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Zaika Daria

PhD, Assistant Professor of the Department of Labour Law Yaroslav Mudryi National Law University

Заїка Дар'я Ігорівна

доктор філософії, асистентка кафедри трудового права Національний юридичний університет імені Ярослава Мудрого

Zharko Sofiia

Student of the Faculty of Advocacy Yaroslav Mudryi National Law University

Жарко Софія Вікторівна

студентка факультету адвокатури

Національного юридичного університету імені Ярослава Мудрого

SOME FEATURES OF LEGAL REGULATION OF WOMEN'S LABOUR ДЕЯКІ ОСОБЛИВОСТІ ПРАВОВОГО РЕГУЛЮВАННЯ ПРАЦІ ЖІНОК

Summary. The article focuses on the peculiarities of legal regulation of women's labor in Ukraine and internationally. It highlights the key aspects of women's labor rights protection, including benefits and restrictions aimed at preserving women's health and social role in society. It also analyzes gender inequality issues such as occupational discrimination, the wage gap, and difficulties in finding employment.

The study emphasizes the compliance of Ukrainian legislation with international standards based on equal rights for men and women, but taking into account the physiological characteristics of women. Special attention is paid to the Labor Code of Ukraine, which provides for prohibitions on heavy

work for women, restrictions on night work, and preferential conditions for pregnant women and mothers. Examples of successful practices in regulating women's labor in EU countries, including Spain, Italy, Germany, and Norway, are provided.

The author also considers the impact of martial law on labor relations, which is accompanied by changes in some labor regulations. The author also discusses the feasibility of introducing innovative mechanisms, such as menstrual leave introduced in Spain, which are aimed at recognizing the specific needs of women.

The article concludes that it is necessary to adapt the best international practices to the national realities of Ukraine in order to create an effective legislative framework for ensuring gender equality in the workplace. Prospects for further research include a detailed analysis of innovations in the labor legislation of other countries and their integration into the context of Ukrainian socio-economic conditions.

Results. The research results showed that the legal regulation of women's labor in Ukraine, although it provides for certain guarantees and benefits, does not always meet modern requirements of gender equality. In particular, the analysis of existing regulations, such as the Labor Code and the Law on Occupational Safety and Health, revealed that there is a system of restrictions and benefits aimed at protecting women, in particular in terms of prohibiting heavy and dangerous work, providing parental leave, and special working conditions for pregnant women.

However, in practice, these guarantees are often not enforced or are not effective enough, due to imperfect law enforcement practices and lack of awareness of women's rights. The gender pay gap in Ukraine, which is 18.6% as of 2023, is a clear indication of discrimination against women in the labor market. This means that women are paid less for equal work compared to men, which is a serious problem despite legislative efforts to ensure equal pay.

In addition, the study found that under martial law in Ukraine, some restrictions on women's employment rights were temporarily eased, including the permission to engage women in heavy work with their consent, which has an impact on their working conditions during the war. A study of international experience, in particular the practices of European countries such as Spain, Germany and the United Kingdom, has shown that effective legal regulation of women's labor rights is possible only if gender-sensitive approaches are integrated, including special benefits and quotas for women in leadership positions. Given these results, it can be concluded that in order to ensure real gender equality in Ukraine, it is necessary to improve the legal mechanisms for protecting women's labor, taking into account both international experience and the specifics of the national context.

Prospects. Further research in the field of legal regulation of women's labor requires a comprehensive, interdisciplinary approach, which involves an in-depth study of innovative mechanisms for ensuring gender equality. Promising areas of research include a detailed comparative analysis of European practices of labor relations regulation, in particular, the implementation of gender-sensitive approaches in the legislation of EU countries.

Particular attention should be paid to studying the experience of countries such as Spain, Germany, and Norway in the context of implementing special quotas for women in leadership positions, mechanisms for protecting reproductive rights, and creating an inclusive work environment. An important scientific task is to develop recommendations for the adaptation of international standards to national legislation, taking into account the specifics of the socioeconomic and military-political situation in Ukraine.

The research prospects also include an in-depth study of the impact of martial law on the transformation of women's labor rights, analysis of the potential long-term consequences of temporary restrictions, and development of strategies to minimize them. A separate area of research should be the study of innovative social practices, such as menstrual leave, introduced in Spain, and an assessment of the possibilities of their implementation in the Ukrainian context. The methodological basis for further research should be an interdisciplinary approach that combines legal, sociological, economic and psychological methods of analysis, which will allow a comprehensive assessment of the state and prospects for gender equality in the labor sphere.

