Gender Inequality in Modern Russian Society

Yuliia Ostrovskaya
Russia’s social and political system goes through changes and transitions, which affect many aspects of social life, the status of women in society included. A considerable part of Russian society still perceives the topic of gender equality as peripheral and irrelevant to the lives of ordinary people. Organisations defending the rights of victims of sex discrimination have not traditionally enjoyed wide support in Russia.

Russia routinely displays a high percentage of women active in the workforce. In 2019, women represented 48.9 percent of the employed population in Russia, effectively making up almost half of the national workforce. The employment rate for men is higher than for women, with 66.8 percent versus 52.5 percent.1

The modern socio-economic situation requires many families with children to have both parents employed to sustain an enjoyable level of life. The employment rate for women with children under 18 is 79.31 percent.2 More than 90 percent of working women work for hire, meaning they are wage labourers. There are two times fewer female employers than there are male employers.

Women are more affected by the need to balance paid work and family than men are since they are still the ones who, for the most part, are expected to take care of children, sick family members and ageing relatives. It is women, especially working mothers, who are subjected to labour rights violations and discrimination in the workplace or find themselves in circumstances where they cannot exercise their social and labour rights.

The issues that women face may be hypothetically grouped into the following categories: discriminatory practices and a lack of effec-

2 Ibid.
ative protection mechanisms at an intra-state level; difficulty maintaining a work-family balance; gaps and shortcomings in the system for compulsory social security payments with regard to maternity benefits; ineffective childcare system and underdeveloped infrastructure for childcare assistance.

The Russian poverty profile is expressly gender specific as well. This is first due to a significant gender pay gap. Second, the sweeping majority of single-parent families are led by women where almost a third (29 percent) of the overall number of families with children under 18, and women also make up the bulk of retirees. Women also continue to be responsible for a disproportionate amount of unpaid care work, which in turn limits their ability to participate in all areas of life on equal footing with men.

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Discrimination of Women at the Workplace

Prohibition of discrimination, including gender-based discrimination, is one of the key principles and the most important institutions of international law. Russia is a member state of numerous statutes and international agreements that protect this principle globally, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) as well as others. Russia has also ratified two fundamental International Labour Organization (ILO) conventions that strive to achieve gender equality: the 1951 Equal Remuneration Convention (No. 100) and the 1958 Convention concerning Discrimination in Respect of Employment and Occupation (No. 111).

Pursuant to Convention No. 111, the member states commit to declare and pursue a national policy designed to promote equality of opportunity and treatment regarding employment and occupation to eliminate any gender discrimination therein.

The very existence of such norms is a crucial factor for achieving...
gender equality. However, a declaration on its own does not automatically mean the equal rights principle is being observed. For this to actually happen, equal rights must be effectively ensured and enforced and there must be so-called ‘economic safeguards’ for those rights: in other words, a certain economic and political environment must exist for the rights to become real.

According to section 3 of Article 19 of the Constitution of the Russian Federation men and women have equal rights and freedoms as well as equal opportunities to exercise them. The government must guarantee equal human rights and freedoms, as well as the rights and freedoms accorded to citizens, regardless of gender and other circumstances. Article 3 of the Labour Code of the RF (LC RF) also prohibits discrimination in labour affairs and declares that every person has equal opportunities to exercise his or her labour rights.

The LC RF also contains a number of special norms: no unjustified refusal to conclude a labour contract; all and any direct or indirect restrictions or granting direct or indirect privileges at concluding a job contract depending on the gender as well as on any other factor not connected to the professional qualities of employees is not permitted; women may not be refused a job contract because of their pregnancy or presence of children; the employer may not dismiss pregnant women of its own accord, etc. Despite the existence of the above-mentioned norms, the discriminatory practices in labour relations persist, and women have to face difficulties while trying to protect themselves from discrimination and restore their rights.

There are a series of standards and declarations in Russian legislation related to discrimination, but legal definitions there do not fully outline the foundation of the principle and do not help judges and other law enforcement agencies understand what counts as discrimination in practice.

Russia has no special agencies charged with maintaining equality and opposing discrimination, and the agencies that oversee and regulate compliance with labour law have no such power: the only defence against discrimination in the Russian legal system is an appeal to a court. The criminal and civil liabilities for discrimination in practice never result in criminal sanctions, and there are only a handful of isolated cases where civil penalties have been imposed.

