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**Discrimination in the workplace
in Russia:
features and ways to overcome**

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INTRODUCTION

Discrimination in social and labor relations is prohibited by international and Russian legislation, but there is reason to believe that it is quite widespread in practice. Until recently, employers in job ads indicated a specific gender of the person they are willing to hire. Such a job ad may well be discriminatory.

The problem of discrimination in the workplace is particularly relevant for the modern Russian labor market. In the Russian Federation Labor code, articles 2 and 3¹ prohibit the restriction of labor rights depending on gender, race, skin color, nationality, language, and other circumstances not related to the business qualities of employees. At the same time, we can find many examples of job ads in which recruitment agencies specify the maximum age and gender of the employee.

Discrimination in the workplace is one of the factors that cause significant damage to employees, both moral and later material, reducing the positive impression and image of the organization in the economic and social environment, which can lead to negative economic consequences for individual employees and society as a whole. In addition, discrimination in employment can increase the outflow of "minds" from the country and reduce the interest of young professionals in training and finding work.

The formation of discriminatory interactions in social and labor relations can be considered not only as a consequence of general patterns of development of the market economy, but also as a result of specific factors and conditions existing in the country. However, the prevalence of discrimination cannot be explained only by imperfect legislation or weak ethical norms prohibiting its use. It is obvious that the processes taking place in a market economy are largely determined by economic factors and conditions, and the possibility of extracting additional profit as a result of such actions.

¹ "Labor code of the Russian Federation" from 30.12.2001 No. 197-FZ (ed. from 25.05.2020) // Access from the information and legal system "Consultant plus"

In connection with the above, issues related to a comprehensive analysis of discrimination in the system of social and labor relations, the study of the prevalence, trends of change, specific features of manifestation in the world and in Russia, in particular, acquire special theoretical and practical significance. Based on the studied information, recommendations for reducing it can be developed.

Discrimination as a subject of economic research of social and labor relations originates from the famous work of G. Becker "The Economics of discrimination" (1957). During this time, Western scientific thought has seriously advanced. The economic causes and consequences of discrimination have been studied by researchers such as G. Becker, K. E. Boulding, F. Jones, P. Doring, L. KACH, M. Pior, M. Spence, and others. Certain types of discrimination are considered in the works of S. Levitt, J. Milkovich, N. Rischebe, J. Roland, S. Smith, P. Henderson, and others. The situation of specific social groups subject to discrimination was studied by B. Bergman, M. Bertrand, F. Blau, D. Weitfogel, L. Witt, F. Woolley, K. Goldin, R. Johnson, and others.

In Russian economic science, the problem of discrimination became relevant much later – in the 1990s, due to the beginning of a sharp polarization of the labor force in terms of income and opportunities. At the same time, it should be noted that issues of discrimination are still often considered in fragments when studying other aspects of the functioning of social and labor relations. The main studies of discrimination performed by Russian and foreign scientists on Russian data are mainly devoted to its measurement. I can give examples of such researchers as V. Vernon, O. A. Gorelkina, I. M. Kozina, I. O. Maltseva, D. V. Nesterova, K. G. Ogloblin, A. Yu. Oshchepkov, S. Yu. Roshchin, etc.

Despite the fact that the research results presented in the literature have made a significant contribution to explaining the causes and mechanisms of discrimination in the workplace, many topical issues still remain unresolved. Among the main problems that need to be studied are factors of formation and methods of reducing discrimination.

The object of the study is discrimination in the sphere of labor relations.

The subject of the study is ways to overcome discrimination in employment.

The purpose of the study is to analyze discrimination in the workplace in Russia and develop recommendations for overcoming discrimination in employment.

The objectives of the study:

1. to explore the concept of discrimination in labor law;
2. to consider types of labor discrimination;
3. to analyze the level of social and legal protection of employees from discrimination in the workplace in Europe and Russia
4. to analyze discrimination in employment in the city of Yaroslavl;
5. to develop recommendations to overcome discrimination in work sphere.

The following research methods were used: historical, which helped to analyze the terminological development and formation of the concept of discrimination, comparative analysis, system-structural and formal-logical methods and questionnaires. The Russian and international labor law provisions were chosen as the methodological basis.

The scientific novelty of the work consists, first of all, in the analysis of existing discrimination in employment in Russia and recommendations for overcoming it.

The final thesis consists of an introduction, three chapters, a conclusion, a list of references and applications.

CHAPTER 1

Discrimination in the system of social and labor relations

1.1. The concept of discrimination in labor law

The term "discrimination" is used in all languages: "discrimination" - in French, "discrimination" - in English, "discriminierung" - in German, "discriminazione" - in Italian, "discriminering" - in Swedish, "discrimination" in Russian. The common root of all these words is a group of Latin origin words: "discernere", "discrimen", "discriminare", (the latter also "discriminatio"), which means "divide", "separate", "highlight", "evaluate".

The term "discrimination" is used in many international instruments, since the principle of non-discrimination is one of the established fundamental principles of international law, and protection against discrimination is an integral part of the international legal system for the protection of human rights.

In 1948 The UN adopted the Universal Declaration of Human Rights, which declared a General prohibition of discrimination (article 2²). In the development of this principle, active legislative activity has begun at the international and national levels.

Many international acts of the UN are devoted to the problem of discrimination. These include the International Covenant on Civil and Political Rights of 1966³ and the International Covenant on Economic, Social and Cultural Rights of 1966⁴.

² "The Universal Declaration of Human Rights" (adopted by the UN General Assembly on 10.12.1948) // Access from the information and legal system "Consultant plus".

³ "The International Covenant on Civil and Political Rights" (Adopted On 16.12.1966 by Resolution 2200 (XXI) at the 1496th plenary session of the UN General Assembly) // Access from the legal information system "Consultant plus".

⁴ "The International Covenant on economic, social and cultural rights" (Adopted On 16.12.1966 by Resolution 2200 (XXI) at the 1496th plenary session of the UN General Assembly) // Access from the legal information system "Consultant plus".

The ILO Convention No. 111 concerning discrimination in respect of employment and occupation of 1958⁵ deals with the prohibition of discrimination in the field of labour law. Article 1 of this Convention defines discrimination as:

1. any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national origin or social origin that results in the elimination or violation of equality of opportunity or treatment in employment or occupation.

2. any other distinction, exclusion or preference resulting in the elimination or violation of equality of opportunity or treatment in employment and occupation, as may be determined by the member concerned in consultation with representative organizations of employers and workers, where they exist, and with other relevant bodies.

The ILO report “Equality at work. The continuing challenge” follows that differences in treatment and remuneration cannot be considered discriminatory if they are based on differences in productivity. Some workers and some occupations are more productive in comparison with others. This is due to the level of skills, qualifications and abilities: the higher it is, the higher the employee's labor productivity and labor achievements. Different attitudes based on the degree of a person's personal merit and achievements, such as talent, knowledge, and skills, do not constitute discrimination.

For example, it cannot be considered discrimination to provide an employee with limited working capacity with appropriate opportunities for work or to prohibit the work of pregnant women in workplace with harmful conditions. This also includes measures aimed at providing assistance to groups of people who have been victims of discrimination in the past or are currently victims of discrimination.

The European Convention on Human Rights 1950⁶ indicates that almost every attribute can be a cause of discrimination if it is associated with arbitrary differentiation of people by laws, as well as administrative or judicial practice. The

⁵ Convention No. 111 of the International Labour organization "Concerning discrimination in respect of employment and occupation" (adopted in Geneva on 25.06.1958 at the 42nd session of the ILO General conference) // Access from the information and legal system "Consultant plus".

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms ETS No. 005 (Rome, November 4, 1950) (with amendments and additions) // Access from the information and legal system "Garant".

current formulation of discrimination in a developed democracy is based not so much on the enumeration (in the Constitution or international instruments) of grounds for discrimination as on a critical assessment of the approach.

The UN Human Rights Committee defines discrimination as "any distinction, exclusion, restriction or preference which is based on race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal basis, of all rights and freedoms"⁷.

Domestic laws of the Russian Federation proclaim the General principle of prohibition of discrimination in the sphere of work and employment. The principle of non-discrimination is enshrined in the Constitution of the Russian Federation (article 19)⁸. The provisions of the Constitution are specified in the norms of various branches of law, in particular, the specifics of labor relations with employees are regulated by the Russian Federation Labor Code.

Article 3 of the Russian Federation Labor Code establishes and specifies one of the fundamental human rights, which relate to the generally recognized principles and norms of international law: *everyone has equal opportunities to exercise their labor rights*. No one may be restricted in their labor rights and freedoms or receive any benefits regardless of gender, race, color, nationality, language, origin, property, social and official status, age, place of residence, attitude to religion, political beliefs, membership or non-membership in public associations, or other circumstances not related to the employee's business qualities⁹. As we can see, the grounds for prohibiting discrimination are formulated in the article quite broadly and are comprehensive, including such grounds as discrimination based on gender.

Although many international human rights instruments prohibit discrimination, there is no General definition of "discrimination". This is largely due

⁷ UN Document HRI / GEN/1 / Rev.2 of 29.03.1996: General comment adopted by the UN human rights Committee on non-discrimination in the context of the International Covenant on civil and political rights // Access from the information and legal system "Consultant plus".

⁸ 7-Federal Constitutional Act of 05.02.2014 # 2-FKZ, of 21.07.2014 # 11-FKZ) // Access from the information and legal system "Consultant plus".

⁹ "The Russian Federation Labor Code" from 30.12.2001 No. 197-FZ (ed. from 25.05.2020) // Access from the information and legal system "Consultant plus".

to the fact that there is no single international act that regulates all types of discrimination. In practice, understanding the term discrimination may lead to different understanding of specific situations. For example, can gender, age, or race be considered business qualities when it comes to hiring actors or models with certain physical characteristics?

The most comprehensive definition of racial discrimination is contained in the International Convention on the Elimination of All Forms of Racial Discrimination: "Racial discrimination means any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal basis of human rights and fundamental freedoms in political, economic, social, cultural or any other field of public life."¹⁰

On its basis, researchers have derived a General definition of the concept of discrimination. Discrimination is any distinction, exclusion, restriction or preference based on race, language, religion, sex, social origin, place of birth, age, disability or other legally insignificant grounds that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal basis of human rights and fundamental freedoms in political, economic, social, cultural or any other field of public life.

Analyzing the above definition of discrimination, it should be noted that in all of them there are key characteristics of this phenomenon which are somehow reflected:

- discrimination always implies the denial, restriction or diminution of rights of a group of persons in comparison with all others in a similar situation;
- such infringement occurs on a number of grounds that are associated with stereotypical representations: gender, race, nationality, etc.;
- there are no reasonable and objective grounds for such "specific" treatment.

¹⁰ "International Convention on the elimination of all forms of racial discrimination" (Concluded on 21.12.1965) (as amended on 15.01.1992) // Access from the information and legal system "Consultant plus".

The prohibition of discrimination in employment and forced labour, as well as equal rights and opportunities for employees, are among the main principles of Labour Law. However, despite the legal prohibition of discrimination in labor relations, its various forms do not just exist, but are quite common. Therefore, it is necessary to consider the main types of labor discrimination.

1.2. Types of Labor Discrimination

The most common division of discrimination is based on its grounds. It should be noted that no document, either international or national, contains an exhaustive list of such grounds. Over time, the authorities with the appropriate powers can withdraw new ones in accordance with the current situation in the country or the world.

The Russian researcher D. V. Bunyak divides discrimination into several groups on a number of grounds-signs¹¹:

- conditionally unchanged or innate characteristics: race, skin color, gender, birth, genetic characteristics, national or social origin;
- socio-cultural characteristics: language, religion, political or other views, level of education;
- the signs of health: physical, mental, presence of disease or disability;
- signs related to the presence or absence of a special status: migrant, refugee, or internally displaced person;
- other.

The researcher O. V. Trifonova points out that in international law it is customary to distinguish the following main forms of discrimination:

- de jure discrimination (legal discrimination), which is contained in certain laws, including petitions at the international level;
- de facto (unofficial) discrimination that occurs in the customs of individual peoples at the social level is mostly ignored by national legislation¹².

For example, de facto discrimination occurs mainly when a large part of society enjoys statutory privileges over a minority. Such privileges are recorded in legal acts, and, consequently, the minority that feels restrictions and discrimination, in most cases, does not have the right to declare it, because it does not have legal

¹¹ Bunyak, D. V. The basis of the understanding of the term equality and fight against discrimination // Bulletin of Kemerovo state University. Series: Humanities and social Sciences, Vol. 3 2019, No. 4(12), Pp. 365-371.

¹² Trifonova O. V. Dictionary of terms for the course on human rights. Moscow: Yurist, 2012. P. 234.

grounds to confirm their innocence and infringement of their rights and freedoms from the outside.

De jure discrimination can be eliminated through changes in regulations. But the elimination of unofficial discrimination is not so easy, because it has been operating in society for decades, and it is fixed in local customs and social life, and it is not accepted as something unusual.

According to the specifics of the impact of discriminatory provisions on real relationships, discrimination is divided into direct and indirect. According to the Chapter 1 of Council Directive 2000/43/CE of 29.06.2000, implementing the principle of equal treatment of people, regardless of their racial or ethnic origin, "direct discrimination means based on... treatment of a person who is less favorable than it was, is or will be in relation to a person in a similar situation"¹³.

"Indirect discrimination means a situation where a normative provision, criterion or practice that is outwardly neutral may cause a particular disadvantage to persons ... in relation to others, except when they are objectively justified by a legitimate aim and when the means to achieve this aim are proportionate and necessary."¹⁴

In order to be able to speak about the existence of direct discrimination in a certain situation, a number of factors must be present¹⁵. The first is the presence of adverse treatment. For example, receiving a pension or payment in a smaller amount without good reasons. A comparison element is required, i.e. there must be "a person in similar circumstances" who is "given more favourable treatment without justification". A striking example is a situation in which discrimination is carried out because of a person's pregnancy.

Individuals should be treated unequally when they are in different situations, but only to the extent necessary to enable them to take advantage of certain opportunities on the same basis as others. Violation of this rule leads to indirect discrimination, in

¹³ Directive 2000/43/EC of the Council of the European Union of 29.06.2000 implementing the principle of equal treatment of people regardless of their racial or ethnic origin // Access from the Garant information and legal system.

¹⁴ Directive 2000/43/EC of the Council of the European Union of 29.06.2000 implementing the principle of equal treatment of people regardless of their racial or ethnic origin // Access from the Garant information and legal system.

¹⁵ Guide to European anti-discrimination law, July 2010, M. P. 136.

which it is not the difference in treatment itself, but the consequences of such treatment will not be the same for people with different qualities. In order to be able to speak of indirect discrimination in a given situation, there must be a combination of several factors. One of them is the existence of a provision that applies to all persons in similar circumstances. At the same time, "this obviously neutral position or practice puts the "protected from unequal treatment group" in a particularly unfavorable position", there must also be an element of comparison¹⁶.

Discrimination in the sphere of labor relations is an urgent problem for the entire world community. From the point of view of labor relations, these are unequal opportunities for employees with equal productivity, or different attitudes towards them on the part of employers, the state and society. At the same time, both individual employees and entire groups of people may be subjected to labor discrimination.

I found out in the previous chapter that international and national documents contain certain conditions that exclude discrimination. They are related to:

- refusal of employment;
- the establishment and changing of payment terms of work;
- job promotion;
- advanced training.

However, this list remains open, as the employee may be discriminated against in other cases. Discrimination may occur when an employee is dismissed, transferred to another position or location, denied legal guarantees and compensation, and so on.

The following types of discrimination are highlighted in modern literature that studies discrimination¹⁷:

1. Discrimination regarding the amount of remuneration of different groups or individual employees in comparison with others. In all countries, employees with the same work experience and qualifications may receive different wages for the

¹⁶ Guide to European anti-discrimination law, July 2010, M. S. 141.

¹⁷ Isaeva D. R. Discrimination in labor and directly related relations // Modern research and development. 2017. no. 4(12). Pp. 133-136.

same work in the same industry or company. The most frequently salary level discriminated group of workers are African Americans, women and immigrants.

