were justified, but since the socioeconomic circumstances have changed, women striving more to be employed on labour market, these restrictions limit the opportunities of women. The current presence of these restrictions could stem from the slow reaction of state institutions to the changes of economic environment. Another issue here is the gender complementarity, how man and woman complement their roles mainly as parents, workers and as househusbands and housewives. The pattern of woman as housewife and man as the breadwinner was more clear and based on division of labour, while sharing these roles more equally is a difficult question, even though more desirable. That being said gender equality remains a complex and difficult objective to attain not only for ex-sovietic countries, but for those who are considered more developed.

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