

## THE RIGHTS OF WORKING MOTHERS AND SOCIAL SUPPORT OF THE YOUNG FAMILY IN RUSSIA

*The article addresses the situation of the young Russian family from the point of view of its need for external support and the pursuit of prosperity and economic independence based on the realization of its labor potential. The problem approach, traditionally used in studies of the young family, focuses on difficulties and deficiencies, thus contributing to creation of an image of the young family as one falling under the category of weak and vulnerable social groups and requiring social assistance and support by default. The authors emphasize the importance of the resource approach, which allows extending the perception of the young family as an active social subject, unwilling to shift the responsibility for its well-being onto the state. Statistics and sociological research data is used in order to characterize problems, resources and measures of social support of the young family. The author's empirical study focuses on the labor sphere, especially important for the well-being of the young family. The objective of the study was to analyze violations of social and labor rights of mothers, including pregnant women, as well as practices of their social protection. The research was conducted between 2009 and 2011 employing the case study method. The research was based on the target sample of two groups of mothers: "happy" and "socially vulnerable" ones selected by the following criteria: marital status, self-identification of the economical situation, a permanent job before pregnancy, the quality of family and friends' support. The discursive analysis of group and individual interviews with women and employees of non-government organizations was conducted (72 and 18 people respectively). All of the young mothers confronted a situation of non-payment maternity allowances and child benefits. The study has shown that owners of small businesses and individual entrepreneurs violate the labor legislation most frequently. Legal ignorance and a shift of responsibility onto the employer and the state typical of a part of the women increase the probability of labor discrimination. Apart from economic and legal factors, the interviews have revealed manifestations of stigmatization of pregnant female employees. While applying for assistance to executive and supervisory authorities, women are faced with barriers preconditioned by a formal attitude of officials, as well as discrepancies of legal regulation of relationships between business and the state. Perfection of the practice of common responsibility of the state and the business society as well as improving legal literacy and citizens' ability to defend their*

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Ольга Безрукова — кандидат социологических наук, доцент, факультет социологии, Санкт-Петербургский государственный университет (o.bezrukova@spbu.ru)

Olga Bezrukova — Candidate of Science (Sociology), Associate Professor, Faculty of Sociology, Saint Petersburg State University (o.bezrukova@spbu.ru)

Валентина Самойлова — кандидат психологических наук, доцент, факультет социологии, Санкт-Петербургский государственный университет (v.samojlova@spbu.ru)

Valentina Samoylova — Candidate of Science (Psychology), Associate Professor, Faculty of Sociology, Saint Petersburg State University (v.samojlova@spbu.ru)

*rights themselves (individually or with the help of non-government organizations), development of the civil society are the necessary mechanisms, which will contribute to forming a new "moral order" with regards to support of mothers. The results of this study testify to a need for reconfiguration of the system of social support for the young family in Russia and an increase in responsibility of all interacting actors: the state, the family and the employer.*

**Key words:** *young family, family resources, measures of social support, discrimination of working mothers, stigmatization of pregnant women, protection of social and labor rights, institutions of civil society*

**Ольга Безрукова, Валентина Самойлова**

## **ПРАВА РАБОТАЮЩИХ МАТЕРЕЙ И СОЦИАЛЬНАЯ ПОДДЕРЖКА МОЛОДОЙ СЕМЬИ В РОССИИ**

*В статье рассматривается положение молодой российской семьи с точки зрения ее потребностей во внешней поддержке и стремления достичь благосостояния и экономической независимости на основе реализации своего трудового потенциала. Проблемный подход, традиционно используемый в исследованиях молодой семьи, делает акцент на трудностях и дефицитах, тем самым способствуя конструированию представления о молодой семье как относящейся к слабым, уязвимым социальным группам, по определению нуждающимся в социальной поддержке. Авторы подчеркивают значение ресурсного подхода, позволяющего расширить восприятие молодой семьи как активного социального субъекта, не склонного перекладывать заботу о собственном благополучии на государство. Для характеристики проблем, ресурсов, мер социальной поддержки молодой семьи используются данные статистики и социологических исследований. Авторское эмпирическое исследование сфокусировано на трудовой сфере, особенно значимой для благополучия молодой семьи. Цель исследования состояла в анализе нарушений социально-трудовых прав матерей, в том числе беременных женщин, а также практики их социальной защиты. Исследование проводилось в период с 2009 по 2011 гг. методом кейс-стади. Для исследования использовалась целевая выборка двух групп матерей — «благополучных» и «социально-уязвимых», отобранных по следующим критериям: (1) брачный статус, (2) самоидентификация экономического положения, (3) наличие постоянной работы до беременности, (4) качество семейной и дружеской поддержки. Был проведен дискурсивный анализ групповых и индивидуальных интервью с женщинами и с сотрудниками общественных организаций (72 и 18 чел. соответственно). Все молодые матери столкнулись с ситуацией невыплаты пособий по беременности и родам, по уходу за ребенком. Исследование показало, что основными нарушителями трудового законодательства являются владельцы малых предприятий и индивидуальные предприниматели. Правовая безграмотность и перенос личной ответственности на работодателя и государство, проявившиеся у части женщин, повышают вероятность трудовой дискриминации. Кроме экономических и правовых факторов, в материалах*

