

## **The state of gender equality in the energy sector in Ukraine**

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### **ABSTRACT**

The article deals with Ukraine's contemporary experience in introducing gender equality in industrial sector of the country's economy. The materials of the article are based on the case-study "Gender Aspects of Employment in the Energy Sector of Ukraine" conducted by the experts of the "Poruch" Ukrainian non-governmental organisation with financial support of the USAID Energy Security Project.

One of the key international commitments made by Ukraine is to promote the equality of rights and opportunities for women and men in all spheres of society. Ukraine has significant potential to ensure equality of rights and opportunities, despite the fact that Ukraine obtained the 74<sup>th</sup> place in the Global Gender Gap Report 2021, although a year ago it was ranked the 59<sup>th</sup> place in the field of gender equality in economy of Ukraine. At the same time, despite significant results in gender equality ensuring, the gender approach is still not integrated into field of labour and employment, which further consolidates gender gaps in both work payment and professional self-realization of energy sphere employees.

**KEYWORDS:** Gender studies, Gender, Gender gaps, Energy sector

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**Introduction.** The study of gender equality in various spheres of modern public administration is one of the central themes of cultural and political discourse of the global community. This is evidenced by the resolutions, programmes and studies of international organizations such as the UN [1], OECD [2], NATO [3] and others. In most countries around the world research and gender analysis are conducted to identify gender gaps in various spheres of society. The global academic community working on gender issues stresses the relevance and importance of this topic, as well as the practical positive consequences of establishing gender equality in various sectors of the economy of developing countries.

The present study of gender equality and the mechanism of its implementation is based on theoretical works of J. Butler [4], O. Hankivsky [5], S. M. Burn [6], M. Kimmel [7], S. Aivazova [8] and other authors. The author of this article has been actively involved in the study of gender gaps and gender issues in various fields [9], as well as in the research related to methods of gender analysis [10]. The study of gender issues has a wide range of practical applications in various sectors of the economy, such as agriculture [11], entrepreneurship [12], energy sector [13] and others.

One of the key international commitments made by Ukraine is to promote the equality of rights and opportunities for women and men in all spheres of society. Ukraine has significant potential to ensure equality of rights and opportunities, despite the fact that Ukraine obtained the 74<sup>th</sup> place in the Global Gender Gap Report 2021 [14], although a year ago it was ranked the 59<sup>th</sup> place in the field of gender equality in economy of Ukraine. At the same time, despite significant results in gender equality ensuring, the gender approach is still not integrated into field of labour and employment, which further consolidates gender gaps in both work payment and professional self-realization of energy sphere employees.

Traditionally, energy sector plays a key role in economy of Ukraine. About 8% of the total number of people employed in Ukrainian economy is in the field of “Mining and quarrying” and “Supply of electricity, gas, steam and conditioning air”. Therefore, conditions for realization of human potential in this sector directly affect well-being of significant part of economically active population of Ukraine, and through the socio-economic efficiency of employment have a significant impact on the overall well-being of Ukraine.

Practical significance of research on situation of women and men in the energy sector is confirmed by a number of gender assessments in countries of European Union, North America, the Middle East and Africa. If the first wave of this scientific discourse was focused on possibilities of domestic use of energy resources by women in developing countries, then, starting from 2000s, these issues began to be analyzed in developed regions. Experts examined various aspects of women's participation in formation of energy regulatory policy, women's right to use energy services [15], but problems of women's employment in the energy sector attracted much less public attention. For example, in 2017 study was conducted in Canada to assess the situation of women in “clean” energy sector [16], which included hydropower, renewable and nuclear energy, renewable energy agriculture, hydrogen energy, carbon storage and capture, and cleaner energy of fossil fuels. The same year the US Department of Energy presented “The annual US Energy and Employment Report” [17], which presented gender-disaggregated employment statistics for country's various energy sectors. It turned out that women occupied from 38% of working places in the electricity generation sector at NPPs and up to 21% of working places in the coal fuel sector, while in the country as a whole they accounted for 47% of the total workforce. In

Ukraine, one of the first gender studies in field of energy was “Women and Men in the Energy Sector of Ukraine” [13], conducted and published with support of the H. Böll Foundation in Ukraine. The aim of study was to conduct gender analysis of employment structure in order to identify certain imbalance that determines inequality of women and men in wages, working conditions, career prospects etc.