Even though there is a right to appeal to a court in cases of discrimination, women encounter serious obstacles to make such an appeal. This is because there are no rules that govern burden of proof for each of the parties while being suitable for cases of discrimination, and also because there are no significant penalties for employers who engage in discrimination (a court may only establish the existence of discrimination and require compensation for moral damages, which are typically set at a negligible amount of about 5 000 to 10 000 roubles, equivalent to 70 to 140 euros). Outcomes favouring plaintiffs in cases of gender discrimination are all but non-existent. This is indicative of the fact that the national level issues that impede the realisation of international policies on gender discrimination remain unresolved.

During their investigation of complaints against Russia, the ILO and the European Court of Human Rights (ECHR) have repeatedly raised the issue that Russia needs to create an effective protection mechanism against discrimination. In 2019, ECHR issued a ruling on the case of Danilenkov and Others v. Russia No. 67336/01 where it pointed out the lack of effective judicial protection against discrimination at the state level. This ruling was not enforced in terms of general measures.

The main issues in gender-based discrimination against women in the workplace are as follows:

Gender-based discrimination in recruitment. The employers often set requirements for gender, marital status and the presence of children for persons in search of employment. Men are prioritised, while women are required to either not get pregnant at all or postpone their pregnancies.

Oppression of women in the workplace in case of pregnancy. The cost implications of meeting a variety of legal guarantees falls to the
employer. This contributes to the employer's suspicious or downright negative attitude towards pregnant women seeking employment in particular and women of childbearing age in general. To avoid providing the required guarantees to a pregnant woman, employers try to get rid of her (by trying to pressure her into signing a resignation letter, creating unbearable conditions in the workplace, cutting her salary or undermining employment contract terms in some other way).  

Problems women face when returning to work after parental leave. Although the existing legislation guarantees continued employment for an employee on childcare or parental leave, it is quite ineffective in practice. As a result, women objectively have no chance of returning to their former employer after parental leave and have to seek new employment without any assistance.

Discrimination against persons with family responsibilities is particularly acute in Russia. Women suffer most from this problem because employers quite often see women—who in Russia have typically been in charge of raising and caring for children—as equivalent to 'people with family responsibilities'. This is contrary to the right of women with family responsibilities to secure gainful employment without being discriminated against and in a manner that allows them to balance their professional and family obligations.

Many employers in Russia have no fixed policy concerning workers with family responsibilities, and this also has a negative impact on achieving a work-life balance. Typically, employers merely follow the legal requirements, and some may provide extra benefits and guarantees to women and to women with children while strictly excluding men from consideration thereby encouraging unequal burdens of family duties for men and women.

Accounting for the Social Insurance Childcare Services Needs of Working Women

One of the mechanisms that allows parents not to work following the birth of a child is the prompt and full payment of the benefits provided for the birth and rearing of children. Federal law in Russia provides for payment of a pregnancy and childbirth benefit amounting to 100 percent of average earnings and also a benefit for childcare for one and a half years (and in some cases for three) at 40 percent of average earnings (the maximum amount in 2020 was 27,984.66 roubles). In practice, however, this programme has not always worked well, and there have been a significant number of problems with benefit non-payment. The person who should receive these insurance payments must then appeal to a court, and only then may she receive the benefit payment directly from the Social Security Insurance Fund. This is a very time-consuming process and does not always end positively for the appellant. This means that women in practice are (often) deprived of their right to prompt payment of benefits.

In 2011 Russia changed to direct payment of benefits by the Social Security Insurance Fund, and now there are, 69 such regions out of 85. This reform was a definite progressive steps in the social welfare system, but a complete changeover to payment by the Fund must be made, eliminating employers from the benefit payment system.

Governmental institutions or services for childcare guarantee the right to pre-school education after a child’s second month. Nevertheless, for the past several years parents of children under three have encountered difficulties enrolling their children in preschools. In place of the day-long childcare facilities, parents were now offered ‘short-term groups’ which in most cases operate for a few hours two to three times each week. These groups were unsuitable for parents because they made child-rearing incompatible with work. This issue is very urgent in many regions of Russia.

According to Article 253 of the LC RF, the use of female labour is limited when it comes to certain occupations that are deemed arduous, dangerous and that may be harmful to women’s health as well as underground work, except for non-manual labour or health and utility services. There is an acting ‘List of Industries, Jobs and Positions with Harmful and/or Dangerous Working Conditions, in which the Use of Women’s Labour Is Restricted’, which was approved by Government Decision No. 162 of 25 February 2000 and restricts women’s employment in 456 occupations.