2. Discrimination in employment, dismissal from office. People who have served time in prison, people with physical disabilities, and young people without experience are susceptible to such phenomena. They are rarely given priority as employees, but they are in the first line for dismissal. Discrimination can also be caused by ethnicity, inappropriate age, and citizenship.

3. Discrimination in career development. It lies in the fact that some employees are reluctant to move up the career ladder. People from other countries, immigrants and women most often find themselves in this situation.

4. Professional discrimination, which consists in the constant differentiation of groups of employees into different professions, specific to this group. For example, there are traditionally male and female specialties. Occupational segregation also exists in the division of occupations between newcomers and indigenous workers.

No less important factors affecting the occurrence of discrimination are age, disability, pregnancy, various chronic diseases, and non-traditional sexual orientation.

These types of labor discrimination are interrelated, they can occur independently, or several types at once, which will strengthen each other.

Currently, discrimination against women is actively discussed in the scientific community and in the media as well. The active women participation in the labour force has not led to the elimination of differences between men and women in employment sphere. If the level of economic activity of men and women is quantitatively similar and the type of work activity is similar throughout the life cycle, women continue to work in conditions of horizontal and vertical segregation in the labor market and receive lower wages on average.

Also, the most common and discussed type of discrimination is age discrimination. The current situation in the labor market leads to a decrease in the standard of living of older people. Non-working pensioners are much more likely

than the working population to be among the poor. And this is just one of the many socio-economic problems that labor discrimination leads to.

To sum up, we can say that, despite the legally established prohibition of labor discrimination, its cases are ubiquitous in our life. To solve this problem, it is necessary to increase the legal education of citizens in order to ensure self-protection of employees in cases of discriminatory signs on the part of the employer. Elimination of labor discrimination will ensure equal working conditions for all participants in social and labor relations, increase labor productivity, and as a result accelerate economic growth.

CHAPTER 2

Social and legal protection of an employee from discrimination in the workplace

2.1. Workplace Discrimination in European countries

In a competitive market environment, any artificial barriers to access to limited resources, such as jobs, are discriminatory. Labor relations are one of the main areas of active discrimination. Modern market relations develop an interest in obtaining the greatest profit in employers, and the interest in observing the rights of employees goes by the wayside. Imperfect labor laws and practices in many countries contribute to an annual increase in the number of people who are discriminated against in the workplace.

International and national anti-discrimination legislation plays an important role in eliminating inequality. The principle of non-discrimination in the sphere of work is a fundamental idea that expresses the essence of international legal regulation of labor and reflects the minimum degree of protection of the employee in accordance with the requirements of international labor standards.

The ILO, in its Declaration on Fundamental Principles and Rights at Work¹⁸, declares the following principles as fundamental:

- freedom of Association and effective recognition of the right to collective bargaining¹⁹;
- elimination of all forms of forced and compulsory labour²⁰;
- effective prohibition of child labour²¹;

¹⁸ United Nations [Electronic resource]. URL:

https://www.un.org/ru/documents/decl_conv/declarations/ilo_principles.shtml (28.07.2020).

¹⁹ Convention No. 87 of the International Labour Organization "Concerning freedom of Association and protection of the right to organize" // Access from the information and legal system"Consultant plus".

²⁰ Convention No. 29 of the International Labour Organization (as amended on 11.06.2014)" Concerning forced or compulsory labour" // Access from the information and legal system"Consultant plus".

²¹ International Labour Organization Convention No. 138 concerning the minimum age for employment // Access from the Garant information and legal system.

- the elimination of discrimination in respect of employment and occupation²².

These principles are fundamental, since they are recognized as such in the ILO and beyond. Norms against discrimination in the sphere of work and labour relations are contained in ILO conventions and recommendations such as: Convention No. 111 on discrimination in employment and occupation; Convention No. 117 on the basic aims and standards of social policy; Convention No. 156 on equal treatment and equal opportunities for men and women workers: workers with family responsibilities; Convention No. 100 on equal remuneration for men and women for work of equal value; Recommendation No. 162 on older workers, Recommendations No. 86, No. 151 on migrant workers, recommendation No. 90 on equal remuneration for men and women for work of equal value, Recommendations No. 122, 169 on employment policy, etc. The most General in content is Convention No. 111.

In addition to the universal ILO instruments on equality at work and the prohibition of discrimination, there are conventions and recommendations that apply to certain categories of workers: migrant workers, persons with family responsibilities, older workers, persons with disabilities, seafarers, agricultural workers, and indigenous people.

The Council of Europe and the European Union have a fairly high level of experience in applying legislation on protection against discrimination. The Council of Europe was established in 1949 and is a European regional organization that includes 47 countries, including the Russian Federation. One of the priority goals of this organization is to combat all forms of discrimination, etc. In turn, the European Union unites 28 European States with the goal of economic integration.

In turn, achieving the most successful results in the implementation of economic integration is impossible without the implementation of a competent social policy, and primarily in the field of protection of workers' rights.

²² Convention No. 111 of the International Labour Organization "Concerning discrimination in employment and occupation" // Access from the information and legal system "Consultant plus".

One of the main acts adopted within the framework of the Council of Europe is the Convention for the protection of human rights and fundamental freedoms²³. Article 14 of the Convention stipulates that "the enjoyment of rights and freedoms must be ensured without discrimination of any kind on the basis of sex, race, colour, language, religion, political or other opinion, national or social origin, membership of national minorities, property, birth or any other grounds"²⁴.

Also, the most important act of the Council of Europe for the protection of workers' rights is the European Social Charter, which was adopted in 1961, and its Additional Protocol of 1988²⁵. The norms of these acts proclaim that "all workers have the right to equal opportunities and equal conditions in terms of employment and profession, without discrimination". To achieve this goal, the Charter establishes in article 4 the right to equal and fair remuneration of employees for work, as well as details the right of children and young people to protection in the exercise of their labor rights (article 7); the right to protection of working women and maternity (article 8); the right of migrant workers and their families to protection and assistance (article 19).

The European Union adopted the Charter of fundamental rights of EU citizens in order to eliminate discrimination²⁶. A number of directives have also been adopted, the main ones being Directive 2000/43/EC of 29 June 2000. (enshrining the principle of equality regardless of race and origin)²⁷, Directive 2000/78/EC of 27 November 2000 (on the creation of common standards ensuring equality in work and employment)²⁸, Directive 2006/54/EC of 5 July 2006 (enshrining the principle of equal opportunities for men and women in work and employment)²⁹.

²³ Convention on the protection of human rights and fundamental freedoms ETS No. 005 (with amendments and additions) // Access from the information and legal system "Garant".

²⁴ Convention on the protection of human rights and fundamental freedoms ETS No. 005 (with amendments and additions) // Access from the information and legal system "Garant".

²⁵ European Social Charter (with additional protocols ETS N 128) (ETS N 035) (Rus., eng.) // Electronic Fund of legal and regulatory and technical documentation. [Electronic resource]. URL: <http://docs.cntd.ru/document/1902298> (accessed 29.07.2020).

²⁶ Charter of fundamental rights of the European Union // Electronic Fund of legal and normative-technical documentation. [Electronic resource]. URL: <http://docs.cntd.ru/document/901888686> (accessed 29.07.2020).

²⁷ Directive 2000/43/EC of 29 June 2000 // Access from the Garant information and legal system.

²⁸ Directive 2000 / 78/EC of 27 November 2000 // Access from the Garant information and legal system.

²⁹ Directive 2006/54/EC 5 July 2006 // Access from the Garant information and legal system.

The scope of these Directives is clearly defined and includes legal relations such as:

- 1) relations on employment, occupation of a free profession and other labor activity, including criteria of selection of personnel, promotion;
- 2) relations on professional management, training, and professional development;
- 3) relations on working conditions and employment, including dismissal and payment;
- 4) relations arising in connection with membership or participation in an organization of employees or employers, professional associations, including obtaining benefits provided by these organizations.

The Directive 2000/78/EC defines exceptions for which this act does not apply, such as:

- 1) the Directive on non-discrimination on disability and age does not apply to national armed forces;
- 2) restrictions are possible to ensure public safety, maintain public order and prevent crimes, protect health and protect the rights and freedoms of others.

These Directives also address the concept of “harassment”, including sexual harassment, thus treating it as a form of discrimination.

The Directive 2006/54/EC establishes equal opportunities and equal treatment of men and women in the field of work and employment. This Directive will stand out from the rest. This is because European Union law distinguishes the principle of equality between men and women from the General principle of equality or non-discrimination. In fact, gender equality is only a special case of a General principle, but the legislation of the European Union treats them as equivalent. This act is a "nodal" one. codifies many pre-existing directives that regulate various aspects of gender equality: remuneration, working conditions, social benefits, pensions, etc.

In the Labor Law, there are two important concepts of "negative differentiation" and "positive discrimination". In a broad sense, differentiation can be understood as all sorts of gradations in norms that depend on certain conditions.

The goal of differentiation is, in particular, to adapt the General legal norm to the relations of certain categories of employees who have different abilities or work in different conditions.

For example, penalties that are not allowed for certain categories of employees are negative discrimination of labor rights. Consider the definition of positive (reverse) discrimination. The Black's Law Dictionary explains that "reverse discrimination" is a bias that applies to a person or group of people in order to correct a situation of discrimination against another person or group of people. This type of discrimination can also be called "positive" discrimination, which is defined as a classification designed to promote a particular group of people who are considered to be discriminated against³⁰.

This term is traditionally understood in Western countries as any discrimination against a representative of the majority. Most often, the majority role is played by men or whites. Such discrimination may or may not be prohibited by law in each specific case³¹. This type of discrimination implies that the employer is obliged to give preference to those categories of workers who may be subject to infringement of their rights. This category includes women, people with disabilities, African-Americans, and so on.

The European Union's Labour legislation also allows countries to introduce special measures in their legislation to prevent or compensate for negative effects on persons with disabilities, as well as racial or ethnic minorities, in order to achieve equality at work³². Thus, cases of positive discrimination against the following subjects are most often recognized: persons with disabilities; women; and racial and national minorities.

Let me consider as an example the controversial case of *Kalanke V. Freire Hansestadt Bremen (City of Bremen)*³³. The German court refused to automatically recognize quotas for women, despite the fact that they were provided for by German

³⁰ Black H. C. Black's law dictionary. Special Deluxe. Fifth Edition. M.A. St.: Paul Minn, 1979. P. 1511.

³¹ Lindemann B., Grossman P. Employment discrimination law. [S. I.: s. n.], 1996. P. 1035.

³² Blanpain R. European Labour law. Wolters Kluwer, 2008. P. 482–487.

³³ *Kalanke v. Freire Hansestadt Bremen (City of Bremen)*, 17 October 1995, C-450/93, ECR, 1995, 3051. [S. I.: s. n.].

law. The essence of the case was that two candidates, a man and a woman with equal qualifications and experience, applied for the vacant position of head of Department in the Bremen parks Department. The employer hired a woman on the grounds that the law of Bremen requires that candidates of different sexes should give preference to a woman at equal rates. The plaintiff pointed out that this provision on quotas does not coincide with the norms of the Bremen Constitution and the norms of the basic law of Germany. His argument was not accepted by either the court of first instance or the court of appeal. The Federal Labour Court in this case raised the question of whether the Bremen Constitution complies with this rule on the preferential right to employ a female candidate in a sector where women are less represented (i.e. less than half of the jobs in a certain job and salary corridor are occupied by women). The court, assessing the Bremen regulation, noted that it prohibits discrimination on the basis of gender in the employment process, both direct and indirect. The automatic quota provision for women in areas where they are less represented constitutes gender discrimination³⁴. Despite this, such a rule has the right to exist in the domestic legislation of the country. It provides for equal opportunities for men and women, and in certain cases equality can be achieved by eliminating existing inequalities in women's employment. Although these rules may seem discriminatory, their main purpose is to eliminate inequality that may exist in practice. The court ruled that such measures that give women an advantage in employment have a right to exist, but such domestic legislation must be interpreted very strictly. Unjustified, automatic advantages against women should not be recognized as legitimate³⁵. These rules cannot be used for discrimination.

Swedish legislation is also a good example. The law "on equal opportunities" obliges the employer to announce available vacancies to both men and women. This rule applies to the ad text itself, as well as to the employer's decision to hire an employee. Therefore, an ad containing information that is interpreted as discriminating against one of the sexes violates the equal opportunities rule. This

³⁴ McColan A. *Discrimination law. Text, Cases and materials*. Portland, Oregon, 2005.

³⁵ *European Labour law* R. Blanpain. Wolters Kluwer, 2008. P. 508.

law also obliges the employer to involve representatives of the sex that is less represented in the enterprise during the recruitment procedure. It should monitor the situation so that the number of representatives of the less represented sex increases (except in cases where the predominance of representatives of one sex over the other is due to the specifics of the work itself).

Let's also consider the example of the United States, where in the 1960s, affirmative action policies began to spread to improve the situation of national minorities in the labor market. The activism of feminist organizations led to the policy being extended to women. Positive actions are programs aimed at compensating for the negative effects of inequality on certain groups of the population. There are two forms of affirmative action: policies that provide greater access to the labour market, and / or policies that aim to increase the representation of previously underrepresented groups in public committees, political parties, and educational institutions.

Many Americans approved of the goal of "affirmative action", which was to achieve equality of opportunity for women and minorities. However, in the late 1970s, the situation began to change. Many Americans spoke about preferences for women and minorities in a negative way. The court precedent of the end of 1978 demonstrates the emergence of the concept of "reverse discrimination". It's a case of "Tanks against the University of California"³⁶. A. Bucky, a medical school student, accused the University of California of not accepting him because he was white. The plaintiff's lawyers argued that the University, where academic places were allocated according to quotas (16 out of 100 places were reserved for members of minorities), gave preference to representatives of national minorities and refused admission to a well-trained white man who outperformed the accepted representatives of minorities in points, which is an example of obvious discrimination³⁷.

³⁶ Regents of the university of California v. Bakke. [S. I.: s. n.], 1978.

³⁷ Williams M. E. Discrimination: Opposite viewpoints. [S. I.: s. n.], 2003. P. 105.

Thus, we can see that there may be situations when a minority representative who is less qualified or less needy than a majority representative finds himself in a more favorable position.

In recent decades, the problem of age-based discrimination has become more and more relevant. In Europe, this topic has become one of the leading ones over the past 20 years. In the modern world, the vast majority of men and women have formed such an element of the psychological value system as the value of a healthy lifestyle and quality of life. Hence, all their personal and professional behavior our contemporaries build in accordance with this psychological education. After retiring, many of us can continue to work efficiently and effectively for the personal and social good³⁸.

Scientific estimates show that by 2050, people aged 60 and over will make up 33 per cent of the population of developed countries and 19 per cent of the population of developing countries. Discrimination may be overt, such as the age limit for employment, or it may take more hidden forms, such as claims that older people do not have the potential for professional growth or that they have too much experience³⁹.

Pay discrimination consists in the fact that historically there has been and still is an intersectoral differentiation in pay, when the most disadvantaged sectors are those where women predominate in the workforce. An integral part of this process is the replacement of women's labor with men's labor while increasing wages in the industry, even if it is "traditionally female". The most striking example is the reduction in the proportion of women in the credit and banking system, with a sharp increase in the level of remuneration in it.

The gender pay gap is the largest among the most profitable and highly professional groups. At the same time, women still cannot break into the sphere of top management. In Germany, the percentage of women who hold presidential

³⁸ Claire Kilpatrick. Effective use of equal rights: equal remuneration for work of equal value in France and Britain // Ensuring gender equality: policy in Western Europe, 2000. Pp. 47-75.

³⁹ Andonova A. N. Discrimination against older people in modern society // Bulletin of the East Siberian open Academy. 2014. No. 15. S. 15.

positions in the largest companies has been less than 3% for many years. Better opportunities are open to a number of women in middle management in trade and Finance. And yet in these areas, they are only 30% in Europe. On average, women earn between 50 and 80% of men's earnings. Women account for 2/3 of all illiterate adults. Out of 100 million 60% of children who do not have access to primary education are girls. Legislation on equal rights and equal opportunities for women and men only works in the public sector of the economy, but it does not apply in the private sector. Sometimes state structures are the source of gender asymmetry⁴⁰.