Key words: women's labor, gender equality, labor legislation, gender discrimination, gender pay gap, rights of pregnant women, martial law, benefits for women, social guarantees, labor discrimination, legal protection of women.

Анотація. Вступ. Стаття присвячена окремим особливостям правового регулювання праці жінок в Україні в умовах глобалізації, яка трансформує трудові відносини у всьому світі. Висвітлено ключові аспекти захисту трудових прав жінок, що включають пільги та обмеження, спрямовані на збереження здоров'я та соціальної ролі жінок у суспільстві. Проаналізовано сучасні проблеми гендерної рівності, такі як професійна дискримінація, розрив в оплаті праці та ускладнення під час працевлаштування.

У дослідженні акцентується увага на відповідності українського законодавства міжнародним стандартам, що базуються на рівності прав чоловіків і жінок, але враховують фізіологічні особливості жінок. Окрема увага приділяється Кодексу законів про працю України, який передбачає заборони на важкі роботи для жінок, обмеження нічної праці, пільгові умови для вагітних та матерів. Наведено приклади успішного зарубіжного досвіду в регулюванні праці жінок у державах-членах ЄС, зокрема Іспанії, Італії, Німеччині та Норвегії.

Розглянуто також вплив воєнного стану на трудові відносини, що супроводжується зміною деяких трудових норм. Запропоновано

запозичити позитивний досвід Іспанії стосовно впровадження інноваційних механізмів, таких як менструальні відпустки, які орієнтовані на визнання і забезпечення природних потреб жінок.

Стаття містить висновки про необхідність адаптації передового зарубіжного досвіду до національних реалій України, щоб створити ефективне законодавче підґрунтя для забезпечення гендерної рівності у сфері праці. Перспективи подальших досліджень включають детальний аналіз інновацій у трудовому законодавстві інших країн та інтеграцію їх у контекст українських соціально-економічних умов.

Захист трудових прав жінок є важливим питанням забезпечення рівних можливостей та недискримінації за ознакою статі. Хоча законодавство України декларує рівність прав чоловіків і жінок, на практиці жінки досі стикаються з численними проблемами та обмеженнями у сфері зайнятості.

У сучасному світі питання гендерної рівності на робочому місці є актуальним і важливим. Проблема дискримінації жінок на роботі залишається серйозним викликом для суспільства, оскільки вона порушує основні принципи справедливості та рівних можливостей.

Mета. Mетою статті ϵ встановлення особливостей правового регулювання праці жінок в Україні, аналіз сучасних проблем у сфері гендерної рівності на робочому місці і розробка рекомендацій щодо законодавчих механізмів для забезпечення вдосконалення можливостей для жінок у трудових відносинах. Зокрема, стаття має на трудового законодавства, меті визначити ключові аспекти стосуються жінок, а також порівняти українські норми із зарубіжними практиками, щоб забезпечити ефективний захист прав жінок на роботі.

Результати. Результати дослідження показали, що правове регулювання праці жінок в Україні, хоча і передбачає певні гарантії та пільги, не завжди відповідає сучасним вимогам гендерної рівності.

Зокрема, аналіз діючих нормативно-правових актів, таких як Кодекс законів про працю та Закон «Про охорону праці», виявив, що існує система обмежень і пільг, спрямованих на захист жінок, зокрема в частині заборони на важкі та небезпечні роботи, надання відпусток для догляду за дітьми, а також особливих умов праці для вагітних жінок.

Проте на практиці ці гарантії часто не виконуються або ϵ недостатньо ефективними, що пов'язано з недосконалістю правозастосовчої практики та недостатньою обізнаністю жінок про свої права.

Крім того, дослідження показало, що в умовах воєнного стану в Україні деякі обмеження прав жінок на працевлаштування були тимчасово пом'якшені, зокрема дозволено залучати жінок до важких робіт за їхньою згодою, що має вплив на умови їх праці під час війни. Вивчення зарубіжного досвіду, зокрема практик європейських країн, таких як Іспанія, Німеччина та Великобританія, показало, що ефективне правове врегулювання трудових прав жінок можливе лише за умови інтеграції гендерно чутливих підходів, що включають спеціальні пільги та квоти на керівні посади для жінок. Враховуючи ці результати, можна зробити висновок, що для забезпечення реальної гендерної рівності в Україні необхідно вдосконалювати правові механізми захисту праці жінок, враховуючи як міжнародний і зарубіжний досвід, так і особливості національного контексту.

