

Gender Discrimination Issues in the Market Economy

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Abstract: This article is talking about the possible discrimination of human rights, especially women's, in modern world that is based on market economy. It is observing the problems women have dealing with labor legislation in Russia and the possible ways to solve it using the practice of other countries, primary USA. The author comes to a conclusion that Russian labor legislation follows the international standards but it is not realized effectively. The author offers his own ways to rise the effectiveness of Russian labor legislation.

Key words: Human rights • Gender • Labor law • Market economy • Discrimination

INTRODUCTION

In the contemporary world community market economy is considered to be a more effective model of economic development than planned economy. Great opportunities of market economy have been proved by the experience of many developed countries. As this experience demonstrates, social state as a model of progressive development is formed on the basis of market economy. First of all, a social state provides high level of social insurance to its citizens, highly guaranteed rights in the sphere of employment. In the employment sphere market economy grants multiple opportunities to realize professional and creative potential of a person. But these advantages have an opposite side. In the circumstances of market economy and freedom of economic activity it's getting more difficult to guarantee many social and employment rights of the citizens.

Socially unsecured groups of people are becoming particularly unsecured in market economy environment. For the most part, it is connected to the discrimination against women in labor relations. Present article deals with this particular problem.

Countries that have recently taken the path of market economy, face a lot of problems, in particular, the contradiction between the economic efficiency of the state, on the one hand and the social protection of the population, on the other. We will consider the problem of discrimination against women in labor relations through the example of contemporary Russian labor legislation. After that, we will turn to the experience of overcoming gender discrimination

in legislation of some developed countries and identify ways to improve labor legislation of developing countries in market economy.

MATERIALS AND METHODS

The present study was performed using the statistical method, comparative legal analysis, as well as formal legal method (analysis of legal acts). In the concluding part, we will use methods of forecasting and scientific hypotheses.

RESULTS AND DISCUSSION

Russian labor legislation was substantially updated in the early 2000s, formally including international legal standards for the protection of citizens' rights.

The whole complex of Russian legislation concerning female labor can be divided into two groups:

- International legal documents ratified by Russia and, primarily, the ILO Convention: ¹ 100 (1951) "On Equal Remuneration for Men and Women Workers for Work of Equal Value », ¹ 103 (1952) "On Maternity Protection », ¹ 111 (1958), "On discrimination in respect of employment and occupation », ¹ 122 (1964), "On the Employment Policy ", ILO Convention number 156 (1981, ratified in 1997), "On equal treatment and equal opportunities for men and women workers: workers with family responsibilities". Unfortunately, the specific of putting these documents in practice is that they are practically unfamiliar for general public.

- Legislative acts formed according to international legislation. Chapter 41 of the Employment Code, “The specifics of regulating female labor and persons with family duties” is devoted to it.

At present we have more than 10 year experience in enforcing new Employment Code of the Russian Federation. It lets us evaluate the effectiveness of its provisions.

In our opinion, all cases of discrimination against women related to employment can be divided into three groups: discrimination at enrollment to a job, discrimination when carrying out labor functions and discrimination at dismissal.

The analysis of problems women face when looking for a job showed that 33% of unemployed women are not able to find a job due to a strict age limitation which is in force in many companies. Another group of unemployed is made up by young mothers unable to return to the previous job because it’s impossible to combine job and child care. More than half of women (55%) can’t find job according to their profession. 30% of women can’t get the education they desire. Many women on purpose refuse to look for a job because they often face the demand to work over time, or salary not consistent with the content of the work, or unsatisfactory working conditions. [1].

Discrimination against women often begins when an employer announces available vacancy. The announcements published in mass media can illustrate this statement. A great majority of them point out gender, age of a potential employee and even some requirements to the appearance (it happens, as a rule, if the employer is willing to hire a woman).

The second widely spread type of discrimination is the discrimination when carrying out working functions. In Russia there exist specific problems in paying for the work of women. The last few years the gap in the average wages of men and women has gradually been increasing. Thus, according to the latest data of the Russian Public Opinion Research Center, women taking the same position as men (leading ones as well) earn at an average 60% of the men wages. Commerce and social sphere are the exclusions. In comparison, in Belgium, Italy and Spain women have even less than 50% of men wages. In Estonia, Slovakia, Moldova, Lithuania, Poland and Slovenia this gap is less critical- 62-67% [2].