### **A case-study in Ukrainian experience in introducing gender equality in industrial sector of Ukraine's economy**

The study “Gender Aspects of Employment in the Energy Sector of Ukraine” conducted by the experts of the “Poruch” NGO with financial support of the USAID Energy Security Project is currently being completed [18]. Analysis revealed that equalization of gender structure of employment and improving the organizational, technical and socio-economic level of energy jobs are mutually supportive processes: already the vast majority of male-dominated sector is formed by unattractive jobs, where it is problematic to fill vacancies than to find job, but conditions of such work are not satisfactory. At the same time, for women tension in energy labour market is much higher than for men (the ratio of number of women seeking employment in energy sector and the number of vacancies available to them is much higher than the same workload for men). This is primarily due to redundancy of female employment sector, as well as the clearly smaller scale and high concentration (only three occupations, all three are workers and the low-skilled: controller and laboratory assistants) of female-dominated sector.

Sector of occupations with predominance of women in the energy sector is limited to only three names, of which bigger part of supply and demand falls on one profession – 715 registered unemployed (out of 721 in sector of “female” occupations) and 410 vacancies (out of 411 in general). All three occupations are workers with predominance of manual labour and are characterized by a significant shortage of vacancies (310 units of “shortage” of vacancies, based on the number of registered unemployed is 75.4% of the total number of vacancies in three professions).

Harmonization of working and employment conditions at energy enterprises with needs of women, in particular elimination of factors of severity and harmfulness of work in field of predominant physical work, creation of organizational and technical conditions for combination of professional and family responsibilities, elimination of institutional (regulatory and behavioural) restrictions for women to employment in energy and dynamic careers have significant potential to improve needs in staff of energy companies. As qualifications increase (particularly in transition from working to higher education occupations), the gap between labour market tensions for men and women is narrowing: labor market conditions are becoming more favourable for women than men.

This does not mean equalization of the probability of employment in energy sphere for women and men (the gap in favour of men remains), but its size is smaller: if the area of predominantly manual labour in the energy labour market for women for three quarters of 2020 was 1.37 times higher than for men, then in professions of group “specialists” – only 1.12 times.

Regulatory and legal compliance with principles and rules established by international obligations of Ukraine to ensure equal rights and opportunities for access to freely chosen and productive employment in the field of energy employment, still poorly focused on specific restrictions and obstacles to women's employment due to technological and organizational labour features in energy.

The basis of legal system of our state and normative legal act that has the highest legal force is Constitution of Ukraine, Article 24 [19] of which provides that citizens have equal constitutional rights and freedoms and are equal in frames of law. There may be no privileges or restrictions based on race, colour, political, religious or other beliefs; gender, ethnic and social origin, property status, place of residence; The second part of the above article provides for a rule on equality of rights of women and men, which is ensured by: providing women with equal opportunities with men in socio-political and cultural activities, in education and training, in work and remuneration for it, special measures for protection of labour and health of women, establishment of pension benefits, creating conditions that enable women to combine work with mother duties.

In addition, according to Article 43 of the Constitution of Ukraine [19], everyone has right to work, which includes opportunity to earn for living by work, which he freely chooses or freely agrees to do. The use of forced labour is prohibited. Everyone has the right to adequate, safe and healthy working conditions; for a salary not lower than that specified by law. The Constitution of Ukraine guarantees citizens protection against illegal dismissal and the right to timely remuneration for work.

According to the main normative legal act of labour legislation – the Labour Code of Ukraine [20] – any discrimination in the field of labour, including violation of the principle of equality of rights and opportunities, direct or indirect restriction of workers' rights depending on race, colour, political, religious and other beliefs; gender, gender identity, sexual orientation, ethnic, social and foreign origin, age, health status, disability, suspicion or presence of HIV / AIDS, marital and property status, family responsibilities, place of residence, trade union membership or other association of citizens, participation in a strike, appeal or intention to appeal to a court or other bodies to protect their rights or provide support to other employees in protecting their rights; on linguistic or other grounds not related to the nature of work or conditions of its performance, – is prohibited.