*интервью прослеживаются проявления стигматизации беременных работниц. При обращении за помощью в исполнительные и надзорные органы женщины встречают препятствия, обусловленные формальным отношением чиновников, а также нестыковками правового регулирования отношений бизнеса и государства. Совершенствование практики солидарной ответственности государства и бизнес-сообщества, а также повышение правовой грамотности и умения отстаивать свои права самих граждан (индивидуально или при поддержке общественных организаций), развитие институтов гражданского общества — те необходимые механизмы, которые будут способствовать оформлению нового «морального порядка» в отношении поддержки материнства. По результатам исследования сделан вывод о необходимости реконфигурации системы социальной поддержки молодых семей в России и повышения ответственности всех взаимодействующих акторов: государства, семьи, работодателя.*

**Ключевые слова:** *молодая семья, ресурсы семьи, меры социальной поддержки, дискриминация работающих матерей, стигматизация беременных женщин, защита социально-трудовых прав, институты гражданского общества*

### Introduction

Recently, researchers, politicians and experts in Russia and in other countries have shown an increased interest in the young family as a social body with a great potential of influence over development prospects of the society. Major issues are the position of a family in the structure of values of young people, the nature of changes introduced by new generations into the institution of family, reproductive genesial plans of young people, causes of low birthrates (Kohler at all 2002, Popenoe 2008, Bezrukova 2010, Arkhangelskiy 2013, Noskova 2012). We place certain expectations and hopes on young families which has been clearly demonstrated in the “Concept of the state policy in relation to young families” in Russia (2007). *“Rapid aging of the population and unfavorable demographic trends are forcing the society as early as in the near future to raise demands to modern young families: their labor activity is going to become the source of funding social welfare of children, disabled and old-age citizens” ... “Singling out young families into a separate category ... is to contribute to a more efficient and targeted solution of problems of young families, which is aimed at improving the demographic statistics in the Russian Federation”.*

However, formation of a young family as such depends on a considerable number of factors of both inner and outer nature, and their dynamics appears to be so complex that it all ends up in a quick divorce for a significant part of families (a third of all divorces accounts for by families less than a year old, and another third — by families one to five years old (Concept 2007). The specific feature of a young family is that it does not only combine features, typical of the institution of family, but also those of the youth, including challenges of self-determination, absence of secure employment, unsuitable living conditions etc. (Borodkina at all 2013), the family is being formed simultaneously with professional training, job search, mastering new social statuses and roles (Kuzmina 2008).

The desire of young families to solve financial problems, to be economically independent, combined with an aspiration of spouses to achieve a flexible balance of family and professional roles, conflicts with the actual practice of employment of pregnant women and young mothers with young children. Women suffer from gender discrimination in their workplace, and the existing legal mechanisms do not provide adequate protection of this group of women from an unjustified dismissal, non-payment of a maternity leave and

a child care allowance (Bezrukova 2011, Phobia of Maternity Leave 2012, Sharifullina at all 2013).

It is hard to escape a conclusion that it is necessary to encourage stability and welfare in the young family. However, there are certain discrepancies between the declared goals of family support and the actual social practices. The reasons for these discrepancies are different in nature: a lack of financial resources on the part of the state, absence or imperfection of laws, social and individual attitudes. The paradox lies in the fact that the reason of aggravation of difficulties of the young family is the birth of a child. This is most clearly seen in relation to working mothers (pregnant or with young children) who face a lack of support they expect from employers, as well as from regional and federal social assistance agencies.

The article analyzes the situation of the young family in the system of social support. It begins by providing data on the financial status of the young family, which at the moment is most frequently associated with its well-being, as well as by describing the system of support of its welfare. In order to overcome the one-sided approach to the young family primarily as an object of social support, the paper will then focus on resources of young families. Taking into consideration to the significance of self-dependence based on labor in achieving prosperity in the modern young family, the problem of protection of labor rights of working mothers will be addressed with much detail. The discussion is based on the results of the author's empirical research, the purpose of which was to analyze violations of social and labor rights of mothers, including pregnant women, as well as practices of their social protection. Finally, the paper will provide some conclusions, which reflect the need for reconfiguration of the system of social support for young families and an increase in the responsibility of interacting actors: the state, the family and the employer.