Перспективи. Подальші наукові розвідки у сфері правового регулювання праці жінок вимагають комплексного, міждисциплінарного підходу, що передбачає поглиблене вивчення інноваційних механізмів забезпечення гендерної рівності. Перспективними напрямками дослідження є детальний компаративістський аналіз європейських практик регулювання трудових відносин, зокрема щодо впровадження гендерно-чутливих підходів у законодавстві країн ЄС.

Особливої уваги потребує вивчення позитивного досвіду таких країн, як Іспанія, Німеччина та Норвегія, в контексті імплементації спеціальних квот для жінок на керівних посадах, механізмів захисту репродуктивних прав та створення інклюзивного робочого середовища. Важливим науковим завданням є розроблення рекомендацій щодо адаптації міжнародних стандартів до національного законодавства з урахуванням особливостей соціально-економічної та воєнно-політичної ситуації в Україні.

Перспективи дослідження включають також поглиблене вивчення впливу воєнного стану на трансформацію трудових прав жінок, аналіз потенційних довгострокових наслідків тимчасових обмежень ma розроблення стратегій їх мінімізації. Окремим напрямком наукового пошуку має стати дослідження інноваційних соціальних практик, як-от менструальні відпустки, що впроваджені в Іспанії, ma оцінка впровадження можливостей ïχ українському контексті. Методологічною основою подальших досліджень повинен міждисциплінарний підхід, що поєднує правові, соціологічні, економічні та психологічні методи аналізу, що дозволить комплексно оцінити стан та перспективи забезпечення гендерної рівності у трудовій сфері.

Ключові слова: праця жінок, гендерна рівність, трудове законодавство, дискримінація за ознакою статі, гендерний розрив в оплаті праці, права вагітних жінок, воєнний стан, пільги для жінок, соціальні гарантії, трудова дискримінація, правовий захист жінок.

Statement of the problem. In today's Ukrainian society, the problem of ensuring women's labour rights remains extremely relevant and multifaceted. Despite the constitutionally enshrined equality of rights between men and women, women continue to face systemic restrictions in the labour sphere. Socio-economic realities demonstrate the existence of persistent gender

imbalances, which are manifested in professional segregation, career restrictions and permanent discrimination.

Statistical data confirm the existence of a significant gender pay gap, which indicates deep structural problems in the domestic labour relations system. For example, the gender pay gap in Ukraine, which stands at 18.6% in 2023, is a clear indication of discrimination against women in the labour market. This means that women are paid less for equal work compared to men, which is a serious problem despite legislative efforts to ensure equal salary.

According to the to a survey by the UN Recovery and Peacebuilding Programme (2020), almost 60% of the population of Ukraine believes that there is a gender-based professional division in our society. 38% of respondents believe that 'women should not strive to master typical 'male' professions' [2].

The gender pay gap is calculated as the difference in is calculated as the difference between the average salary of men and women in the country. According to the State Statistics Service of Ukraine, in the gender pay gap reached 17.8% in the first quarter of 2021, which is the lowest figure in the country's history (for example, in 2020 it was 20,5%). And as of 2023, the gender pay gap in Ukraine is 18.6% [2].

Despite the fact that equal pay for work of equal value is one of the fundamental principles of the EU, the average gender pay gap in the EU is 13%. In addition, the share of female pensioners aged 65 and over who are at risk of poverty is about 3-4% higher than the share of male pensioners [2].

The issues of legal regulation of women's labour under martial law are particularly acute, when traditional mechanisms for protecting labour rights are undergoing transformations. This research aims to provide a comprehensive analysis of the existing legal, social and economic barriers that impede real gender equality in labour relations in Ukraine.

Analysis of recent research and publications. Women's labour protection is the subject of research by many domestic and foreign scholars and

practitioners. In particular, international and foreign experience has been studied by O. V. Pozharova and M. M. Grekova, and the works of S. P. Kovalevych, I. G. Khoruzha, D. M. Kravtsov, and others are devoted to women's labour protection.

Objective. The purpose of the article is to study the peculiarities of legal regulation of women's labour in Ukraine, to analyse the existing problems in the field of gender equality in the workplace and to develop recommendations for improving the legislative mechanisms for ensuring equal opportunities for women in the labour sphere. In particular, the article aims to identify the key aspects of labour legislation relating to women and to compare Ukrainian norms with foreign practices in order to ensure effective protection of women's rights at work.