Both the ILO Committee of Experts and Conference Committee have repeatedly requested the Russian Government to amend Article 253 of the LC RF, which restricted women’s labour as well as the ‘List of Industries, Jobs and Positions with Harmful and/or Dangerous Working Conditions, in which the Use of Women’s Labour Is Restricted’ approved by Government Decision No. 162. Similar requests were made by the Committee on Economic, Social and Cultural Rights, which is responsible for enforcing the 1966 International Covenant on Economic, Social and Cultural Rights. In 2019, the number of occupations on the list of those banned to women was reduced to 100. The order comes into effect on 1 January 2021.

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The problem of unequal pay rates for men and women, including men and women with family responsibilities, is one component of the problem of discrimination and is manifested in a variety of ways.

One of the main factors widening the gender wage gap is motherhood: women who have children typically earn less than those who do not. Russian legislation grants women leave not only for pregnancy and childbirth but also for childcare (until the child turns three), and beyond that there are further allowances for care of children (leave to care for a sick child and to fulfil other obligations connected with child-rearing and general welfare of the family). Even though the entitlement to leave for childcare is set forth in Article 256 of the LC RF it is not limited to mothers and includes fathers and also other relatives. In practice fathers very seldom take advantage of leave for childcare. For example, the data from the Social Security Fund of Russia shows just approximately 2 percent of fathers on leave for childcare. Furthermore, the right to leave for childcare is legally limited for men military personnel and employees of internal affairs bodies.19

Women continue to bear the primary responsibility for tending to children and the family, and this has an impact on their employability and on their rate of pay.

Consequently, the average pay rate for women in Russia remains significantly lower than for men. As data from ROSSTAT20 for 2018,

19 See the Case of Konstantin Markin v. Russia [GC] no. 30078/06, Judgment of 22 March 2012.
women's average salary was 71.7 percent of men's, meaning the gender pay gap is 28.3 percent. There is also gender segregation: fields where men have the advantage and others where women do, and employers prefer to employ men or women. Generally, 'men's' jobs pay better than 'women's' jobs. Low paid state jobs are predominantly female, such as healthcare and education. In health care the relative proportions of men and women are 21 percent to 79 percent respectively, while in education the difference is even more marked: 18 percent to 82 percent.\(^{21}\) The average salary in healthcare is 40,740 roubles, and the average in education is 33,582 roubles.\(^{22}\) In 'men's' sectors the salaries are higher. For example, the average salary for exploitation of mineral resources specialists is 79,484 roubles, and men make up 83 percent in this field.

Russia is also slipping down global rankings for the gender pay gap. Last year, the World Economic Forum's global gender gap index showed that Russia has fallen from 75\(^{th}\) in 2019 to 81\(^{st}\) in 2020. Russian women are, on average, more educated than men and live longer but seldom achieve positions of leadership. In addition, there are almost as many women as men holding a PhD (64 percent vs. 66 percent). Russian women participate in the labour force at high levels (68.9 percent are in the labour market), and they are employed in skilled jobs to a greater extent than men (62.3 percent of professional and technical workers are women). However, women are still penalised financially: according to the WEF data gender pay gap is 28.8 percent and income gap is 42.1 percent. Income disparities are partially explained by the fact that women find it harder to access senior or managerial positions: 41.8 percent of managers and senior officials are women and only 7 percent of board members are women.

Political participation is even more difficult. Russia has closed less than 10 percent of its Political Empowerment gap so far and ranks only 122\(^{nd}\) on this subindex. Not only has there never been a woman head of state, but there are few women among ministers (12.9 percent) and parliamentarians (15.8 percent). As a result, despite the fact that Russian society provides women with broad access to education and


some segments of the labour market, a glass ceiling is preventing most of them from accessing positions of power either in politics or in business.\textsuperscript{23}

The ILO Global Wage Report 2018–19 report\textsuperscript{24} registers the persistence of an unacceptable gender wage gap, with a 20 percent gap worldwide and a 27.9 percent gap in Russia. According to the report, in Russia the differences in attributes and characteristics still have sizeable effects on the gender pay gap and the largest part of the gender pay gap cannot be explained by any of the objective labour market characteristics that usually underlie the determination of wages.

Russian has not yet to ratify and sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). The issue of domestic violence was brought to public attention only recently, at the instigation of women’s public associations. The general public came to know that 40 percent of all violent crimes occur within the family. Children, the elderly and women account for 38 percent of victims who fall to troubled family and domestic relations every year. The unfortunate statistics is that more than half of women in Russia have experienced violence at the hands of their close male relatives (a current or an ex-husband, fiancé or a boyfriend); nearly half of women were assaulted during pregnancy, breastfeeding or while having a small child to look after. Nearly half of women who think they need medical or legal help do not seek it.