We believe that it is impossible to eliminate discrimination quickly. This is a long process. It is necessary to protect the employee as much as possible, but you need to achieve this goal gradually, without forcing events and without giving out wishful thinking. To protect an employee from discrimination, it is not enough to declare a ban on it.

In labor law, the protection of employees from discrimination is traditionally considered from the point of view of the effectiveness of legal norms and legal guarantees of the employee's labor rights. However, it is necessary to understand that it is not enough to assess the situation of a person through the analysis of legal norms. There are phenomena that restrict employment opportunities and prevent normal work but are not regulated by law. For example, psychological pressure on an employee from an employer or colleagues; gender stereotypes in the labor market: unjustified, from the point of view of professional suitability, interference by the employer in the personal life of the employee; sexual harassment at work – all this affects the employee's position and dignity as a person. The protection of an employee is provided not only by direct or indirect influence of legal norms, but also by other social norms: morals, customs, educational influence on the rights of the employee and the employer.

Continuing the theme of discrimination against women in the workplace, it is important to tell about The Migration Platform establishing in 2016 by the EU–

⁴⁰ Claire Kilpatrick. Effective use of equal rights: equal remuneration for work of equal value in France and Britain // Ensuring gender equality: policy in Western Europe, 2000, P. 53.

Canada Leaders' Summit. This summit was created to address illegal migration issues and provide paid work for refugees and legal immigrants. It also raises issues such as the introduction of a program of integration into a new culture for legal migrants, where residents can share their advanced and technological experience in various fields. All this is aimed at ensuring that refugees can get regular legal work and provide themselves with a minimum living wage. Canada is one of the most active participants in ensuring labor security for migrants, and in particular for women. For example, on 13th of November in 2020 the representatives of the European Union and Canada gathered together to discuss opportunities for women to integrate into the labor market without any discrimination, which continues to accompany women in recent decades. The meeting consisted of two parts. For example, in the first part of the meeting, Thomas Liebig, Senior Migration Expert in OECD, was appointed as a moderator. If we look at the report on the first part of the meeting, we will see that it discussed studies that were conducted both in Europe and in Canada on the situation in the labor market for women. Representatives of the countries also shared their ideas and thoughts on how to improve the situation. There were also examples from world practice that show progress in ensuring equal working conditions regardless of gender, origin, age, and so on.

The second part of the meeting was more practical, as the organizers invited participants to join four different sessions, each dedicated to a separate topic on women's labor migration. «They shared experiences of successful ways of recognising, valuing and building the skills of migrant women, the role of coaching and mentoring to support labour market participation, and ways in which self-employment and entrepreneurship can create labour market opportunities for migrant women. The participants also discussed how to address systemic barriers to the labour market integration of migrant women. The discussions provided an opportunity to identify issues, explore policies and practical approaches to the integration of migrant women»⁴¹.

⁴¹ <https://ec.europa.eu/migrant-integration/news/watch-now-supporting-the-successful-labour-market-integration-of-migrant-women>

German and work discrimination

The summer of 2020 was also difficult for Germany in terms of work discrimination. After mass protests against racism, German political circles began to discuss the problem of racism in Germany. According to the latest data, the number of cases of discrimination based on ethnicity in the country is growing. People from Africa are increasingly feeling like aliens in Germany, emphasizes the Swiss *Neue Zürcher Zeitung*⁴².

After protests against racism in Germany, the Independent Social Democratic Party of Germany (USPD) and the Alliance 90/ The Greens (Greens) are pushing for a debate about "structural racism" in the country, according to the Swiss *Neue Zürcher Zeitung*. As the newspaper notes, Africans feel in Germany "like aliens".

Gilbert Shang, a 37-year-old Cameroonian, has been living in Germany for ten years. Once an exchange student at the University of Bayreuth, he now teaches literary studies there, and the city has become his home. He was well received at the University, and in his normal life, he rarely faces racism — but sometimes this happened. For example, on the train to the German academic exchange service in Bonn, he and his fellow students from Africa were always checked by the police.

Because of such cases, people have now come out to mass protests, including in Germany. Large-scale demonstrations after racism and police violence over the weekend took place not only in the United States, but also in Berlin, Munich, Frankfurt, Cologne and Stuttgart. In total, more than 100 thousand people took to the streets in the country. Only in the capital it came to clashes with the police. There were 78 arrests and 28 police officers were slightly injured. After that, discussions of ingrained racism in Germany began to gain momentum in political circles.

The USPD co — chair Saskia Esken explained that German protesters are looking at the situation at their own doors: in Germany, too, there is latent racism in the ranks of the law enforcement forces⁴³. Bundestag President Claudia Roth of the

⁴² <https://www.britannica.com/topic/Neue-Zurcher-Zeitung>

⁴³ <https://www.dw.com/en/german-democracy-under-open-attack-says-spd-chief/a-55694548>

green party also pointed to the existence of "racist structures and networks" within the state apparatus. The head of the greens, Robert Habeck, demanded that the concept of race be removed from Article 3 of the German Constitution. The Christian Democratic Union of Germany (CDU) leader Annegret Kramp-Karrenbauer welcomed self-critical questions about how racism is dealt with in everyday life in Germany.

At the same time, the General Secretary of the CDU Paul Zimic warned against the indiscriminate attribution of the police racist way of thinking. The German police Union also expressed surprise at such reproaches. Among the 49,000 German police officers since 2012, only 25 cases of suspected racist thinking have been identified, according to the article⁴⁴.

The focus of the discussion is primarily on the issue of attitudes towards people of African descent. According to representative population statistics for 2018, there are about 936,000 people living in Germany with such a migration past⁴⁵. They were either born in an African country themselves, or at least one of their parents was born in Africa. This category includes both German citizens and persons with foreign passports. The latter, according to the German statistical office, by December 31, 2019, there were more than 600 thousand people in the country. The largest group is made up of Moroccans, followed by people from Niger and Ghana⁴⁶. Compared to France, the United Kingdom, Belgium, or the Netherlands, Germany has significantly fewer African-Americans relative to the country's total population.

Migrants from Africa — including those like Gilbert Shang, who sought a better education in Germany, but above all, still, guest workers and people without legal residence status — saw Germany as "a kind of Paradise," the Swiss newspaper writes. After their arrival, they were faced with cultural assimilation and the associated stress. For many migrants, this stress decreases over time, but for Africans in Germany, on the contrary, it increases. "They felt more and more like aliens in Germany," the newspaper quoted a Professor who studies the life of African

⁴⁴ <https://www.dw.com/en/german-police-racism/a-54090661>

⁴⁵ <https://www.dw.com/en/german-police-racism/a-54090661>

⁴⁶ <https://www.dw.com/en/german-police-racism/a-54090661>

migrants in the country as saying. Therefore, many migrants from Africa in adulthood certainly want to return to their homeland.

This is largely due to the way of life in Germany, but it is also largely due to racist stereotypes: people from Africa are perceived by Germans mainly as refugees. However, the more proficient they are in German, the less racist they are perceived by the German population.

In any case, the situation in Germany does not compare to the United States, where there are really deep-rooted problems with racism. In addition, Afro-Americans in America are, for the most part, not migrants, as in Germany, and Americans are not in the first generation.

In mid-August, Germany's anti-discrimination Cabinet released disappointing figures. It received the most calls for assistance in 2019 in connection with cases of work discrimination based on racism. Over the past 2019 year, there were 1,176 people who felt violated in their rights at work or in everyday life because of their ethnic origin applied for advice⁴⁷. This is 10% more than the year before, the newspaper notes. In every third case, it was about the experience of facing discrimination. Since 2015, the figures have more than doubled, from 545 to 1,176 requests⁴⁸.

But discrimination in the labor market is also closely linked to discrimination in everyday life, and especially when migrants are faced with finding housing.

The German statistics tells us that one in three German residents with migration roots (it is about 35 percent) faced discrimination when searching for housing. This is the conclusion reached by the authors of a study commissioned by the Federal Agency for combating discrimination. According to the head of the Department Bernhard Franke, the announcement of the delivery of housing is clearly racist, too, are still commonplace.

But such behavior by landlords is a violation of the equal treatment act (das Allgemeine Gleichbehandlungsgesetz), which protects residents from

⁴⁷ <https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

⁴⁸ <https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

discrimination on grounds such as ethnicity, religion, worldview, gender, sexual identity, age and health status.

In turn, Bernhard Franke believes that to solve the problem of discrimination in the housing market, it is necessary to conduct information campaigns: "Landlords need to know what they are allowed and what is forbidden. And those who are looking for housing should know their rights."

According to Franke, it is necessary to add to the General law of Germany on equal treatment, prohibiting discrimination in this area, as it is done in relation to ads for staff search.

In addition, the study found that almost one in three Germans (29 percent) would feel uncomfortable if a migrant moved into a neighboring apartment or house. 41% of respondents have doubts or concerns about the possibility of renting housing to a migrant⁴⁹. The researchers believed that the same time, the vast majority of Germans (83%) admit that discrimination against foreigners or representatives of certain ethnic groups is common when searching for housing⁵⁰. Awareness of the problem and personal attitudes often diverge.

The study involved a thousand people over the age of 16 who speak German.

Let me share with you another case studies that prove the serious of this problem nowadays.

⁴⁹ Socio-economic inclusion of migrant EU workers in 4 cities.pdf

⁵⁰ <https://www.dw.com/en/racism-on-the-rise-in-germany/a-53735536>

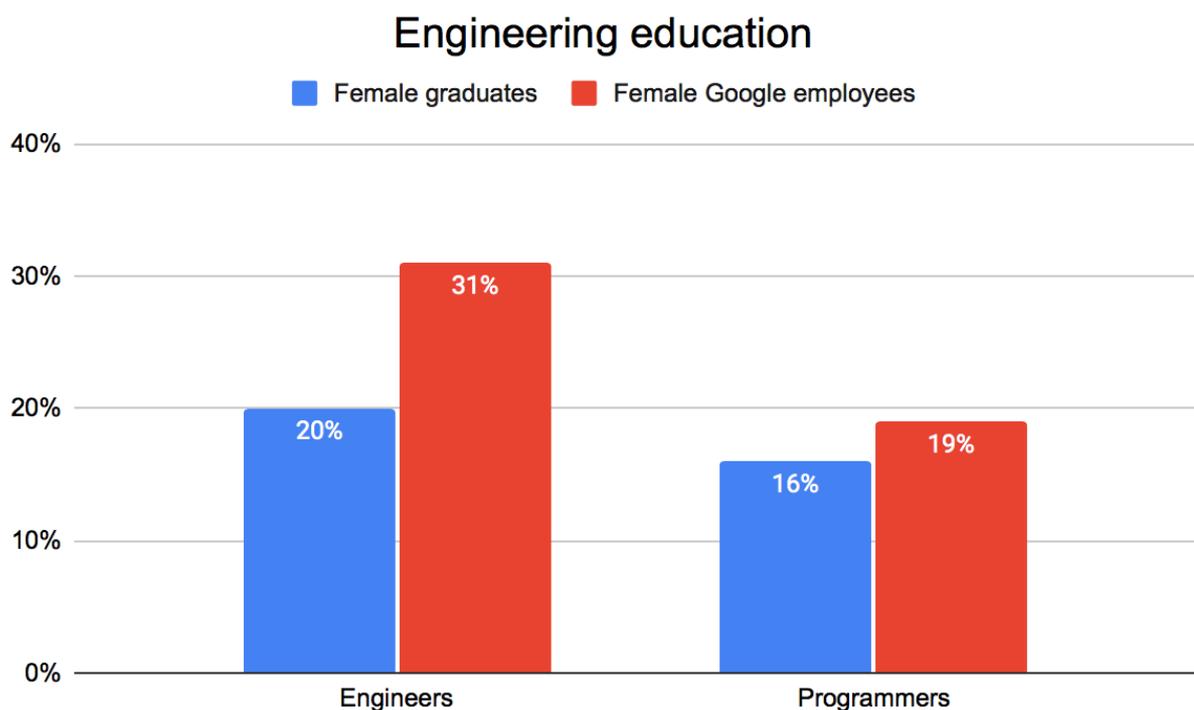
World work discrimination cases

In the United States, the issue of harassment of white men's rights to work has been raised. The reason was a lawsuit in the Supreme court of Santa Clara County, California, filed by engineer James Damore. Previously, he lost his job at Google after publishing a "Manifesto against gender equality" in the IT industry.

The Russian Agency for legal and judicial information has studied statistics on violations of equality between women and men in the right to work in the field of information technology and access to senior positions. They have prepared an infographic on the entire spectrum of the problem, from which they offer to draw own conclusions.

Damore's complaint was joined by several of His former colleagues. The plaintiffs are asking the court to order Google to stop discriminating against white men, as well as to pay them compensation for unjustified dismissal.

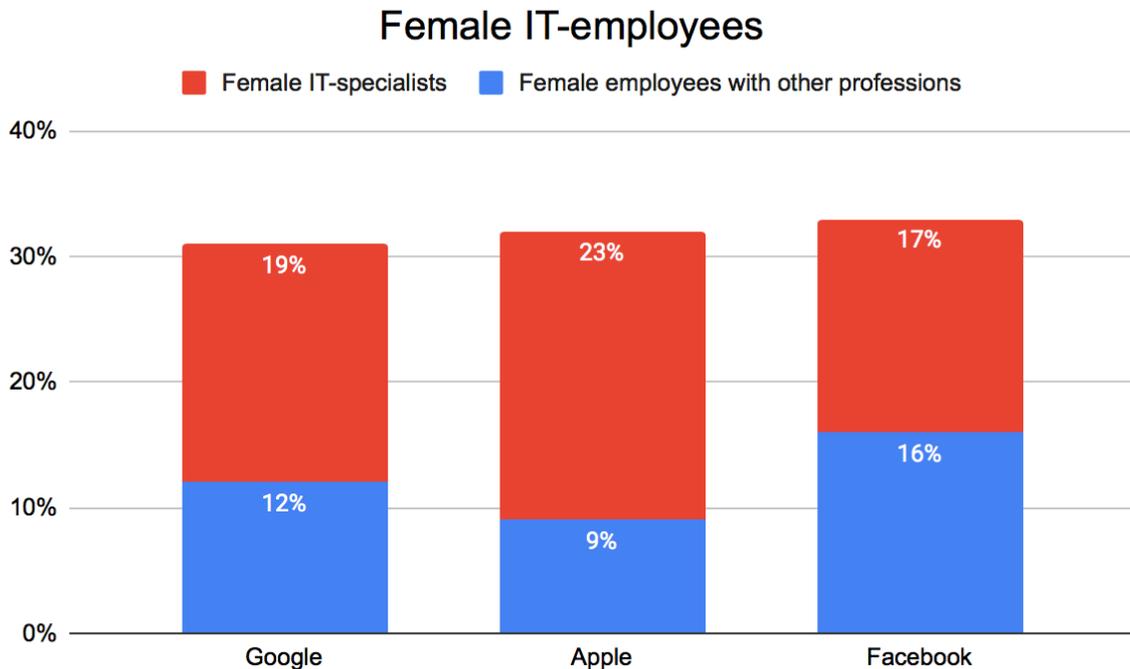
Google's current policy is aimed at equalizing the number of women and men. According to the plaintiff, this results in a number of preferences for women, both in employment and in promotion. At the same time, women themselves consider themselves oppressed in the IT sphere, where their number is disproportionately low.



The source: The Russian Legal Information Agency (RAPSI), 2018

The graphs show that the majority of women in leading IT companies work as programmers, and not as service personnel.

It is interesting that the percentage of employees in these companies exceeds the share of women among graduates in specialized specialties.

