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**LEGAL AND PSYCHOLOGICAL ASPECTS OF GENDER ASYMMETRY  
IN LABOUR MARKET IN THE MARINE SECTOR****ЮРИДИЧЕСКИЕ И ПСИХОЛОГИЧЕСКИЕ АСПЕКТЫ ГЕНДЕРНОЙ  
АСИММЕТРИИ НА РЫНКЕ ТРУДА В МОРСКОМ СЕКТОРЕ**©*Burkhanov S.**Ph.D., Far Eastern State Technical Fisheries University  
Vladivostok, Russia, burkhanov@list.ru*©*Бурханов С. Б.**канд. экон. наук**Дальневосточный государственный технический  
рыбохозяйственный университет  
г. Владивосток, Россия, burkhanov@list.ru*

*Abstract.* Now more and more attention is paid to a gender problem in the marine sector. Every year the number of women ready is professional to work grows in navigation. The author tried to disclose legal aspects of today's situation of participation of women in Russia in sea branch which display a contradictory situation of achievement of equality in the rights between men and women. The obstacles of gender character which are not allowing women to work fully in branch or to move ahead on service come to light. The psychological aspects of specifics of a sea profession exerting the negative impact on the women working in navigation are considered. The author hopes that article will be able to change views of ship-owners at the employment of women in the marine sector, and to women to estimate the chances at the choice of a sea profession.

*Аннотация.* В настоящее время гендерной проблеме в морском секторе уделяется все больше внимания. С каждым годом число женщин готовых профессионально трудиться в судоходстве растет. Автор попытался раскрыть юридические аспекты сегодняшней ситуации участия женщин России в морской отрасли, которые отображают противоречивую ситуацию достижения равенства в правах между мужчинами и женщинами. Выявляются препятствия гендерного характера не дающие женщинам полноценно работать в отрасли или продвигаться по службе. Рассмотрены психологические аспекты специфики морской профессии, оказывающие негативное влияние на женщин, работающих в судоходстве. Автор выражает надежду, что статья сможет изменить взгляды судовладельцев при трудоустройстве женщин в морском секторе, а женщинам оценить свои шансы при выборе морской профессии.

*Keywords:* International law, labor law, legal practice, navigation, gender segregation, discrimination, exercise stresses, integration, women, sea professions.

*Ключевые слова:* Международное право, трудовое право, юридическая практика, судоходство, гендерная сегрегация, дискриминация, физические нагрузки, интеграция, женщины, морские профессии.

Universally recognized principles of international law at work play a key role in the international labor standards-setting. These principles as being made in the field of international law are step by step implemented into the national employment law and labor legislation systems affecting their development. Nevertheless, there remain a number of issues that are of special interest for legal matters.

The formation of universally recognized principles of international law in the field of employment and labor means that international community recognizes the mandatory fundamental law basics reflected in constitutional documents and declarations of universal international organizations (primarily United Nations and International Labor Organization (ILO), which are binding upon all the states-members of those organizations, guaranteed by the international legal responsive measures in case they are not followed; these fundamental law basics also draw the vector of development for the international labor provisions of law and have an influence on the national employment law and labor legislation systems [1].

ILO Declaration on Fundamental Principles and Rights at Work adopted on 18 June, 1998 at the 86<sup>th</sup> General Conference and its implementation arrangements secured the fundamental right for gender equality.

The governments around the globe more often started to pass gender equality acts in compliance with ILO's standards and especially ILO's Equal Remuneration Convention no. 100 and Convention concerning Discrimination in Respect of Employment and Occupation no. 111, however there is still a gap between the actual and declared women's status at work. With the regard to the developed standards ILO enforces not only the formal but also the actual rights equality.

When passing amendments to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers 1978 and Convention-related Code the participants of Manila Conference adopted the Resolution concerning the promotion of the participation of women in the maritime industry. The provisions of the Resolution stipulate the achievement of gender equality.

Gender equality is one of the ways to achieve gender equality of rights. It requires the development of legal arrangements and mechanisms to secure gender equality in particular situations and legal responsibility for the rights violation [2].

Gender mainstreaming is an important part of the comprehensive study of the labor market issues. It's a modern research trend that shows the mechanisms of gender inequality in formal and informal employment sectors, uncovers the causes and consequences of gender dissymmetry. In scientific literature the steady trend for both male and female employment according to specific professional occupation, industries and job position is referred to gender occupational segregation. This is exactly what particularly helps women to get into so called "labor ghetto"— low-paid work and industries [3]. Gender segregation on the labor market lies deep in gender division of labor in both mordent and ancient societies. Segregation appears not only in the companies themselves, but also between the firms, employment sectors and branches. There are two elements of occupational segregation: horizontal and vertical.

Horizontal occupational segregation means unequal male and female industrial and occupational distribution; vertical segregation means unequal job hierarchy distribution. Today we face a situation when industries and professional occupations are divided into men's and women's.

Gender-based discrimination is one of the most important mechanisms of horizontal segregation; it serves to save the traditional “gender face” of professional occupations and industries [4].

Seafaring is classified as horizontal segregation representative. Shipping industry offers great opportunities for the career, but nevertheless this industry has been also facing a gender issue for years. For historical reasons seafaring is male-dominated and this tradition is still followed. Due to this unquestionable fact women don't consider the possibility to make a sea-going career [5].

At the same time modern women increasingly choose professional occupations that traditionally are considered as being male professions. Since recently merchant shipping has stopped being an exception and surely follows these trends. Researches suggest that the number of women choosing seafaring as a career field increases year by year. However gender-related obstacles still put the brakes on this growth trend and don't allow women to work in the industry to the utmost or get promoted [6].