### **Well-being and Support of the Young Family**

According to the Concept of the state policy (2007), a young family is a two-parent family, where each spouse is under 30 years of age, or a single-parent family, where the parent is under 30 years of age and has one or more children. At the same time, each constituent territory of the Russian Federation shall have the right to determine its own age limits for specifying legal guarantees of a young family. In the St. Petersburg Youth Policy Act young people are termed as people aged 14 to 30, and a family is considered young if both spouses are under 35 years of age (Law № 425-62). Young families in Saint Petersburg account for approximately 17 % of the total number of families. The shift of the young family age limit corresponds to the trend of increase in the marriage age and the age of the birth of the first child. In 2011, the average marriage age was 27.4 years old among men and 25 years old among women (compared to 23.9 and 21.9, respectively, in 1990 (Zakharov 2013)).

Various types of families can be termed as young: a two-parent family, a single mother or a single father family, a family with disabled children, and even a multi-child family as three children (the lower limit of a multi-children family) can be born to young parents (twins, children with no more than a year apart in age etc.) Young families abound in preschoolers, the percentage of children under 16 years of age is 40%, whereas the same indicator in the total number of households is 27% (Pzhanitsyna 2011). The study of the social well-being of Russian families indicates that the leading factors here are financial ones: the income level, housing, economic security (The analytical report 2011). The priority of the financial factor is obvious from the very beginning of a family life: a great number of people consider a stable income and an own dwelling or a strategy of its

acquisition as prerequisites for entering into a marriage. According to Gurko (2012), although unplanned parenthood and forced marriages do exist, entering into marriage is becoming a rational and planned decision for the new generation of Russian citizens.

Most young families face financial difficulties. As follows from a survey of young families in the Khabarovsk Territory, their most burning issues are a low income (49.1%) and bad living conditions (Berezutskiy, Efrosinina 2008). According to a survey of families residing in the Leningrad region, 76.2% of respondents have financial difficulties, and 45% of them have a permanent financial problems (Borodkina, Samoylova 2011:356). The main issue of young families in Moscow is also an insufficient income. Young families with children have a much lower income per head level than families without children, the percentage of poor families among them is higher (33% vs. 18% of families without children) (Rzhanitsyna 2011).

Well-being of young families is sometimes completely equated material welfare. A survey in the Republic of Komi (1153 people) has shown that 63.4% of young families feel uneasy about financial problems, practically every second family is concerned about economic instability, every sixth family about unemployment, every third family about social vulnerability. Most respondents claim that the governing factor in their social and psychological wellness is the level of economic and financial welfare, and summarizing the author concludes that “the primary problem of stabilization and strengthening of the young family is its adequate financial security” (Tikhomirova 2010:120). This presentation of the problem emphasizes high priority of measures aimed at direct economic support of the young family, the necessity to create conditions under which birth of children will not affect the family financial situation.

In terms of its target orientation support of a young family provided by the state currently corresponds to this logic and is carried out in the context of measures of social policy for child birth. These are payments of maternity allowance, maternity (family) capital to families after the birth of a second child, monthly children’s allowance for families with an income level below poverty line. Local authorities take additional measures to support families with children, for example in St. Petersburg families with a third born or adopted child also receive a maternity (family) capital, families with a third and following children, under the age of 3, also receive monthly allowances. The amount of the allowance is equal to the minimum child subsistence level and is considerably higher than other child allowances, excluding those meant for families with members of which suffer from serious diseases (On the maternity (family) capital in St. Petersburg, Social Code). Large families (three or more children), families with disabled children and families without a wage earner can count on measures of additional support and the state’s responsibility in their respect.

Appreciating the above measures, it should be noted that they are primarily aimed at solving the demographic problem. For most families, financial support decreases as the child is getting older and does not compensate for the financial expenses of parents, who bear major and long-term responsibility for support of the child. Assessing the level of support, both parents and experts point to its low efficiency: in 2008 all government transfers (including allowances) accounted for 6.2% of the family budget, which is slightly different from the support of relatives and benefactors (4.6%) (Rzhanitsyna, Rybalchenko 2013). This conclusion is confirmed by the results of a survey of St. Petersburg young parents, conducted in 2009 and 2012 by O. Bezrukova\*. Only 15.7% of respondents were satisfied

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\* For the survey, 250 young couples were selected in 2009 and 2012 (both spouses were interviewed). The selection was made based on the age and place of residence (historic centre or

with the system of state support in 2009 (1.7% “quite satisfied” and 14.0% “somewhat satisfied”), 64.0% of respondents were unsatisfied (42.4% “rather unsatisfied” and 21.7% “definitely unsatisfied”). In 2012, the level of satisfaction of young parents slightly rose (20.5% were “satisfied” and 58.3% — “unsatisfied”), but it was still far from being sufficient.