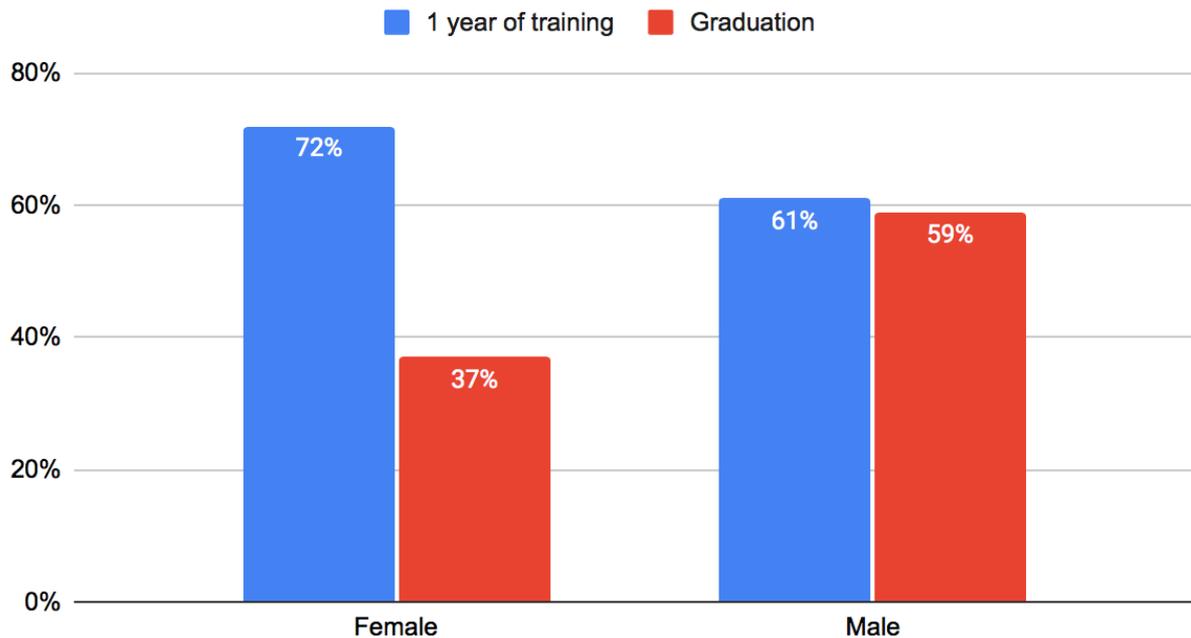


The source: The Russian Legal Information Agency (RAPSI), 2018

In feminist circles, it is generally believed that the reason for this gender imbalance is that the image of specifically male professions is artificially created for technical specialties. To solve this problem, it was proposed to advertise the prospects of technical education among women, as well as gender quotas for admission to specialized universities.

However, as current sociology shows, the problem is still somewhat different: not in the obstacles to admission to technical universities, but rather in the insurmountable personal preferences inherent in different sexes.

Desire to continue training in a technical specialty

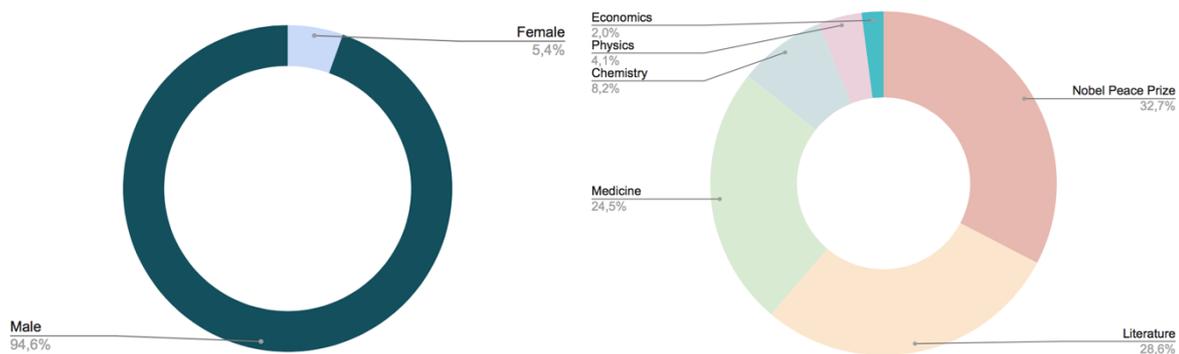


The source: The Russian Legal Information Agency (RAPSI), 2018

According to researchers, a significant number of women come to three conclusions while preparing for their doctoral dissertation: academic work is unattractive, you will have to overcome a disproportionately large number of obstacles to achieve success, and fears of having to make too many sacrifices.

The objectivity of the scientific community's assessment of women's achievements makes it possible to assess the distribution of Nobel prizes. On the one hand, the number of women among its laureates is so low that it suggests discrimination. On the other hand, the expressive distribution of laureates by humanitarian and technical specializations illustrates the objectivity of gender imbalance in IT and other technology companies.

Women are among the Nobel laureates and their specialization



The source: The Russian Legal Information Agency (RAPSI), 2018

Female leaders

A 2011 study by Catalyst found that companies with 19-44% female leadership positions had net income as a percentage of revenue 16% higher than homogeneously male companies⁵¹.

However, other researchers have concluded that the best performance of companies with female Board members does not necessarily mean that it was gender quotas that led to positive results. As the details of the study show, it is often simply that companies that are financially successful have more opportunities for women to provide leadership positions. Professors at Stanford University's Graduate school of business and the University of Edinburgh studied two thousand firms and found that larger companies with larger boards were more likely to add women.

The Credit Suisse research Institute has found that in times of crisis, it is especially important to have women in leadership positions. During the recession years, from 2008 to 2012, the share prices of companies with at least one female

⁵¹ <https://www.catalyst.org/research/women-in-management/>

Board member were on average 26% higher than those of "male" companies⁵². "More balance on Board brings less volatility and more balance over the course of the cycle," the researchers said.

The latter argument is sceptical, since opinion polls show that both sexes are uncomfortable with gender quotas. In addition to the fact that such companies have a more widespread skeptical assessment of the professionalism of women who are accepted to comply with the minimum standard, there is also an increase in inter-sexual tension, aggression and suspicion of aggression in such groups (an example of which, in particular, can be both Damore's lawsuit and the upcoming lawsuits of his female colleagues).

According to a study by the Elephant in the Valley, 90 % of female employees of Silicon Valley companies surveyed have experienced sexism in the workplace. At the same time, 84% of female employees complained that they were acting "aggressively" (which can also be called reverse sexism)⁵³.

The topic of equal pay deserves special attention, both in relation to senior positions and ordinary employees. Interestingly, unlike other gender and labor issues, no developed country provides an example of an effective solution to this issue.

Sweden is considered an example of equality. In 2017, Sweden refused to introduce a 45% quota for women on boards of Directors, since their number was already 32%. However, even there there is a difference in salaries⁵⁴.

⁵² The Business Case for Gender Diversity [URL: <https://www.icrw.org/wp-content/uploads/2017/10/Advisors-The-Business-Case-for-Gender-Diversity.pdf>]

⁵³ Select Task Force on the Study of Harassment in the Workplace [URL: <https://www.eeoc.gov/select-task-force-study-harassment-workplace>]

⁵⁴ Gender diversity on Swedish companies' board of directors [URL: <http://www.diva-portal.org/smash/get/diva2:1109219/FULLTEXT01.pdf>]

The source: The Russian Legal Information Agency (RAPSI), 2018

However, perhaps the reason for this is only that the amount of remuneration is not estimated exactly specifically, without taking into account the volume and complexity of the work done.

At the moment, the most popular way to bring the salaries of men and women to a common denominator is positive discrimination methods.

In EU countries where there are no positive discrimination laws, the number of female Board members (a sample of 734 companies) is now 23%, compared to

Gender differences in pay and workload for employees in equal positions in Sweden



only 11% in 2007⁵⁵. In countries that have approved quotas for business at the state level, these figures are higher: 44% in Iceland, 39% in Norway, 36% in France and 26% in Germany⁵⁶.

However, is it really a matter of quotas – or is the reason in the civil mentality of the inhabitants of these countries? The largest number of women among top

⁵⁵ 2019 Report on equality between women and men in the EU [URL: https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2019_en_1.pdf]

⁵⁶ 2019 Report on equality between women and men in the EU [URL: https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2019_en_1.pdf]

managers is in Russia, where there are almost no quotas anywhere. About 40% of senior positions in companies in Russia are held by women, according to a study by the American audit firm Grant Thornton.

Perhaps one of the secrets of Russia's success in the field of gender equality is hidden in the fact that our country has one of the highest divorce rates in the world. This allows women to devote more time to their careers, and often forces them to become breadwinners.

Statistically, more than half of marriages in Russia break up. So, if you compare the data of Rosstat on the number of marriages and divorces, it turns out that in 2016, 61.7% of marriages broke up⁵⁷.

Interestingly, the leading countries in terms of the number of women in leadership positions, as well as other indicators of gender equality in the world of work, simultaneously occupy the last places in terms of the prevalence of traditional families.

In Lithuania and Estonia, the number of women in leadership positions is 41% and 42%, respectively⁵⁸. Latvia is the only European country where the majority, or 53%, of managers are women⁵⁹.

At the same time, Estonia was in the lead, and Latvia was among the top five European countries in the number of children born out of wedlock. The other three places in the leading group are occupied by three other leading countries in terms of the number of women managers: Sweden, Denmark, and France.

The smallest difference in Executive salaries was recorded in Romania (5%) and Slovenia (12.4%)⁶⁰. In other words, to equalize salaries – statistics show that you just need to reduce them.

A more serious reason for criticizing gender quotas is their focus on top companies. Perhaps more women would have been successful on the career ladder

⁵⁷ Real statistics of marriage and divorce in Russia [URL: <https://virgo-blg.ru/en/realnaya-statistika-brakov-i-razvodov-v-rossii-pochemu/>]

⁵⁸ Women in decision-making positions [URL: https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_376_en.pdf]

⁵⁹ Women in decision-making positions [URL: https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_376_en.pdf]

⁶⁰ The Gender Pay Gap in Europe from a Legal Perspective.pdf

if the focus had been on their comfort for women in lower positions – in particular, infrastructure support for female mothers.

Discrimination based on economic, social and cultural rights, race and gender continues to be a problem not only in European countries. This problem is covered by a number of international laws and laws of the Russian Federation, which I will discuss in the next Chapter.

2.2. Workplace Discrimination in Russia

In Russia, the legal framework for protection against discrimination in the workplace consists of the Constitution of the Russian Federation, international acts, Russian labor legislation and normative legal acts containing norms of labor law that are aimed at eliminating discrimination in this area. Legal means ensure equality and equality of all members of society before the law.

In the Soviet Union's Labor Legislation, there was no legal concept of discrimination for ideological reasons: in Soviet society, everyone is equal. In the labor Code of the Russian Federation, several norms explicitly prohibited discrimination in employment (article 16 of the labor Code), in remuneration (article

77 of the labor Code)⁶¹. In practice, however, as the researchers note, have been discriminated against women, minors, disabled people, young professionals etc⁶².

The Constitution of the Russian Federation of 1993 in article 37 mentions only the prohibition of discrimination regarding remuneration for work. Also, article 19 of the Constitution guarantees equality of human and civil rights and freedoms (including men and women) and prohibits their unjustified restriction⁶³.

The labor code of the Russian Federation (TC RF) says almost nothing about labor discrimination, only in the main provisions calls for the prevention of this phenomenon. In article 3 of the Labour Code for the first time a legal definition of discrimination is the restriction of labour rights and freedoms or granting of any benefits, depending on circumstances unrelated to business qualities of an employee⁶⁴. When applying for employment, the employer should focus on the professional and business qualities of the employee. Clarification of the concept of "professional qualities" was made in the resolution of Plenum of the Supreme court of the Russian Federation "The application by Russian Federation's courts of the Labor code of the Russian Federation". Under the business qualities of an employee should be understood the ability of an individual to perform a certain job function, taking into account the existing professional qualifications (for example, the presence of a certain profession, specialty), personal qualities of the employee (for example, a certain level of education). Note that the list of circumstances that are considered discriminatory is not exhaustive, since they may include any circumstances that are not related to the employee's business qualities⁶⁵.

It provides an opportunity for persons who believe that they have been discriminated against to apply to the Federal labor inspection system or to the court

⁶¹ The Labor Code of the Russian Federation (approved by the Supreme Soviet of the RSFSR on 09.12.1971) (ed. from 10.07.2001, with ed. from 24.01.2002) // Access from the information and legal system "Consultant plus".

⁶² Kaurov V. G. Social and legal protection of an employee in the sphere of labor and employment // Leningrad legal journal. 2006. no. 1(5). Pp. 143-167.

⁶³ The Russian Constitution // Access from the information and legal system "Consultant plus".

⁶⁴ The Labor Code of the Russian Federation from 30.12.2001 No. 197-FZ (ed. from 25.05.2020) // Access from the reference legal system "Consultant plus".

⁶⁵ The resolution of Plenum of the Supreme Court of the Russian Federation from 17.03.2004 N 2 (ed. by 24.11.2015) "On the application by courts of the Russian Federation Labor code of the Russian Federation" // "Bulletin of the Supreme Court of the Russian Federation", No. 3, March, 2007.

for elimination of discrimination, compensation for moral and material damage. Article 64 of the labor code of the Russian Federation also prohibits unjustified refusal to conclude an employment contract for circumstances not related to the employee's business qualities. These provisions of Russian legislation are in line with international standards on protection against discrimination.

The article 2 of the Labor Code, proclaiming the basic principles of legal regulation of labour relations based on the common principles and norms of international law and prohibits discrimination in employment, ensure equal rights and opportunities of employees without any discrimination and promotion taking into account labour productivity, qualification and work experience in the specialty as well as vocational training, retraining and professional development.

The article 132 of the labor code of the Russian Federation prohibits any discrimination in setting and changing wages and other conditions of remuneration.

It is not possible to protect an employee from discrimination with just a few articles in the code. As a rule, if an employee goes to court to appeal against an illegal refusal to hire, they are often unable to prove that they were discriminated against in their employment, because the employer will indicate that the reason for the refusal to hire was not discrimination, but another legal reason, for example, the employee's business qualities do not meet the requirements of the employer. The employee's ability to receive protection from discrimination remains insignificant, since discrimination is very difficult to prove. This is why the employer usually recruits employees from the position of personal benefits.

In Russia, you can find the following standard wording in job ads: you need a man, 40 years old, with a personal car, etc. Let's look at a specific example on one of the largest job search and recruitment services in Russia, "SuperJob". Vacancy police officer in the Department of the MIA of Russia in the area of Tyoply Stan, Moscow (Annex 1).

The requirements specify the following factors:

- men aged 18 to 35 years who served in the armed forces of the Russian Federation or are fit for military service;

- higher education;
- no criminal record;
- citizenship of the Russian Federation;
- permanent or temporary registration (from 2 years) in Moscow or the nearest Moscow region⁶⁶ (Application 1).

This ad discriminates based on several factors – gender, age, and residence – that are not related to the employee's business qualities. In this case, a man, unlike a woman, does not need to provide a number of guarantees: retention of employment and position for the period of maternity leave, parental leave, child illness; additional guarantees for pregnant women and women with children, upon termination of the employment contract at the initiative of the employer, etc.

A citizen over 45 years of age is perceived by employers as “waste material”. It is much more profitable for them to hire promising, young and healthy people. The problem with young professionals is that they lack work experience and, consequently, stress resistance. Older people are more experienced and very responsible, but they lose out in mobility, health, and sometimes initiative. Therefore, the most popular age in Russia today varies from 30 to 45 years. The employer gives preference to the young, perhaps due to the lack of stereotypical professional thinking, in addition, the activities of a young employee can be adjusted in accordance with the principles of production.

Despite the direct ban in article 64 of the labor code of the Russian Federation, it is common in Russia to refuse to accept a job because an employee does not have registration at the place of residence, stay or location of the employer. The employer thus violates the right of Russian citizens to freedom of movement and choice of place of residence. However, this is convenient for the employer, because if the employee is tied to a certain area, it can be found if necessary.

When employers are applying for a job, they also practice interviewing, testing job seekers in order to get an idea and characterize the person as such, rather

⁶⁶ Service for job search and selection of employees SuperJob [Electronic resource].: <https://russia.superjob.ru/vakansii/uchastkovyj-upolnomochennyj-policii-30977035.html> (accessed 28.07.2020).

than from the point of view of future work. At the same time, they use psychological tests: a potential employee is asked to name their strengths and weaknesses (not professional, but as individuals) and justify them, specify the degree of sociability in the team, the presence or absence of diseases, the degree of stress tolerance, attitude to work outside the working day, on weekends and non-working holidays, information about family status.