Unfortunately, there happen to be times when women with industry-specific education and a right to apply for seafaring-related job are denied this opportunity in the Russian Federation (RF). Some shipping companies do that with reference to RF Government Regulation dated 25 February, 2000 no. 162 “On the approval of the list of work activities under arduous and harmful or dangerous labor conditions with no use of female labor”. It must be noted that United Nations Committee on the Elimination of Discrimination against Women upon the examination of the application of the Russian woman, who was denied ship-driver employment position, declared the existence of prohibited professional occupations for women a contravention of gender equality principle guaranteed by the Convention on the Elimination of Discrimination Against Women and the Constitution of the Russian Federation. This verdict was announced at the 63<sup>th</sup> session of the Committee that took place from 15 February to 4 March, 2016 in Geneva (Switzerland). It was for the 1<sup>st</sup> time when women's rights violation in Russia was recognized within the terms of Protocol that makes it possible to make an individual complaint at the Committee on the Elimination of Discrimination against Women. Committee members gave series of recommendations to the Russian Government as a member state of the United Nations [7].

Currently the Government of the Russian Federation has not come to a decision to amend legislative acts and the response to those recommendations of the United Nations Committee on the Elimination of Discrimination against Women is only expected to follow, in the meantime the process of women's integration into seafaring isn't provided with the proper cooperation.

In order to accomplish the goal and follow the dream women have to keep a stiff upper lip and take strong measures to stick up for their rights. Even so, the majority of Russian shipping companies refuse to hire women. A paradoxical situation occurs: in event of substantial shortage of maritime personnel in the country, willing to work specialists can't get a job. Needless to say, that direct violation of human rights takes place. Moreover, foreign ship-owners hire Russian women to work as ship-drivers, electricians and ship engineers.

There are pros and cons in such situation. In accordance with the existing Russian legislation, citizens of the Russian Federation who spent abroad over 183 days are exempt from taxes. Cross border employment no matter if it's on permanent or temporary basis doesn't contribute to the sailor's employment time record in Russia. Strange as it may seem, but a sailor who has worked offshore for several months is considered as unemployed. A man who had been making profit for the country by way of imported foreign currency simply hasn't a right for future pension payments based on employment length because officially this person was unemployed. In case of loss of health a sailor really becomes unemployed because medical board will pronounce him unfit for work and there won't be any financial compensation from the government [8].

Legal aspects of the current situation of women's participation in the maritime industry in Russia demonstrate a controversy: on the one hand public educational institutions successfully cope with the educational task, enroll girls for educational training programs, train certified specialists,

provide them with fundamental knowledge and sail practice onboard vessels. All this activities are funded from the federal budget. On the other hand, the government has nothing to do with the future life of newly-qualified specialists and certainly doesn't help them to find a job.

A woman started a sea-going career fall into a position of full dependence. Women also face specific psychological aspects of maritime profession, among which are unwillingness for heavy physical work, long parting with friends and family and building relations with crew members. It's difficult to come to definite understanding with sailors' wives and girlfriends with whom they have to work with. Some of them believe that women choose to work onboard just to find a husband.

Living environment is an important component of psychological aspects. Very often there is nobody who speaks Russian among the crew members from all over the world and not always there is an opportunity to call home. There are no Saturdays, Sundays or holidays for them. In order to cut expenses ship owners find it cost effective to reduce the number of crew members and shirk off work upon the rest sailors. Sea sickness, strong electromagnetic fields, tight space, the temperature of 45–60 °C on deck and in the engine room, high noise level, engine vibration sense, the smell of fuel materials and numerous toxic substances, jet fatigue, food being kept onboard for months, distilled water or water received from untrusted source are the examples of the negative aspects of sea-going job. One must have really good health and strong immunity function so that be able to work onboard in response to long ocean passages and doctor's absence. There are such things as health recovery and rehabilitation. If a sailor hasn't got enough time for rest, his fatigue will turn into illness which in its turn will become chronic.

Discipline and high level of professionalism are those two things which are required for successful work in challenging and sometimes even critical situation. Sailors can't be irresponsible: enormous responsibility is placed on them. The cost of a modern containership sometimes reaches 30–50 million dollars, not counting the value of the cargo. The crew of such kind of ship is 25 people. Passenger ship can accommodate 3000 passengers. Large capacity tanker can take onboard 500 thousand tons of oil or more hazardous substance. Needless to say how high should be the level of training to ensure the safety of human life, environment and the ship itself? [8].

It's obvious that modern men have more opportunities to build a career working onboard the ship than women. Nevertheless, women keep snapping their heels in the field of employment and even in the most intelligent and prestigious sectors.

Women's position in society continues being controversial: family obligations, motherhood on the one hand and industry interests on the other "pull" woman every each way and society still can't reach reasonable balance. This makes it unrealistic for equality with men (and it's the call of the times) that is considered as "equal opportunity".

It is believed that education and empowerment of girls and women, the global use of their talents and leadership skills are the basic elements of success and prosperity in the competitive world and the countries which effectively benefit from their workforces put at risk their competitiveness [9].

Enforcement of the rights for a good job for women all over the world must be the main step to fight against gender inequality.

Girls who decide to get into shipping should think twice what they have to sacrifice for it. It's necessary to understand the specifics of the work to avoid any unpleasant surprises in the future. But if you are confident that it's a deal of a lifetime then it will be easy to cope with all the difficulties.

In Europe, Norway, Australia and many other countries women-sailors don't set people wondering. Every year more and more ladies come to work onboard ships as marine officers, ship-drivers, engineers and electricians. This process step by step started affecting Russia. It may safely be said that in a short time the presence of women-sailors onboard will stop being a rare occurrence.

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