Materials and methods. The materials and methods of the study included a comprehensive analysis of Ukrainian legal acts and international documents in the field of women's labour regulation. The research was based on the study of the Constitution of Ukraine, the Labour Code, specialised laws and bylaws. The methodological basis was based on comparative legal, analytical and systematic methods of scientific knowledge. The author analysed statistical data from the State Statistics Service of Ukraine, the results of sociological surveys, including the 2020 study of the United Nations Recovery and Peacebuilding Programme.

Particular attention was paid to a comparative analysis of Ukrainian legislation with the legal norms of the European Union, primarily Spain, Germany and Italy. The empirical basis of the study consisted of official statistical materials, law enforcement practice, and international reports in the field of gender equality.

Description of the main material. The fundamental law of our country, the Constitution of Ukraine, emphasises the priority of family, motherhood and childhood among all values and indicates that the state should protect them. However, women's labour rights are often violated, and effective mechanisms

for protecting these rights are less available or, due to certain circumstances, not used [13].

Women's labour is regulated by a system of special rules that provide women with special labour protection compared to general labour regulations, and therefore these rules are set out in a separate chapter of the Labour Code. These labour benefits are necessary to protect the physiological characteristics of women's bodies, their maternal and childbearing functions from occupational risks and to enable them to fulfil their social role in society. Despite the equality of rights between men and women, it should not be forgotten that women need more favourable conditions due to their physiological characteristics. Chapter 12 of the Labour Code of Ukraine is aimed at supporting families, maternity, parenthood and childhood through labour legislation [11].

At the legislative level, there are many provisions that enshrine preferential labour rights for women, which, of course, need to be known and used in the course of work. The law promotes a balance between work and motherhood: (1) pregnant women are given lower productivity standards or transferred to lighter work; (2) at the request of a pregnant woman, a woman with a child under 14 or a disabled child, an employer is obliged to arrange for her to work part-time or part-weekly; (3) for women with children under 18 years of age or children with disabilities, single mothers, parents raising children without a father, as well as for women caring for a sick family member, the employer may establish reduced working hours at its own expense; (4) parental leave is granted at the request of a woman until the child reaches the age of three with payment of benefits in accordance with the law; (5) if a child requires home care, a woman has the right to compulsory unpaid leave for the period specified in a medical certificate, but not more than until the child reaches the age of six; (6) women are allowed to work at night only as a temporary measure or in connection with special needs (e.g., medical workers, food industry workers) (7) women who have adopted a newborn child directly from the maternity hospital

are granted a leave of 56 calendar days (70 calendar days in case of adoption of two or more children) from the date of adoption, provided that the adoption is duly registered and state aid is paid [11].

The state ensures labour protection for women not only through restrictions but also through prohibitions. For example, the Labour Code of Ukraine and the Law 'On Labour Protection' (14 October 1992) provide for special working conditions for women and establish the following prohibitions (2) it is prohibited to involve pregnant women and women with children under the age of three in night work, overtime work, work on weekends, and business trips; (3) it is prohibited to refuse to hire women or to reduce their wages on the grounds of pregnancy or childbirth; (4) it is prohibited to refuse to hire a woman or reduce her salary on the grounds of pregnancy or having a child under the age of three, and for a single mother - a child under the age of 14 or a child with a disability; (5) it is prohibited to employ women in heavy work and work with harmful or dangerous working conditions, in underground work (except for sanitary and household work); to involve women in lifting and moving things whose weight exceeds the maximum limits established for them [2].

Since 24 February 2022, the legal regime of martial law has been in force in Ukraine in accordance with the Law 'On the Legal Regime of Martial Law' [9]. In this regard, on 15 March 2022, the Law 'On the Organisation of Labour Relations under Martial Law' was adopted, which temporarily restricts certain constitutional rights and freedoms of citizens in accordance with Articles 43 and 44 of the Constitution of Ukraine [13].

During martial law, the following special rules apply to women:

- 1. Without their consent, pregnant women, women with children under 1 year of age and persons with disabilities for whom such work is contraindicated cannot be engaged in night work.
- 2. The provisions of Article 54 of the Labour Code prohibiting women from engaging in hard, hazardous and underground work do not apply.

3. With their consent, it is allowed to engage women, except for pregnant women and those with children under 1 year of age, in hard, harmful, dangerous and underground work.

Thus, under martial law, the legislation temporarily eases some restrictions on women's involvement in certain types of work.

As noted earlier, modern legislation is based on fundamental constitutional principles, one of which is the principle of equality. However, this does not negate the fact that many women have faced employment problems related to gender discrimination throughout their lives. Employers often indicate the gender of potential employees as a key criterion when hiring.