A number of domestic studies on the problem show that social discrimination based on gender, in particular in the field of employment, continues to exist, despite the fact that tender equality is declared throughout the world community. Discrimination against women in the labour market can be classified into five types (employment; remuneration; professional development; promotion; staff reduction), and three types (preference-based discrimination; statistical discrimination based on the “statistical bias” of employers that extends to individual women the characteristics and characteristics that they consider to be inherent in all members of the same sex⁶⁷).

The two main areas of women's life - employment in production and maternal functions are inextricably linked. The successful combination of women's professional work and population reproduction is one of the most difficult tasks of modern society. The lack of a solution usually leads to a number of negative phenomena.

In Russia, women's wages are actually lower than men's, due to gender segregation in the labour market. This is confirmed by data from Russian researchers who have studied the problems of discrimination against women in the workplace. For example, according to a survey on labor relations in enterprises of various industries and forms of ownership conducted by the center for labor market research (CIRT) in October 2009, 88% of employers surveyed indicated a preference for hiring men. Among the most powerful arguments of employers who preferred to hire men were the following: men have higher productivity and are less conflicted. A

⁶⁷ Kozlova M. S. Discrimination of women in the Russian labor market: regional aspect: abstract of dis., candidate of sociological Sciences: 22.00.03 / Sarat. state. Chernyshevsky state University. - Saratov, 2006.

significant role in the negative assessment of women as workers was played by the opinion of employers that the female labor force increases costs – "women are more expensive". "Higher costs for women were noted by employers who prefer to hire only men for this reason (18% of the total number of respondents), as well as employers who believe that some benefits for women reduce the attractiveness of the female workforce (about 60% of employers)."⁶⁸

The unequal treatment of men and women by employers is not based on a real difference in their individual qualities as employees, but rather on prejudices and gender stereotypes, which are more common in Russia than in Europe⁶⁹.

The researcher O. V. Khasbulatova notes that gender stereotypes in Russia have been formed for several centuries, since the time of the Russian Empire. For a long time, an important unit of society was the Patriarchal family, headed by a man. It was the man who represented the family interests in relations with the outside world, had the right to dispose of the life of the household, earned money and provided for the family. This tradition, which existed in various versions throughout the entire period of development of the Russian state, formed the external type of culture of the Russian person⁷⁰.

In accordance with gender stereotypes, ideas are formed about a woman as a less qualified, less objective specialist, who is more susceptible to external influence than her male counterpart.

A protection from sexual harassment in the workplace is subject to legal regulation in European society. However, this phenomenon remains neutral in Russia. An employee who rejects the sexual harassment of her boss runs the risk of spoiling the relationship with him and, consequently, may be systematically discriminated against by the employer.

⁶⁸ Hotkina Z. A. gender aspects of labor and employment in Russia [Electronic resource]. URL: <http://www.gender-cent.ryazan.ru:8101/shcool/hotkina.htm> (accessed 15.01.2010).

⁶⁹ Hotkina Z. A. gender aspects of labor and employment in Russia [Electronic resource]. URL: <http://www.gender-cent.ryazan.ru:8101/shcool/hotkina.htm> (accessed 15.01.2010).

⁷⁰ Khasbulatova O. V. Gender stereotypes in political culture: specifics of the Russian experience // Woman in Russian society. 2001. No. 3/4. P. 56.

It is necessary that the traditional labor protection legislation of Russia be supplemented with anti-discrimination legislation, as is the case in developed foreign countries. Unfortunately, the TC of the Russian Federation does not even fix the definition of "discrimination". This phenomenon is addressed by international Labour Organization Convention No. 111. In Russia, the concept of discrimination in labour relations offers the Plenum of the Supreme Court of the Russian Federation "About application by courts of the Russian Federation the Labour code of the Russian Federation" dated 17.03.2014 G. Thus, it is advisable to introduce a separate Chapter in the Labor Code of the Russian Federation on discrimination in the field of labor relations, consisting of several articles. This will help regulate the relationship between the employer (employer) and the employee (including potential), and will reduce discrimination in labor relations. In addition, it is necessary to create a special body that resolves disputes about discrimination in employment relations, i.e. to provide for the presumption of the employer's guilt in discrimination in the legislation. The Labour legislation should prohibit the inclusion of discriminatory conditions of employment in the text of job advertisements based on qualities that are not related to future employment and establish the requirement of universality of such ads.

I believe that it is impossible to achieve perfect regulation of labor relations, just as it is impossible to absolutely protect the employee. Important in this case is the level of economic development of the society, which contributes to the implementation of legislative provisions, and the educational moment. For example, the problem of discrimination against women in the workplace is mainly caused by socio-cultural aspects, gender stereotypes, and value attitudes of the mass consciousness regarding images of men and women in various spheres of life. In General, there were and always will be irreconcilable contradictions between the employee and the employer. Our task is to find the "Golden mean".

CHAPTER 3

The analysis of existing discrimination in the labor market (on the example of my native city of Yaroslavl)

3.1 The discrimination in the workplace in the city of Yaroslavl

The research study. The analysis of publications and announcements about employment in Russia allow us to assert that employment discrimination in the employment relationship exists. However, these data do not allow us to make quantitative estimates of how widespread discriminatory practices are in labor relations. Therefore, a quantitative survey of the working population in Russia will

be relevant in this work. For research, I conducted a survey in the city of Yaroslavl. It is necessary to find out how often employees face discrimination in general, what types of discrimination they face with, and what problems they face in particular. The choice of the city was due to the following reasons. First, it is an industrially developed city, where various industrial enterprises of different industries are located. It has a developed economic infrastructure, as well as a public sector. Secondly, the city is the regional capital. The population is about a million people.

It should be noted that currently employees in Russia are not always familiar with their rights, as well as with the ways to protect them: applying to the court, to the Prosecutor's office, to the labor and employment Inspectorate. In practice, it is very rare for an employee to apply to such bodies because they do not want to make the situation public, even though the intervention of the Prosecutor's office is usually sufficient to warn them to change the situation in favor of the employee's rights. Therefore, it is also necessary to develop recommendations to overcome discrimination in the workplace. The elimination of discrimination is necessary so that people can develop their professional skills in peace, freely choose their field of activity, and receive rewards for their achievements. The elimination of inequality in the labor sphere will also eliminate it in all other important sectors, which will undoubtedly have a positive impact on reducing conflicts and growing the economy in the country.

Object: residents of the city of Yaroslavl.

Subject: discrimination in the workplace.

Purpose: to investigate discrimination in the workplace in the city of Yaroslavl; to develop recommendations for overcoming discrimination in the workplace.

Tasks:

1. analyze the working conditions and features of labor relations in which employees work.
2. find out how many employees have experienced labor discrimination and its types.

3. determine which categories of employees face labor discrimination more often and which less frequently.

4. find out whether employees have made any attempts to defend their rights and protect themselves from discrimination.

5. develop recommendations to overcome discrimination in the workplace.

The operationalization of concepts:

1. Discrimination is a restriction of labor rights and freedoms or the granting of any advantages, depending on circumstances that are not related to the employee's business qualities.

2. Gender, gender-social aspect of relations between women and men.

3. Equality of treatment – application of equal norms and policies to employees regardless of their gender, age, nationality, or other prohibited characteristics.

4. Social inequality – a form of social differentiation in which individuals, social groups, layers, classes are at different levels of the vertical social hierarchy and have unequal life chances and opportunities to meet needs.

5. Labor relations – a set of regulatory rules and relationships between actors regarding employment relations.

6. Meeting – a mass march as a public expression of socio-political sentiments.

7. Strike – collective organized termination of work in an organization or enterprise in order to obtain from the employer or the government the fulfillment of any requirements.

The research hypotheses:

1. Most often workers face in the workplace with baseless fines and reprimands.

2. The majority of workers problems at work arise due to sex age.

Method of research:

Questionnaire (Appendix 6). This type of research is the most convenient because the Respondent can fill out the questionnaire at a convenient time. In addition, with an anonymous survey, you can get more truthful and open statements.

Characteristics of the sample population:

The surveys were conducted from June 1 to August 1, 2020. Employees were subject to the survey. The sample consisted of 150 women and men living in the city of Yaroslavl. Sample quota: 18-35 working youth; 36-54 working older generation; over 54 years of pre-retirement and retirement age.

| General population | | | | |
|----------------------------|--------------|--------------|---------------------|--------------|
| Gender / Age | 18-35 | 36-54 | Over 54 y.o. | Total |
| Male | 139915 | 151594 | 121104 | 412613 |
| Female | 140637 | 164200 | 184184 | 489021 |

For the sample population, it is necessary to take 901634 for 100% and determine the percentage by age and gender quotas.

| General population | | | | |
|----------------------------|--------------|--------------|---------------------|--------------|
| Gender / Age | 18-35 | 36-54 | Over 54 y.o. | Total |
| Male | 24 | 26 | 19 | 69 |
| Female | 24 | 27 | 30 | 81 |

According to Mannheim, if the total population is more than 100,000 people, the sample population must be at least 150 people.

Then the sampling error will be $\pm 8\%$, and the confidence interval will be 95%

Under these conditions, the sample will be considered representative.

Characteristics of the research method:

Internet survey. A method for collecting sociological information based on the use of Google Forms.

The questionnaire consisted of 21 questions divided into 5 blocks. Questions 1 to 6 show the socio-demographic characteristics of respondents: gender, age, education, marital status, number of family members, children, and family income. Questions 7, 8, 9, 16 show the social and labor characteristics of respondents: general experience, work experience at the last enterprise (organization), average salary, union membership. The block of questions from 10 to 15 characterize the enterprise (organization) where the respondents work, working conditions and recruitment of respondents: form of employment, system of remuneration, mode of operation, the duration of the working day, the presence and duration of overtime, additional responsibilities, assessment of normality (harm) working conditions, frequency of benefits.

Questions 20 and 21 show the presence of social and labor problems and their causes: a list of social and labor problems and the causes of their occurrence. Questions 17-19 reflect the mechanism for regulating labor relations and respondents' participation in the process of regulating labor relations: the presence of speeches and protests by employees, respondents' participation in speeches and protests, and the frequency of appeals to the trade Union Committee.

The stages of the research:

1. First stage – collection of primary sociological information;
2. Technical stage – processing of the collected primary sociological information;
3. Analytical stage – analysis of the processed information, formulation of conclusions and recommendations for solving the studied problem, preparation of an analytical report on the results of the study.

Taking into account the purpose, objectives and hypotheses of the study, the resulting data obtained from the survey should be presented.

The analysis of research results.

Among the respondents the age of working youth (18-35 years) was 47.4% male and female. The category of working more than the older generation (36-54 years) are 36.8 percent of the respondents. In pre-retirement and retirement age – 15.8 %. among men and women, the majority of people with higher education are 63.2%. The average family composition is 4 people, 38.9% of respondents have children under 18 years of age.

Thus, the average portrait of a modern employee in the city of Yaroslavl looks like this. This is equally likely to be a man or a woman about 30 years old. The level of education is quite high. Most of them have professional education, and more than half of the respondents have higher education. As a rule, the family has a child under 18 years of age. The level of well-being of families surveyed is estimated as average. 52.6% of respondents say that they can buy basic household appliances, but the funds for a new car will not be enough. About a third of the respondents (26.3 %) can be attributed closer to the side of poverty, because their funds are only enough for clothing – buying household appliances causes difficulties. The share of both poor and rich does not exceed 10%. Data on the socio-demographic characteristics of employees is provided in Appendix 2.

The study involved only employees, which include people working in the production sector, in the business sector, and public sector employees as well. The minimum specified total work experience is 1 year, and the maximum is 60 years. To calculate the averages of total work experience and work experience on last place of work of the respondents I used the following formula: $X = (X_1 + X_2 + X_3 \dots + X_n) / S$, where X is the average work experience; X1, X2, X3... Xn – work experience of each employee; S is the number of surveyed workers. The result is an average total work experience of 18 years. Experience at the last place of work – 7 years.

The average salary of the surveyed employees in Yaroslavl is 31,000 rubles per month. Note that according to Head Hunter statistics, the average salary of a

specialist in Yaroslavl in 2020 is 37,000 rubles⁷¹. In Russia, the average salary offered is 45,045 rubles⁷².

The majority of employees work on an indefinite basis (57.9 %), 21.1% of respondents indicated that they work on an oral agreement, i.e. informally. Working hours are 8 hours per day (47.4 %), and 26.3% of respondents work 9-11 hours. The rest indicate the working day duration of 12 hours or more. This is due to the existence of different types of work schedules. An enterprise in Russia can set one of the following types of work schedules under the Labor Code of the Russian Federation:

- 1) Daily five-day work with 2 days off;
- 2) Daily six-day work activity with 1 day off;
- 3) Working week with weekends on a rolling schedule;

These modes are provided for in Article 100 of the Labor Code⁷³.

Almost half of the respondents (52.6 %) work overtime and have to do work from time to time that is not part of their job responsibilities (57.9%), and almost a third of respondents face this on a regular basis(26.3 %).

The majority of respondents in the city work under normal working conditions (73.7 %), respectively, the share of workers who work in harmful conditions is quite small. The system of providing benefits and benefits by the enterprise, called the social package, according to the responses, is not very common. 47.4 % have never used any benefits or received any additional benefits at their enterprises over the past three years.

Thus, the average data is as follows: employees in Yaroslavl with a total experience of about 18 years, working for more than 5 years in one place on an indefinite basis, usually under normal conditions. You have to work about 8 hours per day, and you don't always have to do "your" work. The salary of the respondents

⁷¹ Statistics for the Yaroslavl region // Internet recruitment company Head Hunter [electronic resource]. URL: <https://stats.hh.ru/yaroslavl> (accessed 10.08.2020).

⁷² Statistics for Russia // Internet recruitment company Head Hunter [electronic resource]. URL: <https://stats.hh.ru/> (accessed 10.08.2020).

⁷³ Article 100 of the Labor Code Of the Russian Federation. Working time mode // Access from the legal information system "Consultant plus".

is not so high – about 31,000 rubles, while half of them enjoyed the benefits provided by the company (organization) where they work.

Before performing the empirical part of the study, I put forward 2 hypotheses based on which I analyze the results.

The respondents' responses to questions 20 and 21 were analyzed as well. The following approach was used to obtain information on the prevalence of discrimination. Respondents were offered a list of the most common problems faced by employees of modern Russian enterprises (Appendix 3).

Those employees who said that they had experienced these problems in the past three years were asked to answer a question about the cause of each of these problems. The question about problems' reasons contained 13 possible answers, 11 answers of which were grounds for discrimination, and two ("concerned everyone" and "other reason") were not considered discriminatory. The distribution of the causes of social and labor problems is shown in the Table 2 of Appendix 4.

The answer that they faced social and labor problems was given by 56 people. Among these the most common problem is lowering wages or refusing to raise wages (8.7 %). Also, many people (8.3%) receive a refusal to pay bonuses, 7.8% have difficulty finding a job. **Thus, the first hypothesis was not confirmed.** Most often employees do not face unreasonable fines and reprimands at the workplace. Only 2.8% of respondents chose this answer. However, it should be borne in mind that I conducted the survey during the coronavirus pandemic. Many businesses in Russia were forced to suspend operations. At the same time the emergency regime was not introduced, and many organizations had to pay for the rent of premises, pay salaries to employees, etc. According to official data 15 million people were suspended in Russia, and 680,000 of them were cut⁷⁴. Many of the problems at work were most likely due to difficult circumstances caused by the restrictions of the authorities. However, this does not justify discrimination in the workplace.

⁷⁴ The number of Russians who lost their jobs due to coronavirus // Online newspaper Lenta.ru [Electronic resource]. URL: <https://lenta.ru/news/2020/06/29/reshetnikov/> (accessed 15.08.2020).

We see that less than half of the respondents experienced discrimination in the workplace (37.5 %). This value serves as an assessment of the prevalence of discrimination in this case. Taking into account the legal assessment of discrimination as a significant offense and bordering on a crime, the prohibition of which is fixed in the highest legislative act of the country – the Constitution and confirmed in the Labor Code, it should be recognized that the situation in which every seventh employee faces discrimination is not favorable.