In today’s Russia, there are no domestic violence prevention or response mechanisms that have proven to be effective nor are there ways to properly handle the consequences of domestic violence. The current legislation is ineffective when it comes to protecting women from domestic violence. First and foremost, there is no law against domestic violence in place, which is a serious obstacle in a systematic approach to resolving this issue. Russia’s administrative law, criminal law and law of criminal procedure are quite ineffectual as well.


The year of 2017 saw the decriminalisation of a first offense of domestic violence in Russia. Domestic violence is typically classified as battery under Article 6.1.1 of the Code of Administrative Offences (CAO RF). Administrative prosecution of charges of battery is not viewed as a deterrent for committing other offences, serious ones included, and administrative prosecution of charges of battery actually contributes to a climate of impunity. Moreover, legal procedures on administrative charges only make the process of protecting the rights of victims more difficult. Administrative investigation capacities are more limited than those of criminal investigation. It is impossible to implement any protective measures for victims under administrative investigation unlike with criminal investigation. It is also impossible to either put the possible perpetrator on a wanted list or issue a travel restriction order or a proper conduct order under administrative offence proceedings. The sanction under Article 6.1.1 of the CAO RF does not constitute a proportional penalty for the use of physical force and does not fully respond to the requirements of justice. Most penalties under this Article are administrative fines ranging from 5 000 to 30 000 roubles (equivalent to 70 to 420 euro). Holding the perpetrators to administrative liability neither protects nor restores the rights of victims while the fines do not put any constraints on the perpetrator.

Criminal prosecution under Article 116.1 of the Criminal Code of Russia (battery committed by a person who had been convicted in administrative proceedings) is initiated under a private indictment exactly like in cases of slight bodily harm (Article 115 of the Criminal Code of Russia). The difference of private indictment cases lies in the fact that the victim has to personally undertake the prosecution. This means they have to collect, examine and present the evidence on their own, which is difficult for a person with no legal training, and not everyone can afford legal counsel. Since private indictment cases are often discontinued upon reconciliation of the parties, there is the risk of the abuser putting pressure on the victim.

In 2019, the Federation Council drafted a Domestic Violence Prevention bill, although it has not been adopted at the time of the writing this article. And there is still no unified system for collecting information on cases of domestic violence in Russia either.\(^{28}\)

The current international anti-discrimination legislation distinguishes between different types of gender discrimination, which include such terms as ‘harassment’ and ‘sexual harassment’. Russian legislation does not have any special norms regulating the inadmissibility of harassment and sexual harassment, including harassment in workplace. Russia has received warnings from the UN supervisory bodies on following the ICESCR provisions and the necessity of considering sexual harassment in the workplace a criminal offence.\(^{29}\)

The UN Committee on Economic, Social and Cultural Rights recommended Russia ‘consider introducing in the Criminal Code and the Labour Code sexual harassment in the workplace as a separate offence, in order to strengthen the protection of women against discrimination in the workplace’. The general penal measures under the Criminal Code of the Russian Federation are insufficient, since the issue of sexual harassment is quite sensitive and difficult to prove.\(^{30}\)

In 2019, by an absolute majority the ILO adopted its new Convention No. 190, complete with Recommendation No. 206, on eliminating violence and harassment in the world of work. The Russian delegation did not support this Convention and abstained from the vote.

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Conclusion

Taken together, these observations suggest that women’s labour market participation is affected differently from men’s during the child-rearing years, that this effect impacts wages, and that it is not just a short-term effect but one with relatively long-term consequences for a significant proportion of women across Russia. To correct this problem in Russian social life, a government programme is needed to break down the stereotypes according to which only the woman bears family responsibilities. It appears that to effectively resolve the issues described above measures are required that would transform the existing law enforcement practices and certain legislative provisions.

Another essential step would be for employers to incorporate additional guarantees for pregnant women and working parents in collective bargaining agreements and local policies. Organisations must encourage the paternal role among workers and inform men about their entitlement to leave for childcare and to a flexible work schedule. Cooperation with NGOs to promote awareness and education will also lead to a broader understanding of the principle of equal treatment and equal opportunity for men and women and of the problems affecting workers with family responsibilities.
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Yuliia Ostrovskaya is a lawyer and master of political science. She is a Programme Director at Center for Social and Labor Rights. Center for Social and Labor Rights (CSLR) is a Russian non-profit NGO for promotion, compliance and protection of social and labor rights, gender equality, diversity, and inclusion. She is also a researcher of the Russian Academy of Sciences, and a member of the Board of Professional association, Non-profit Partnership “Lawyers for Labour Rights.”