In addition, the Labour Code of Ukraine provides for a number of special rules that establish guarantees for employment, a ban on dismissal: the test is not set when hiring pregnant women and single mothers who have a child under the age of fourteen or a child with a disability (third part of Article 26); by agreement between the employee and the owner or his authorized body may be established both when hiring and subsequently part-time or part-time week. At the request of a pregnant woman, a woman who has a child under the age of fourteen or a child with a disability, including one under her care, or cares for a sick family member in accordance with a medical opinion, the owner or his authorized body is obliged to establish an incomplete working day or part-time week. Remuneration in these cases is made in proportion to the time worked or depending on production (parts one and two of Article 56); it is forbidden to deny women employment and reduce their wages for reasons related to pregnancy or having children under three years, and single mothers – for having a child under fourteen years of age or a child with a disability (part one of article 184) and other measures, which protect mothers.

Guarantees are established by articles 56, 176, 177; parts three-eight of Article 179, articles 181, 182, 182<sup>1</sup>, 184, 185, 186 and also apply to parents raising children without a mother (including in the case of a long stay of the mother in a medical institution); as well as guardians (trustees), one of the adoptive parents, one of the foster parents.

It should be noted that for 25 years in Ukraine there was a list of heavy work and work with harmful and dangerous working conditions, which prohibits the use of women, approved by the order of

the Ministry of Health of Ukraine from December 29, 1994, No 256 [21]. The list identified restrictions on the employment of women in some metalworking jobs; installation and repair and construction works; mining and exploration works; works on oil and gas production, ferrous and non-ferrous metallurgy; repair of equipment of power plants and networks, electrical production; general professions of electronic technology and other economic activities.

On October 13, 2017, order of the Ministry of Health of Ukraine No 1254 [22] abolished the above list as contrary to national law, the requirements of European Union law, Ukraine's international obligations to ensure equal rights and opportunities for women and men, and does not comply with modern Classifier of professions.

Despite the fact that the order of the Ministry of Health of Ukraine No 1254 [22] came into force on December 22, 2017, Chapter 3 "Mining" of Section I of the List of heavy work and work with harmful and dangerous working conditions, which prohibits the use of women's labour, remains in force. This chapter becomes invalid from the date when Ukraine completes procedure of denunciation of the Convention of International Labour Organization on the use of women in underground work in mines of any kind.

However, today, in accordance with Chapter 3 "Mining" of Section I of the List of heavy work and work with harmful and dangerous working conditions, the use of women's labour in opencast mining and the surfaces of existing and under construction mines and mines is prohibited; enrichment, agglomeration, briquetting.

The right of women and men to protection from all forms of discrimination in employment on the grounds of race, colour, political, religious or other beliefs, membership in trade unions or other associations of citizens, sex, age, ethnic and social origin, property status, place of residence, on linguistic or other grounds provided by the Law of Ukraine "On Employment" [23]. Part three of Article 11 of this Law prohibits vacancy announcements in advertisements (advertisements); offer work only to women or only to men, except for specific work that can be performed exclusively by persons of a certain sex; make demands that favour one of the articles, as well as require employees to provide information about personal life.

The legal basis for realization by women and men of equal rights granted to them by the Constitution and laws of Ukraine was the adoption on September 5, 2005 by the Verkhovna Rada of Ukraine Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" [24]. Among the provisions of the Law that have practical significance for ensuring equal rights and opportunities for women and men in the socio-economic sphere, the following articles should be singled out:

Article 17 – provides women and men with equal rights and opportunities in employment, promotion, advanced training and retraining. At the same time, the employer must create working conditions that would allow women and men to work on an equal basis; provide women and men with the opportunity to combine work with family responsibilities; to carry out equal pay for women and men with the same qualifications and the same working conditions; take measures to create safe working and living conditions; take measures to create safe and healthy working conditions; take measures to prevent and protect against cases of sexual harassment and other forms of gender-based violence;

Article 18 – in the case of collective bargaining regulation of social and labor relations to the general agreement, sectoral (intersectoral) and territorial agreements; collective agreements made provisions ensuring equal rights and opportunities for women and men. This corresponds to the twelfth paragraph of the second part of Article 7 of the Law of Ukraine “On Collective Bargaining Agreements” [25], according to which the collective agreement establishes mutual obligations of the parties to regulate industrial, labour, socio-economic relations, including equal rights and opportunities for women and men. Also, collective agreements (contracts) should provide for staffing and promotion of employees in compliance with the principle of giving preference to a person of the sex in respect of which they have an imbalance; as well as the elimination of inequality in the remuneration of women and men in different sectors of the economy and in one sector on the basis of the general social standard of remuneration in the budget and other areas, as well as on the basis of training (retraining).