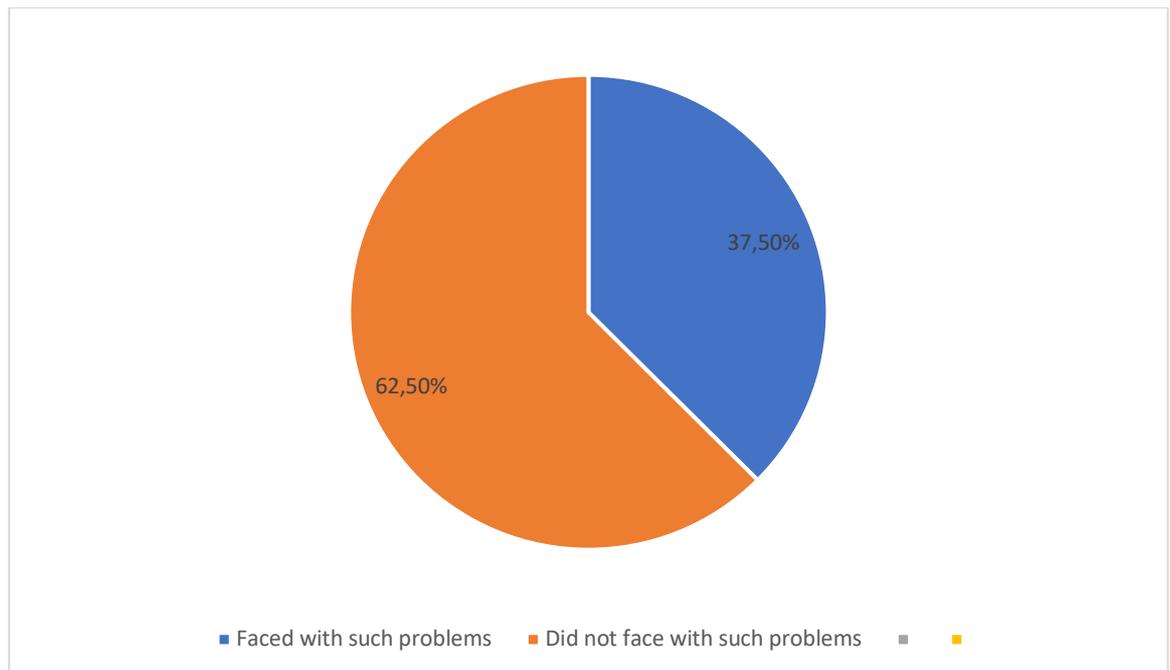


Figure 1. Workers facing discrimination in the workplace.

The most common was age discrimination - 44 people noted that factor. However, there is a certain specificity here. Experts, speaking about age-related issues, for example, more often pointed to discrimination against older workers, while not forgetting to mention youth discrimination. The results of the survey show that young workers are more likely to talk about collisions. The percentage of employees under the age of 35 who face age discrimination is the majority of respondents. Only 15.8% of all employees were in retirement and pre-retirement age.

Let's note that the only objective reason for refusing to work due to age may be the loss of physiological capabilities that a person loses with age. For example, to be a metro driver, you must have good vision. It is known that after 45 years, the

probability that a person's vision will deteriorate significantly increases. To be a bodyguard or test pilot, you need to have a set of physiological capabilities that are characteristic of a young body. But in all other cases, age restrictions are caused by stereotypes in society. Those who are rejected are often unable to prove to the employer that their value paradigm coincides with the company's values.

In second place there was such a reason as "the desire to protect the rights of their own and others" – 27 people (18 %) believe that their labor problems were caused by this reason. But, characteristically, I am talking about "truth-seeking", i.e. an attempt to defend rights outside the framework of the union, as an institutional mechanism for defending rights. The survey results show that the vast majority of people are not members of a union (68.4 %). I am talking about spontaneous or amateur attempts that have become a common ground for discrimination.

In third place is the sex. With regard to this ground, we can say that gender discrimination is clearly a "female face". 78 % of those who stated that gender was the cause of labor problems were women.

It should be noted that the problem of gender discrimination in employment and dismissal, the right of women to fair and equal pay for equal work compared to men, and the creation of favorable working conditions taking into account the reproductive function of women remains consistently relevant throughout the world.

Other types of discrimination were common, but extremely rare. We can only reasonably assume that other types of discrimination also exist.

Thus, **the second hypothesis was confirmed**. Most employees have problems at work because of their gender and age. However, it is worth noting that many people also experience difficulties because of their desire to protect their rights and the rights of colleagues. We can note that more than half of the respondents have to perform not "their" work from time to time. Perhaps one of the reasons for problems with the employer is the refusal of an employee to perform work that is not provided for by their official duties. Employers can "impose" additional work and thus save the budget, but when trying to defend their rights, the employee faces discrimination.

One of the blocks of the survey focuses on how employees are involved in the regulation of labour relations. This includes such forms as participation in the development and adoption of a collective agreement (if it exists in an enterprise or organization), the use of mechanisms for resolving individual and collective labor disputes, participation in actions of the collective and trade unions aimed at defending the rights of employees.

Employees rarely use applying to a union as a way to protect their rights: 15.8 % applied once, 5.3 % just several times. It is probably ineffective for most employees. The vast majority did not apply to the union committee of the organization and is not a member of such unions.

The answer to question 17 shows how employees solve problems at work (Appendix 5). Respondents who have faced discrimination are more likely to contact the administration on behalf of the team (10.6 %). A small group of discriminated people is ready to take their problems to the public and seek sympathy and support from the public (journalists, politicians). Other methods, such as strikes, protests, and non-judicial resolution of individual labor disputes, were rarely used. The vast majority of respondents (76 %) indicated that the organization did not have any collective performances. It should also be taken into account that many employees indicated that problems at work concern the entire team.

A collective agreement is the most common and common way to regulate labor relations. However, the existence of a collective agreement does not affect whether or not an employee will face discriminatory practices. I recall that the majority of respondents work under a contract.

Thus, employees who have faced discrimination can be called passive participants in labor relations. But there is reason to assume that they are trying to do something outside of traditional systems, and certainly without applying to unions. Most likely, they are willing to participate in some individual ways, for example, through the court, or through the simplest collective actions.

The study conclusions.

In general, summing up the results, we can draw several conclusions. Discrimination exists and it is quite a common problem.

If you try to describe a portrait of an employee who has faced discrimination, it will have the following features. First of all, this is not a middle-aged person. He recently works at the company. The possible presence of work experience does not have a protective effect, it is more important that he does not fit into the system of relations. He has a low salary, and he does not receive additional benefits (or they are not available at the enterprise or they are not available to him). We can't say for sure that low wages and lack of a social package are a cause or a consequence of discrimination – rather they are a consequence. Employees who have experienced discrimination usually perform additional work that is not part of their duties. They are not members of unions and have no contact with unions leaders.

As a rule, employees do not try to solve the problem of discrimination: they do not contact the administration, do not file complaints, etc. At the same time, there is either no unions, or it is not considered as a means of defending rights. At the same time, many people face problems just when they are trying to defend their rights.

The process of adaptation of an employee in a team is that you need to take root in the system of relationships. "Newcomers" are often forced to endure a formal attitude and suffer from it, because they see an unequal position compared to those who are already "their own" in the team.

The situation is even worse for those who "fell out" of the relationship system due to age or because of defending their rights. Those who do not "fit in" with the work team do not get a loyal attitude to themselves and the fullness of their work rights. In addition to pressure from the employer, which can reach extreme levels, there can also be pressure from colleagues.

Many employees who have become full-fledged members of the labor collective also have to put up with a number of violations. They may be forced to work more, perform uncharacteristic work without payment, change payment terms, and much more. But in turn, they can get themselves breaks, not very strict control,

the ability to work less or worse, etc. Therefore, the question of what should be adapted to is very ambiguous. If we are talking about the need to get used to an unfair, inhumane and sometimes just dishonest system of relations, then from the point of view of market and democratic values, the inability to get used to it is more a virtue than a disadvantage.

There are several features that have a significant impact on this process. First, it is a disregard for legal norms. Some employers ignore the requirements of labor legislation, while many limit themselves to formal compliance with the law, creating "correct" reporting and documentation that has little to do with real events. For example, overtime work can be made out on paper absolutely correctly, with justification, with written consent, and the number of overtime hours worked is strictly within the norm. In reality, everything may look different, the number of hours actually worked may be several times more, employees may be forced to work overtime, pay less, etc.

Society still lacks established values and norms that form the basic principles of human interaction, including in labor relations. In this situation, it is difficult for managers to refrain from projecting their personal and subjective values on the overall configuration of their company's labor relations. Someone begins to form labor relations taking into account religious values, someone uses Western (or Eastern) approaches that they like, someone uses their own everyday ideas about the norm and order.

Another feature of the formation of modern labor relations is their non-transparency. In many ways, this non-transparency occurs due to legislation – the law on commercial secrets allows you to close almost any information about an enterprise or organization. In addition, it can be supplemented by the informal norm "do not take out the trash from the hut". All these factors make labor relations as a closed sphere, practically inaccessible to both external and internal social control.

Thus, a mechanism for maintaining and preserving labor relations is necessary. The simplest mechanism (in comparison with the law, with proven labor values, etc.) is the loyalty of employees to the system that is offered to them. "If you

don't like it, go away!" – these are the words that modern employees often hear from their management in response to some of their complaints. They are asked to either accept the rules unconditionally or refuse to work. Discriminatory practices provide the employer with a wide range of tools, from very soft to extremely hard, to show the employee that they are behaving in an unacceptable way, or that their presence is not desirable.

Of course, the logic of using discriminatory practices in every enterprise may have a specific color. An employer may make discriminatory age requirements when accepting employees, not because they have specific considerations about the age of their employees, but because "everyone does it". As a result of this generalization of discriminatory practices, labor relations are already deformed at the social level, the types of labor discrimination and the idea of the "normality" of discrimination are fixed.

If we talk about institutional protection mechanisms, we should pay special attention to trade unions as the most likely means of protection against discrimination. In most industrial and democratic countries, it was the trade unions that most actively fought it. But according to the results of this study, a trade union is not an appropriate tool for the discriminated, probably because they do not know anything about it and do not belong to it. Unfortunately, many trade unions are engaged in supporting the system of relations formed by the employer, which allows the majority of employees and themselves to occupy certain niches in the space of labor relations at the enterprise. On the contrary, such unions promote discriminatory practices rather than promote equality of opportunity and fair remuneration.

Attempts to change the entire system of relations, including the fight against discrimination, are aimed at overcoming the "specific" system that exists in each enterprise, which is formed not on the basis of standard norms of the law or agreed principles reached through negotiations and compromises, but on the employer's preconceptions and ideas about what is right, normal and effective. An effective ban on discrimination at work will require employers to abandon the mechanism for maintaining a system of relations that is beneficial only to them. We will have to

look for a more general and universal basis for building relationships, for example, to move to a real, and not ostentatious, as now, social partnership. Of course, in this case, we will have to change the approaches to working with staff, conduct more careful selection, and strengthen the work on securing staff.

3.2. Recommendations for overcoming discrimination in the workplace

The elimination of discrimination is an essential prerequisite for the employable population to choose their professional orientation, develop themselves and be able to receive rewards for their achievements. Discrimination, on the other hand, leads to inequality in the labour market and unfair distributions and advantages. The fair nature of labor relations primarily helps to strengthen the employee's sense of self-respect, morals and motivation. Recommendations to

overcome discrimination in employment can reduce the negative social and economic consequences of discrimination.

The problem of discrimination in the sphere of labor relations can be avoided by correctly constructing the company's personnel policy, which will lead to the absence of offenses on the part of the employer and, accordingly, reduce the likelihood of penalties imposed by the court or labor inspectorate for violating the employee's rights on grounds of discrimination.

The personnel policy of an enterprise is an activity aimed at determining the need for personnel, professional qualification requirements for employees, criteria and methods for selecting candidates for a position. The implementation of an elaborate out personnel policy is a whole set of measures, such as the publication of local regulations, strict compliance with current legislation, and so on.

In connection with the above, it is necessary to develop an elaborate approach to the legal consolidation of recruitment rules. The search for candidates for the position can be carried out in various ways. Currently, the most common ways to find a candidate for a position are ads posted on the Internet. One of the deliberate actions for the employer should be to choose a candidate for the position from the proposed candidates, since an unjustified refusal to one of the candidates for the position may lead to the employer being held accountable. The current legislation provides for three main procedures aimed at checking the professional qualities of a candidate for a position: conducting a competition, election to a position, and appointment to a position⁷⁵.

The competition is a special recruitment procedure that allows you to comprehensively evaluate the business qualities of applicants for a particular position. It is carried out in cases expressly provided for by laws and other normative legal acts, as well as local normative acts. It should be noted that in addition to the competition, many enterprises introduce psychological testing of candidates for the position. However, the question of the legality of such a test from the standpoint of

⁷⁵ On employment in the Russian Federation: law of the Russian Federation of 19.04.1991 No. 1032-1 (ed. From 29.07.2017) [Electronic resource] // Official Internet portal of legal information.URL: <http://pravo.gov.ru/> (accessed: 14.07.2020).

current labor legislation is currently being raised acutely. The current labor legislation does not stipulate such a requirement for candidates for a position, therefore, it can be concluded that psychological testing can be conducted only with the consent of the candidate. But, despite the dubious requirement to conduct psychological testing of candidates for the position, it is possible to objectively assess the need for this condition due to the fact that the candidate for the position will work in a team in which all other employees should be comfortable. In many ways, the psychological climate in the team depends on the efficiency of people, the frequency of personnel changes, and so on.

During analyzing Russian legislation in the field of discrimination in employment, we can say that the state can only regulate this phenomenon by the Constitution of the Russian Federation and the Labor Code, which indicates that the legislation in the labor sphere is poorly developed. In my opinion, in order to reduce the current level of discrimination in employment, it is necessary to take into account, develop and implement penalties for employers for placing ads containing discrimination at the state level. By placing an ad about the search for an employee in the media, in an electronic publishing house, the employer, under its own responsibility, addresses it to a huge number of people, and thereby enters into public relations with them, which to some extent has a hidden nature of discrimination.

In order to accurately use the concepts and exclude cases of uncertainty in the application of normative legal acts, the Labor Code of the Russian Federation should introduce a norm that will eliminate discrimination by means of notifying citizens about employment. It may consist of the following: a job ad is considered discriminatory if it states that either women or men can apply for the job. In accordance with what in the Labor Code of the Russian Federation, it is desirable to fix a provision that will allow you to specify the gender of an employee only if there are justified reasons, such as the inability to perform work for persons of the other sex.

Thus, the employer will have some responsibilities and responsibilities in relation to the candidate who was interested in the job and to the one who responded

to the ad. The employer must take measures to work with job seekers: offer to leave a resume, conduct a test and interview, and ask them to document their work experience. If the ad was submitted by a recruitment Agency, then this does not cancel the obligations of conducting the required activities during employment. From the moment of placing an ad in mass media sources, the employer does not have the right to refuse the applicant an interview or not respond and review the resume submitted by the applicant. Even if the candidate at first sight does not fit the employer in the case of non-compliance with the requirements of the workplace, the employer is still obliged to conduct the above-mentioned activities with the applicant.

As additional measures to implement and implement the principle of non-discrimination in the sphere of work and specifically in employment, it is possible to create a job quota Institute for those who have difficulties in finding new jobs, conduct testing and interviewing, and introduce various forms of reporting describing the reason for the employee's dismissal.

The next requirement of the current legislation is fair and equal treatment of all persons entering the organization, since it is prohibited to unreasonably refuse to accept a job that is not related to the professional qualities of the candidate for the position. From the point of view of practical application, the assessment of the employee's business qualities causes the greatest difficulties. The obtained results of psychological testing are used to evaluate the business qualities of a candidate for a position. Therefore, the personal characteristics of a person applying for a job cannot serve as a basis for refusing employment if the applicant has the necessary professional knowledge and skills and meets the requirements established by regulatory legal acts, including local ones.