We would like to pay attention to the fact that the percentage of women taking managing positions is too small. Thus, in the government of the Russian Federation women compose 2% (compared with Argentina, where they make 40%).

The third well-known type of discrimination is the discrimination at dismissal. The analysis of the Russian employment legislation demonstrates that today women are formally defended from the discrimination at dismissal. However, in reality it doesn’t prevent employer from dismissing women more often than men in equal environment. Thus, according to the Russian State Statistics Committee, in 2012 among unemployed women only 32,3% resigned of their own accord, this figure being 43,3% among men. A sociological research witnesses that 13% of dismissed women consider themselves to be the victims of discrimination. The main problem is that women more often than men are engaged in primitive jobs and make up a minority in many prestigious and economically prosperous professional spheres, like management, technology and computer science. The European index of economic activity among men is much higher than among women.

The notion of employment rights of women is being modified and includes some new standards of welfare. The ways to get these standards are diverse and the experience of different countries is the demonstration of this. Almost all countries face the discrimination against women in the sphere of employment and this shows that two-level approach is necessary in working out the means to protect their rights: international mechanism and national programs.

In search of the ways to solve the problem overseas experience is very useful. For example take Denmark. It’s one of the most successful European countries in ensuring employment rights of women and social status in general. It is the country with the world highest index of women’s employment in the professional activity (72, 1% of the whole female population). Accordingly, the number of women employed part-time is small – only 18%. Many women under 33 have two children and a good job promotion due to the program of maternity support. The majority of children under 6 (55%) attend the nursery paid by the company in which a child’s mother or father works. The law about equal payment for men and women was passed in Denmark in 1976, but in the mid90s it was extended with the articles aimed to achieve equal payment in private sector as well. [3]. As a result, for more than 10 years index of correlation of payment for men and women has been permanently high.

The position of US law-makers reveals other ways to solve the problem which is fixed in legislation. According to the US Code of Laws (paragraph 2302 (b) Title5) the following is prohibited in relation to employees: “ any discrimination against employees or applicants for a job on the basis of race, color, religion, sex or national origin,

age, handicapped condition, marital status or political affiliation; to consider and take into consideration those facts about the employees which are not connected with their knowledge or ability to carry out professional duties; deceive or willfully obstruct any person with respect to such person's right to compete for employment; influence any person to withdraw from competition for any position, employ, promote or advance any individual who is a relative." [4]. Despite this, the USA has the same problems but fewer than Russia.

CONCLUSION

From all what was said above we can conclude that legalization of business in Russia is connected with the problems of social insurance for the population and guarantee of labor and retirement rights of citizens.

The provisions of the Employment Code of the Russian Federation follow the international standards but they are not realized effectively. The available anti-discrimination articles in fact are not used. The main problem is the supervision over their enforcement and proper realization.

Our point of view is that in the sphere of human rights today the main part is not the theoretical ideas and their legislative basis (though they are very important) but the following measures:

- Creating required conditions, guarantees, premises and mechanisms to realize human rights, first of all, social and economic. It seems to be urgent to eliminate the violation of rights, the facts causing them, to obstacle any abuse and arbitrariness to the rights of citizens and to enforce their governmental protection and defense.
- Developing a program to spread the information about alteration of the employment legislation and its transition to gender neutral one and explaining the essence of this alteration.

- Making a mechanism to establish the fact of discrimination on the basis of gender, age, etc. and paying damages to the persons subject to discrimination.
- Organizing the Ministry of Labor supervision over following the existing anti-discrimination articles of the employment legislation. It is advisable to regularly summarize the results of control over maintenance of labor rights. These results are to be presented to the law-makers. The latter is obliged to take measures to eliminate any barriers on the way to the realization of the norms characterized by negative law enforcement balance.

No doubt, to combine economic development and social security is difficult. In market economy environment the main task of the law-makers is to make a gender neutral employment legislation. But these are progressive models of state development and the experience of developed countries proves that.

In conclusion we would like to wish the laws aimed at overcoming social discrimination of women in Russia and providing equal gender rights and opportunities not to stay for a long time inside the deputies' tables. "True equality of citizens means that they all are equal to the law". The words of great French philosopher Jean D'Alamber are very fair nowadays.

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