It is a progressive development for EU member states that in recent years, European companies have been required to comply with special quotas in order to ensure the principle of equality between women and men, in particular when appointing to senior positions. In particular, a quota for women's representation in the management of companies was introduced in 2013 in Norway and Spain. According to a parliamentary decision, quotas are also being introduced for the French economy [16].

Given Ukraine's foreign policy course towards European integration, it will be useful to use the experience of certain foreign countries with well-developed mechanisms for women's labour protection, as this will allow the legislator to take into account all the peculiarities of the institution of women's labour protection in order to quickly achieve a positive effect in this area. The legal regulation of women's labour is characterised by different views on the need to provide working women with special privileges and advantages. Thus, legal literature notes that in many Western European countries, employers refuse to provide working women (except for pregnant women and women raising young children) with special benefits and special advantages in the field of labour. Acts on labour protection of women are weakened by exceptions or

directly cancelled or recognised by courts as contradicting laws prohibiting discrimination on the basis of sex and declared null and void [8].

The experience of Spain is an advanced one, where women's rights are generally protected at a high level. For example, if an employer refuses to hire a woman who is raising a child on her own, the punishment can be quite severe from large fines to imprisonment [16]. In addition, in 2023, Spain became the first country in Europe to pass a law allowing women to take paid leave in case of particularly painful menstruation. This mechanism provides for a three-day 'menstrual' leave, which can be extended to five days for women who suffer from intense symptoms such as severe cramps, nausea, dizziness or vomiting. This leave requires a medical certificate, and the costs are reimbursed through the state social security system, which relieves the financial burden on employers. The preamble to the law states that this initiative is aimed at overcoming stereotypes and myths related to menstruation, which have long created barriers to equal treatment of women [19]. In general, Spain has joined a limited list of countries, such as Japan, South Korea, Taiwan, Indonesia and Zambia, that have already implemented menstrual leave policies. This approach can serve as a model for other countries seeking to integrate gender-sensitive approaches into national labour policies [19].

The United Kingdom was forced to denounce Article 8, paragraph 4, of the European Social Charter on Maternity Protection for Working Women on the grounds that its provisions were out of date, discriminatory and could limit women's employment opportunities in certain sectors. On similar grounds, Spain also denounced subparagraph 'b' of paragraph 4 of Article 8 of the European Social Charter [16, p. 101].

Instead, one of the European countries with the most clearly regulated issues of women's labour relations is Germany, whose labour legislation is clearly focused on protecting the rights of women employees. For example, the law prohibits asking questions about women's marriage or pregnancy planning

when hiring. However, every woman must inform her employer as soon as possible of her pregnancy, and the employer has the right to request official medical confirmation of the pregnancy. In addition, regardless of whether an employment contract has been concluded, all women are entitled to parental leave. Maternity leave is granted to pregnant women six weeks prior to childbirth, with guaranteed payments for the following eight weeks. In case of twin births, bonuses are paid for twelve weeks [3, p. 141].

In addition, the Italian football club AC Milan has introduced an innovative social protection policy for female football players and employees, which aims to provide additional guarantees during pregnancy and early childhood. The initiative is unprecedented among elite European football clubs and aims to create favourable conditions for women's professional development without restricting their personal and family choices. The policy provides for an automatic one-year extension of the contract under the same economic conditions if a pregnancy occurs in the last season of the contract. In addition, the club undertakes to provide childcare assistance during sporting activities, as well as cover travel and accommodation costs for the player's child or her accompanying person. The club also provides access to support from specialists in psycho-pedagogy, physiotherapy and nutrition, and engages external experts if necessary [20].

Conclusions and prospects for further research. Thus, the statistics presented in the article eloquently illustrate the scale of the problem: the gender pay gap as of 2023 is 18.6%, and almost 60% of the population recognises the existence of a professional division by gender. This indicates persistent stereotypes and obstacles to women's professional fulfilment.

A valuable aspect of the study is the comparison of Ukrainian legislation with foreign experience. The study also analysed the progressive practices of European countries, such as Spain, Germany and Italy, which are implementing innovative mechanisms to protect women's rights. The example of Spain, which

was the first country in Europe to introduce menstrual leave, is particularly illustrative, demonstrating a gender-sensitive approach to labour regulation.

Additional coverage was given to the topic of legal regulation of women's labour under martial law, when some restrictions were temporarily eased. This highlights the dynamism of labour legislation and the need for its adaptation to changing social circumstances.

The main conclusion of the article is the need for continuous improvement of legislation to ensure real gender equality. For Ukraine, the best option is to partially borrow some innovative and effective mechanisms from different countries, taking into account national peculiarities.

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