When considering disputes related to refusal of employment, it should be borne in mind that work is a free choice, and everyone has the right to freely dispose of their abilities to work, to choose their occupation and profession, and to have equal opportunities when entering into an employment contract without any discrimination, i.e. any direct or indirect restriction of rights or establishment of

direct or indirect advantages in entering into an employment contract, depending on gender, race, skin color, nationality, language, origin, property, family, social and official status, age, place of residence (including the presence or absence of registration at the place of residence or stay), as well as other circumstances not related to the business qualities of employees.

Unfortunately, discrimination in the sphere of work remains an unavoidable companion of labor relations in the modern world. The current legislation of the Russian Federation and international legal acts are currently trying to avoid such violations, but a clear mechanism for following the letter of the law has not yet been developed.

In our opinion, it is possible to introduce mandatory testing for job applicants at the legislative level. This will help reduce the loss of working time, accept more candidates for a job at a time, and objectively assess the professional qualities of applicants.

You can use the "secret applicant" method similar to "secret buyer". This method will allow you to clearly see and recognize discriminatory factors when hiring.

The adoption of an effective comprehensive anti-discrimination project in Russia will have a result: on the one hand, it will ensure respect for non – discrimination rights, and on the other hand, it will increase motivation to defend their rights in the field of work. This will lead to the creation of conditions for a complete and more comprehensive implementation of human rights, where the anti-discrimination project will have a preventive function. But only the adoption of laws and improvement of existing ones will not change the situation but will lead to its concealment. Together with this, it is necessary to change people's minds and change the procedure of applying for a job.

CONCLUSION

The workplace is a convenient starting point for freeing society from discrimination. The elimination of this type of discrimination is necessary so that all people can freely choose the direction of their professional activity, develop in it, and receive appropriate remuneration, which will have a positive impact on maintaining the stability of the country and the quality of life of its population.

After analyzing the current legislation and application practices to protect the rights of citizens of European countries and Russia from discrimination, we can conclude that despite the requirement to prohibit discrimination in legislation, it exists, and is quite widespread in Russia, which once again confirms the relevance

of the chosen research topic – the development of a mechanism to overcome discrimination in employment.

In the first Chapter of this work, the concept of discrimination in labor law was studied and the types of labor discrimination were considered. The concept of "discrimination" is covered by International Labour Organization Convention No. 111, according to which discrimination includes: any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national origin or social origin and resulting in the elimination or violation of equality of opportunity or treatment in employment and occupation. In Russia, the concept of discrimination in labor relations is proposed by the Plenum of the Supreme Court of the Russian Federation "on the application of the Labor code of the Russian Federation by the courts of the Russian Federation" dated 17.03.2014.

There are several types of discrimination in the workplace. Discrimination is usually divided into direct and indirect. Direct discrimination is manifested in different treatment of different persons in similar situations. Indirect discrimination is the opposite. When all employees are treated equally in order to put a certain group in unfavorable working conditions. A broader classification of discrimination – in relation to a particular social group: racial discrimination, national, gender, religious, disability discrimination, etc.

In recent decades, the problem of age and gender discrimination has become more and more urgent.

In the second Chapter of my thesis, the level of social and legal protection of an employee from discrimination in the workplace in Europe and Russia was analyzed. International and national regulations aimed at combating discrimination. Norms against discrimination in employment and labour relations are contained in such ILO conventions and recommendations. The Council of Europe and the European Union have a fairly high level of experience in applying legislation on protection against discrimination. However, pressure from activists of various organizations for the protection of rights and the rapid pace of implementation of acts to protect against discrimination in the workplace has led to the appearance of

discrimination "on the contrary" – there may be situations when a less qualified or less needy than a majority representative, a minority representative is in a more favorable position.

In Russia, the legal framework for protection against discrimination in the workplace consists of the Constitution of the Russian Federation, international acts, Russian labor legislation, and normative legal acts containing labor law norms that are aimed at eliminating discrimination in this area. The Labour Code of the Russian Federation (TC RF) says almost nothing about employment discrimination, only in the framework refers to preventing this phenomenon, therefore we consider expedient the introduction of a separate Chapter in the Labor Code, discrimination in the sphere of labor relations, consisting of several articles. This will contribute to the regulation of relations between employer and employee and can reduce the cases of discrimination in labour relations.

In Labor Law, the protection of employees from discrimination is traditionally considered from the point of view of the effectiveness of legal norms and legal guarantees of the employee's labor rights. However, it is necessary to understand that it is not enough to assess the situation of a person through the analysis of legal norms. There are phenomena that restrict employment opportunities and hinder normal work but are not regulated by law. For example, psychological pressure on an employee from an employer or colleagues; gender stereotypes in the labor market: unjustified, from the point of view of professional suitability, interference of the employer in the personal life of the employee; sexual harassment at work – all this affects the position of the employee, his dignity as a person. Employee protection is ensured not only by direct or indirect influence of legal norms, but also by other social norms: norms of morality, morals, customs, educational influence on the rights of the employee and the employer.

If we talk about the causes of discrimination in the workplace, they are usually divided into three groups: social, economic, and legal. Social reasons are based on widespread prejudices in society caused by a decrease in the level of tolerance to different groups of people: nationality, religion, sexual orientation. This also

contributes to the spread of inter-ethnic and inter-religious conflicts, which also affects the sphere of labor relations. But the most significant impact is caused by economic reasons, since in the conditions of market relations development today, the employer seeks to minimize the costs associated with the selection of applicants for jobs. Therefore, the employer sets criteria that are sometimes not related to the work performed but reduce the number of suitable specialists. The legal reasons for discrimination in the workplace are expressed in the lack of understanding and responsibility for discrimination in any areas of society. Both international and regional normative-legal acts do not establish a strict framework for the explanation of the problem.

Historically, in various countries, the process of legislating the granting of civil, political, economic, social and cultural rights to the population has depended and still depends on ethnic and religious traditions. Therefore, for a more professional approach to the problem, it is necessary to study the human consciousness and the peculiarities of the impact of ethno-cultural and religious traditions on it. For example, the unequal treatment of men and women by employers is not based on a real difference in their individual qualities as employees, but rather on prejudices and gender stereotypes that are more common in Russia than in Europe. This should be taken into account when developing mechanisms to eliminate discrimination in the workplace.

In the third Chapter of the thesis an analysis of existing discrimination in the workplace in the city of Yaroslavl was carried out. For the study, I conducted a survey to find out how often employees face discrimination, what types of discrimination they face, and what problems they face. About a third of the respondents experienced discrimination in the workplace, as almost one in seven employees.

The hypothesis put forward in the course of the study that employees most often do not face unjustified fines and reprimands at the workplace was not confirmed. The most common problem is refusal to raise wages or unjustifiably lower wages, refusal to pay bonuses. I take into account the fact that the study was

conducted during the coronavirus pandemic, which had a significant impact on the economy of all countries and led to a forced reduction in wages and jobs. Many of the problems at work were most likely due to difficult circumstances caused by the restrictions of the authorities.

The second hypothesis was confirmed – most employees have problems at work due to gender and age. The peculiarity of age discrimination is that the majority of employees face it sooner or later. In most cases, employers do not want to contact candidates of retirement and pre-retirement age, often the age limits are set for a specific job. However, my study shows that problems at work occur, as a rule, not in people of pre-retirement and retirement age, but in young employees under 35 years of age.

Many employees have to put up with a number of violations. They may be forced to work more, perform uncharacteristic work without payment, change payment terms, and much more. As a rule, employees do not try to solve the problem of discrimination: they do not contact the administration, do not file complaints, etc.

To regulate and prevent discrimination in the workplace, we have proposed a number of recommendations, which begins its work with the improvement of labor legislation number of amendments to existing legal acts, formation of civil position, development, testing and improving questionnaires for employment.

In Russia, it is quite common to find job ads that contain discriminatory requirements for the candidate. First of all, it is necessary to take into account, develop and implement penalties for employers for placing such ads at the state level. By placing an ad about finding an employee in the media, in an electronic publishing house, the employer addresses it to a huge number of people on their own responsibility.

Thus, discrimination in the sphere of work is an unacceptable phenomenon that should be combated. Equality and the prohibition of discrimination are an essential part of both the national and international legal systems. In Russia, it has long been necessary to change the legislation, on the basis of which citizens who have suffered from discriminatory practices could receive compensation for moral

damage through a court or a specially created body and achieve effective restoration of the violated right. The adoption of an effective set of anti-discrimination mechanisms will help ensure respect for the rights to non-discrimination and lead to the creation of conditions for the full and comprehensive realization of human rights. Together with the improvement of the legislative and legal framework, it is necessary to apply measures to form a civil understanding and develop the necessary methods of employment tests that will eliminate hidden discrimination.

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APPLICATIONS

Application 1 (in Russian)

The screenshot shows a job listing on the SuperJob website. The header includes the SuperJob logo, a search bar with the text 'Должность, компания или услуга', and navigation options for 'Вакансии', 'Россия', and 'Найти'. There are also links for 'Вход' and 'Регистрация'.

The main content area is divided into two columns. The left column contains the job details for 'Участковый уполномоченный полиции' (Local Police Officer). It includes the location 'Коньково, Тропарево, Москва, ул. Академика Бакулева, д. 16', a salary of 'от 50 000 руб./месяц', and a list of requirements: 'мужчины в возрасте от 18 до 35 лет, служившие в ВС РФ или годные к военной службе', 'высшее образование', 'отсутствие судимости', and 'гражданство РФ'. It also mentions 'постоянная или временная регистрация (от 2-х лет) в г. Москве или ближайшем Подмосковье'.

The right column provides information about the employer, 'Отдел МВД России по району Теплый Стан г. Москвы', including a note that they are a 'Клиент SuperJob с 2017 года' and have 'До 50 сотрудников'. It describes their work as 'Охрана и обеспечение общественного порядка и общественной безопасности при проведении культурно-массовых мероприятий на территории г. Москвы (концерты, спортивные, культурные и спец. мероприятия)...'. There are '4 вакансии' listed, and a section titled 'Как найти работу?' with links for 'Образцы резюме', '5 правил идеального резюме', 'Пять вопросов, которые надо задать рекрутеру по телефону', and 'О чём молчать на собеседовании'.

Figure 1. Vacancy of the local police officer from 31.07.2020

Application 1 (in English)

SuperJob Должность, компания или услуга Вакансии Россия Найти Вход Регистрация

Local police officer
 • Коньково, • Тропарево, Москва, ул. Академика Бакулева, д. 16 [Показать на карте](#)

no work experience required, higher education, full-time job

Требования:
 Рассмотрение обращений граждан, профилактика и раскрытие преступлений, охрана общественного порядка

Requirements:
 male aged 18 to 35 who served in the army
 no criminal record
 citizenship of the Russian Federation

Отдел МВД России по району Теплый Стан г. Москвы
 Клиент SuperJob с 2017 года
 До 50 сотрудников
 Охрана и обеспечение общественного порядка и общественной безопасности при проведении культурно-массовых мероприятий на территории г. Москвы (концерты, спортивные, культурные и спец. мероприятия)....

4 вакансии

Как найти работу?
 Образцы резюме
 5 правил идеального резюме
 Пять вопросов, которые надо задать рекрутеру по телефону
 О чём молчать на собеседовании

Figure 1. Vacancy of the local police officer from 31.07.2020

Application 2

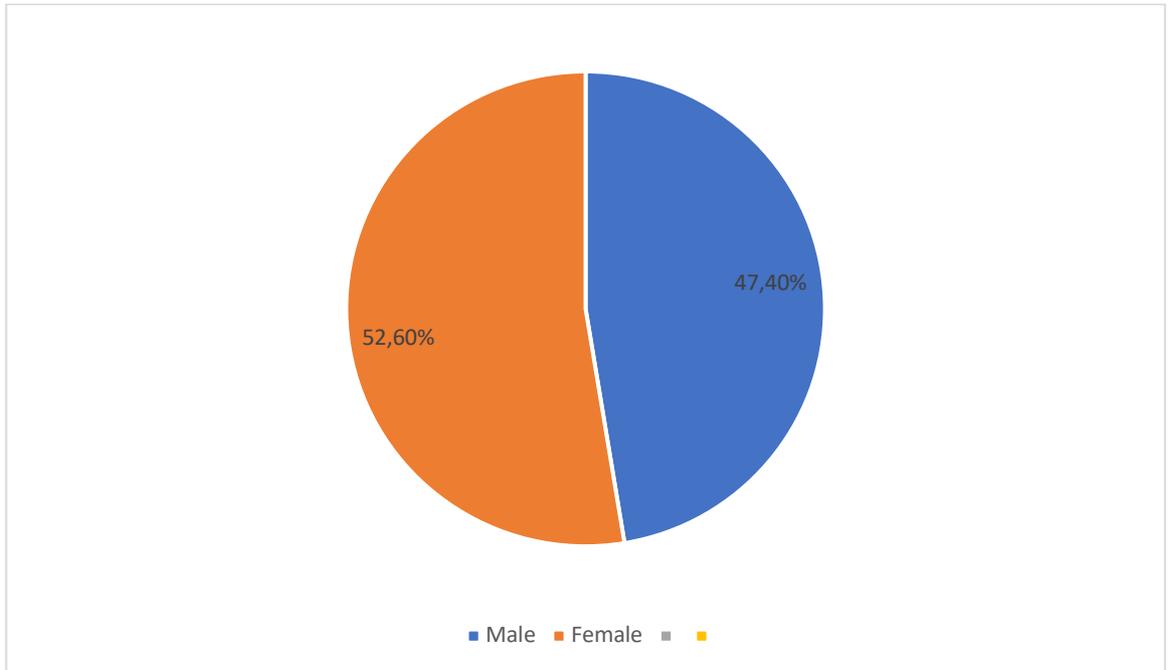


Figure 1. The ratio of working men and women (in %)

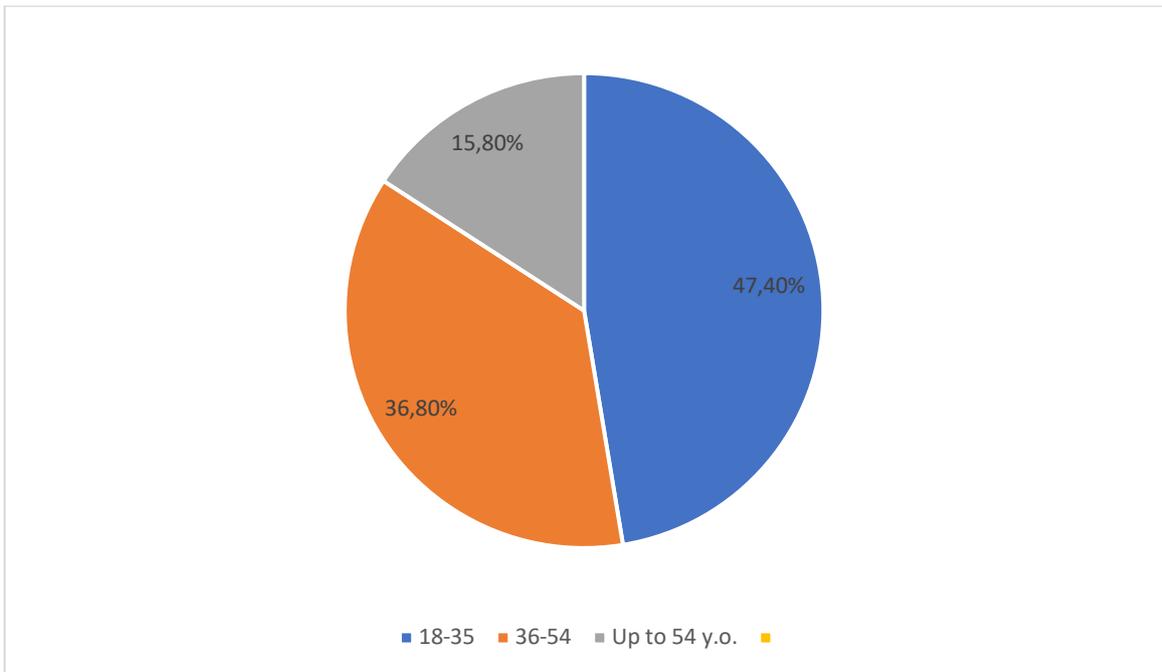


Figure 2. Age of employees (in%)