In addition, for use by the parties to the social dialogue in concluding collective agreements and agreements, the Ministry of Social Policy of Ukraine has developed Guidelines for the inclusion in collective agreements and provisions aimed at ensuring equal rights and opportunities for women and men in employment [26].

Additional guarantees for working women and men in the energy sector are also established by sectoral agreements of fuel and energy companies. Thus, in the framework of study “Gender aspects of employment in the energy sector of Ukraine” [18] analysis of the Sectoral Agreement between the Ministry of Energy and Coal Industry of Ukraine, the State Property Fund of Ukraine, the All-Ukrainian Association of Employers “Federation of Employers of Fuel and Energy” and the Trade Union Energy and Electrical Industry of Ukraine for 2019-2021 [27] shows that only five paragraphs contain provisions concerning the provision of equal rights and opportunities for women and men, including workers with family responsibilities.

At the same time, a number of provisions of the Sectoral Agreement concern exclusively “protective” measures against women such as: to establish for working women who have children of school and preschool age, the 8th working week (item 6.12.4.), provide with paid day off once a month at their request (paragraph 6.12.5.), women to work with difficult and dangerous conditions, to lift, carry cargo, the weight of which exceeds the maximum allowable norms (paragraph 6.18.2.) etc

The analysis of the Collective Agreement of State Enterprise National Atomic Energy Generating Company “Energoatom” for 2019-2021 [28] showed that the vast majority of its provisions are gender neutral and apply to all women and men working in the Company. However, the Collective Agreement also contains more specific provisions, in particular:

- reduction by 20% of the production rate for young employees of the Company hired immediately after graduation, for up to three months, as well as pregnant women from the moment of issuance of a medical opinion to the end of pregnancy while maintaining the average monthly salary (paragraph 4.31);

- ensuring at expense of the Company conducting preventive medical examinations of employees who do not belong to categories defined in paragraph 6.2, once every two years, except for employees who belong to risk groups defined by the directives of the Ministry of Health of Ukraine.

For early and timely detection of oncological diseases at expense of the Company to organize a screening medical examination of working women of a certain age (from the risk group, mammological examination of working women) (paragraph 6.4.); women (persons) who were on leave in connection with pregnancy, childbirth or child care before reaching the age of three (six), are certified no earlier than one year after leaving work.

Undoubtedly a positive aspect of the Collective Agreement is that company provides equal rights and opportunities for women and men working in Company (paragraph 7.3). However, paragraph 7.3 is not detailed, and it is therefore not clear what measures employer undertakes to ensure equal opportunities for working women and men in practice.

It should be noted that ensuring equal rights and opportunities for women and men in employment is not limited to equal pay, access to vocational training or promotion. Methodical recommendations on the inclusion in collective agreements and agreements of provisions aimed at ensuring equal rights and opportunities for women and men in labour relations (order of the Ministry of Social Policy of Ukraine of 29.01.2020 No 56) [26] recommend to include in the collective agreements a separate section "Equality and non-discrimination", which will include provisions on agreements between the parties to create conditions that would allow women and men, in particular to ensure the possibility of combining work with family responsibilities; take measures to create safe working and living conditions; prevent and protect against sexual harassment and other forms of gender-based violence; adhere to the principle of gender parity in representation in order to ensure de facto equality between women and men and in management positions, etc.

**Conclusion.**Despite legally guaranteed equal rights and opportunities for women and men in the workplace, there is still a need to analyze and verify compliance with these norms.

Study of energy sector has shown preservation of existing gender gaps, which are inherent in other areas of the economy.

There are gender pay gaps for women and men, gender segregation of occupational employment, because women are still represented in the sector of occupations, which are characterized by the dominance of female employment such as "controller of electrical supervision", "laboratory assistant of electromechanical tests and measurements" and "laboratory assistant of electrical insulating materials".

There is a need to develop a strategic plan at energy sector policy level to strengthen gender equality and non-discrimination, as well as empower women in corporate governance and start-ups.

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