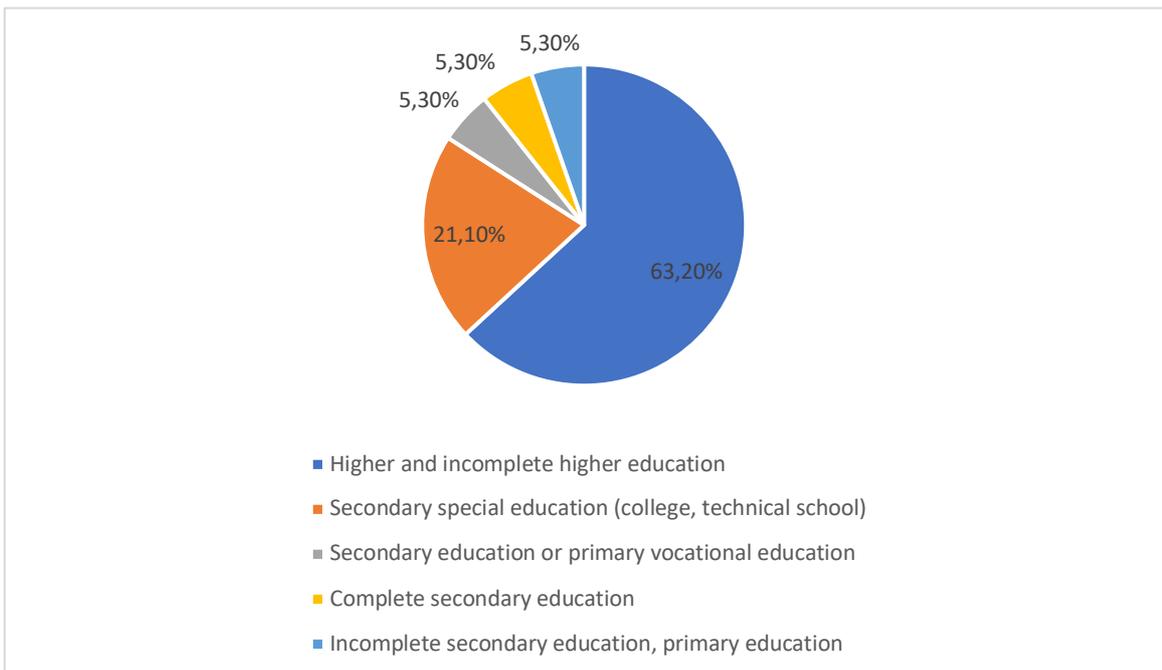


Figure 3. The level of education of employees (in %)

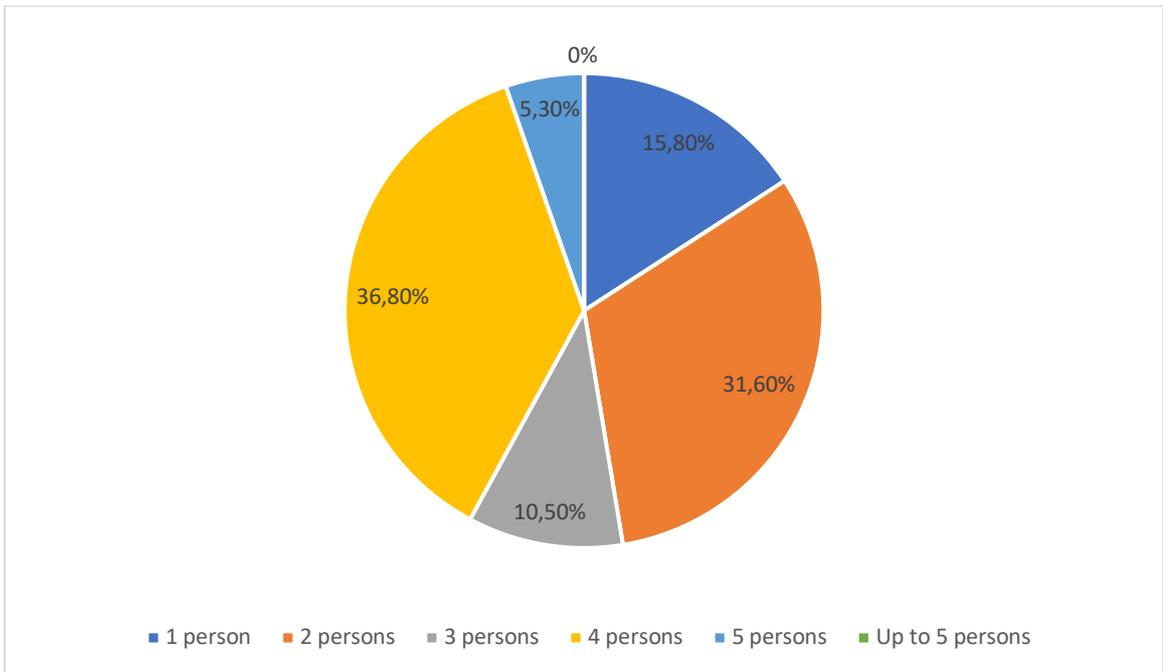


Figure 4. The family composition of workers (in %)

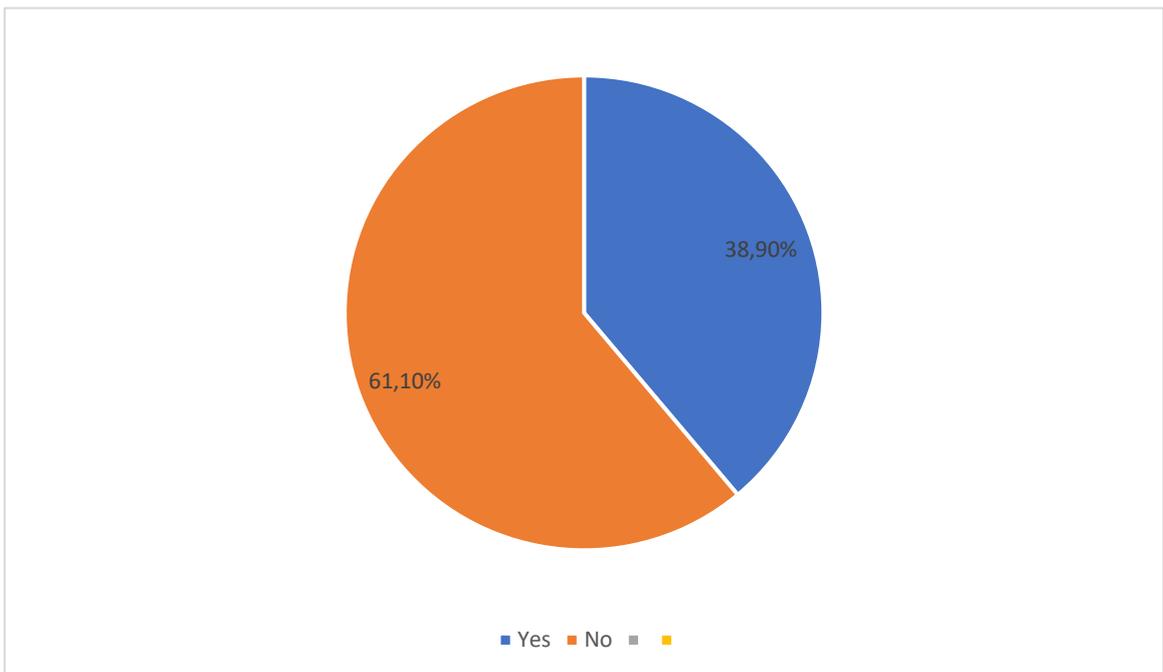


Figure 5. Availability of children under 18 years of age (in%)

Application 3

| Answer options | Percentage of respondents |
|--|---------------------------|
| Difficulties in applying for a job | 7,8 |
| Limitations and difficulties in assigning higher qualifications and job growth | 4,0 |

| | |
|--|------|
| Reduction of salary or refusal of salary increase | 8,7 |
| Refusal to pay or payment of an undervalued bonus, remuneration, compensation, etc. | 8,3 |
| Refusal of leave, sick leave, or legal day off | 7,2 |
| Transfer to a worse work schedule or unjustified refusal to provide a more suitable work schedule | 3,3 |
| Deterioration or denial of possible improvement of working conditions | 3,0 |
| Unjustified restriction of access to profitable, interesting and prestigious work | 2,2 |
| Restriction of opportunities for obtaining existing benefits and benefits at the enterprise (organization) (financial assistance, vouchers, goods, etc.) | 2,8 |
| Moral pressure, unfair treatment by superiors, colleagues | 5,0 |
| Transfer to another, worse job | 1,2 |
| Unjustified dismissal | 1,0 |
| Unjustified fines, punishments, reprimands, etc. | 2,8 |
| Unjustified bringing to financial responsibility | 0,7 |
| Restriction of opportunities for obtaining professional education in courses and educational institutions | 0,7 |
| Unreasonable increase in the workload | 8,3 |
| Other problem | 8,3 |
| I have never encountered such problems | 62,5 |
| Total | 100 |

Table 1. Problems faced by employees over the past 3 years

Application 4

| Answer options | Number of people | % |
|--|------------------|-------|
| because I am a woman/man | 14 | 9,3 |
| because of my age | 44 | 29,33 |
| because of my marital status | 7 | 4,67 |
| due to pregnancy | 4 | 2,67 |
| due to the presence of children/dependents | 5 | 3,33 |
| because of my nationality | 2 | 1,33 |
| because of the place of residence | 6 | 4 |
| because of my political views/ religious beliefs | 3 | 2 |
| because of my union affiliation | - | - |

| | | |
|---|----|-------|
| because of my desire to defend the rights of my own and other employees | 27 | 18 |
| because of my appearance, personality traits | 11 | 7,33 |
| this applied to all employees | 62 | 41,33 |
| other reason | 52 | 34,67 |

Table 2. Reasons for difficulties at work (n-150)

Note: since respondents could choose any number of answer options, the response amount is greater than 100 %.

Application 5

| Answer options | Number of people | % |
|---|------------------|------|
| Making demands to the administration on behalf of the team | 16 | 10,6 |
| Collective appeals to the authorities | 6 | 4 |
| Collective appeals to the public (in the media, to deputies, political parties, etc.) | 2 | 1,33 |
| Rallies, pickets | 5 | 3,3 |
| Work stoppages | 2 | 1,3 |
| Strikes | 3 | 2 |
| Hunger strike | 1 | 0,6 |
| Other | 3 | 2 |
| There were no collective performances | 114 | 76 |
| I can't answer | 12 | 8 |

Table 3. Collective performances of employees over the past 3 years (n-150)

Note: since respondents could choose any number of answer options, the response amount is greater than 100 %.

Application 6

Questionnaire

Hello, I am Sofia Lopatkina, a student of Ca' Foscari University of Venice, is addressing you. I'm conducting a sociological survey on the topic of discrimination in the workplace. Please take part in the research. This will take no more than 5-10 minutes. I would like to notice that this research is anonymous. All results will be used in a generalized form. Thank you for your participation!

Questions

1. Specify your gender

- 1) Male
- 2) Female

2. How old are You?

- 1) 18-35
- 2) 36-54
- 3) Older than 54 years

3. Specify your level of education

- 1) Higher or incomplete higher education
- 2) Secondary special education (technical school, college)
- 3) Secondary or primary vocational
- 4) Full secondary
- 5) Incomplete secondary, primary

4. How many family members do you have? (including yourself)

- 1) 1 person
- 2) 2 people
- 3) 3 people
- 4) 4 people
- 5) 5 people
- 6) More than 5 people

5. Do you have children under 18 in your family?

- 1) Yes
- 2) No

6. How would you assess your family's financial situation?

- 1) If necessary, we can buy an apartment or a house
- 2) Enough for a new car, but not enough for the purchase of an apartment or country house
- 3) We can buy basic household appliances, but we don't have enough money for a new car
- 4) We have enough money for clothing, but the purchase of basic household appliances causes us difficulties
- 5) We have enough money for food, but not for clothing
- 6) We sometimes do not always have enough money even for food and housing services
- 7) I find it difficult to answer

7. Specify your total work experience

8. How many years have you been working in your main job?

9. What is your average salary for the last six months?

10. How are you registered in your main job?

- 1) Employment contract for an indefinite period
- 2) Fixed-term employment contract for a period of 1 to 5 years
- 3) Under an employment contract for a period of up to 1 year
- 4) An employment agreement or contract for the performance of certain work
- 5) Employment without registration of an employment contract upon presentation by passport

- 6) Hiring based on an oral agreement
- 7) I find it difficult to answer

11. What is your normal working day or shift length?

- 1) 7 hours or less
- 2) 8 hours
- 3) 9-11 hours
- 4) 12 hours
- 5) 13-23 hours
- 6) 24 hours
- 7) More than 24 hours
- 8) No information available

12. Do you work overtime?

- 1) Yes
- 2) No

13. Have you ever received additional payments or used social benefits in the last 3 years? (you can choose several possible answers)

- 1) Subsidy for transport, delivery to and from work
- 2) Partial or full payment for meals
- 3) Goods, products at discounted prices
- 4) Payment for treatment, medical insurance
- 5) Partial or full payment of vouchers (to a health resort, recreation center, children's health camp, etc.)
- 6) Housing, subsidies for the purchase/construction of housing
- 7) Holiday Surcharges
- 8) Financial assistance
- 9) Payment for the maintenance of children in children's institutions
- 10) Other
- 11) Nothing(a)

14. Have You ever had to do work that is not included in your job responsibilities?

- 1) Yes, often
- 2) Yes, sometimes
- 3) No, I didn't have to

15. How can you describe the conditions in which you have to work?

- 1) I work in normal, good conditions
- 2) I work in harmful conditions that are recognized as harmful and receive compensation for this
- 3) I work in harmful conditions that are not recognized as harmful and do not receive compensation
- 4) I can't answer

16. Are you a member of a union?

- 1) Yes
- 2) No
- 3) It's difficult to answer

17. What are the collective performances of employees were in your company during the last 3 years? (there are several possible answers)

- 1) Making demands to the administration on behalf of the team
- 2) Collective appeals to the authorities
- 3) Collective appeals to the public (in the media, to deputies, political parties, etc.)
- 4) Rallies, pickets
- 5) Work stoppages
- 6) Strikes
- 7) Hunger strikes
- 8) Other
- 9) There were no collective performances

10) I find it difficult to answer

18. Have you personally participated in work events?

- 1) Yes
- 2) No
- 3) I don't remember / I can't answer

19. How often, over the past year, have you had to contact professional company associations?

- 1) Never
- 2) Once
- 3) Multiple times
- 4) I don't remember

20. Have you evr experienced the following problems during the last 3 years? (you can choose several answers)

- 1) Difficulties in hiring
- 2) Limitations and difficulties in assigning higher qualifications and job growth
- 3) Reduction of salary or refusal of salary increase
- 4) Refusal to pay or payment of an undervalued bonus, remuneration, compensation, etc.
- 5) Refusal to take leave, take sick leave, or provide a legal day off
- 6) Transfer to a worse work schedule or unjustified refusal to provide a more suitable work schedule
- 7) Deterioration or denial of possible improvement of working conditions
- 8) Unjustified restriction of access to profitable, interesting and prestigious work
- 9) Restriction of opportunities for obtaining existing benefits and benefits at the enterprise (financial assistance, vouchers, goods, etc.)
- 10) Moral pressure, unfair treatment by superiors, colleagues
- 11) Transfer to another, worse job

- 12) Unjustified dismissal
- 13) Unjustified fines, punishments, reprimands, etc.
- 14) Unjustified bringing to financial responsibility
- 15) Restriction of opportunities for obtaining professional education in courses and educational institutions
- 16) Unreasonable increase in the workload
- 17) Other problem
- 18) Did not have to face similar problems

21. Can you tell us what caused these problems? (you can choose several answers)

- 1) because I am a woman/man
- 2) because of my age
- 3) because of my marital status
- 4) due to pregnancy
- 5) due to the presence of children/dependents
- 6) because of my nationality
- 7) because of the place of residence
- 8) because of my political views/ religious beliefs
- 9) because of my union affiliation
- 10) because of my desire to defend the rights of my own and other employees
- 11) because of my appearance, personal characteristics
- 12) this applied to all employees
- 13) other reason