The issue of extension of state support of families under modern conditions, when the cost of maintenance of a child is increasing, is still on the government agenda, however, the liberal model of social policy does not presuppose an equal state support of children without consideration of the level of their parents’ income. Social support of Russian families is targeted in nature, and young families are eligible to receive it only if they meet the diverse criteria, mentioned above. The criterion of young age of spouses only “works” with regards to appointment of a monthly allowance to a student family with a child (Social Code of St. Petersburg).

### **On Resources of Young Families**

Representatives of social sciences usually consider problems of young families in the tradition of “problem-deficiency” approach, with its emphasis on problems, difficulties, deficits. Thus, we can observe creation of an image of a young family as one falling under the category of weak, vulnerable social groups, requiring diverse social assistance and support by default. The “resource” approach, which takes into account strengths and advantages of young families, including generational resources, can be a constructive alternative, and, to be precise, an addition to the “problem” approach (Samoylova 2013). These resources include a higher level of education (the percentage of young people with a degree from an institution of higher education is bigger compared to the same overall indicator), computer literacy, knowledge of foreign languages, better recreation opportunities, a wider range of life choices, support of parents, involvement in social networks (Bezrukova 2011). Another resource, noted by experts, is a kind of immunity of young people to social change, willingness, if necessary, to adjust to them using active adaptation strategies (change of profession, retraining, upgrading of skills, etc.) (Yadova 2006).

Together with the social resources, individual and personal aspects are also of great importance, they include physical health, in this regard young people are by far in a better situation, than older people as well as peculiarities of the concept of responsibility for financial well-being of the family. In modern conditions, the internal locus of responsibility contributes to a successful adaptation and life of a person, in particular in terms of achieving material prosperity. A study carried out by Zvonovsky & Matskevitch (2009) has revealed that there were 1.51 times as many “internals” as “externals”<sup>\*</sup> among those who characterized their current financial situation as “very good”. In contrast, among those who described their financial situation as “very bad”, there were 8 times as many “externalities” as “internals”. The most common (basic) level of “internality-externality” is

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newly erected blocks). The respondents were divided into two age groups: 18–24 years old and 25–30 years old. Young couples in a registered first marriage, with one mutual child under the age of 3 years were interviewed.

<sup>\*</sup> A classification of personality types, based on a person’s point of view on localization of the source (internal or external) of control over their life, a tendency to attribute responsibility for their successes and failures to either themselves (internal type) or external reasons and circumstances (external type). The concepts of “locus of control”, “internality”, “externality” were proposed by American psychologist Julian Rotter (1964).

imposed on an individual by the culture in the context of which their socialization occurs, and is shaped by the system of values acquired during socialization and therefore largely depends on which generations they belong to. New generations of Russian citizens enter upon their lives with an ever-increasing degree of “internality” as compared the previous generations (Muzdybaev 2004).

A research conducted by Tikhomirova has demonstrated that the young parents' expectations (“paternalistic” or “self-reliance”) shared equally. Self-reliance is most pronounced in families, where one of the spouses is engaged in business activities. At the same time, the indicator of paternalistic expectations used in this study, “the state is to create conditions for a young family to be able to solve their problems” emphasizes the need for structural conditions for manifestation of family's activity and responsibility, which does not diminish the importance of these qualities as such. To improve their economic situation representatives of young families find it necessary to work actively in their workplace (44.5%), to learn a second profession and improve their skills (42.9%), to find a part-time job (23.2%), to do business (14.5%) (Tikhomirova 2010). Among the forms of support young families prefer, according to Rzhانيتsyna's study the most popular are “soft loans, subsidies, mortgages” (52.7%), they are followed by “improvement of housing conditions” (14.8%), and only after does “increase of child allowances” follow (10.9%), almost the same number of respondents mentioned “employment, retraining and training assistance “ (10.3% ) (Rzhانيتsyna 2011). The above figures show that young families do not tend to shift responsibility over their own welfare onto the state, but they would like to have more favorable social and economic conditions that increase the likelihood of achieving it.

### **Protection of Social and Employment Rights of Young Mothers: Problem Statement**

Self-dependence based on employment is the primary mechanism for young people (both men and women) to achieve well-being nowadays. According to Savinskaya (2013) the most common life strategy of women with children is a strategy “working mother”. Consequently, young families largely depend on the situation in the sphere of employment (available vacancies, wages, and guarantees of social support).

During the economic crisis of 2009-2010 and over a few subsequent years the Russian Federation, including Saint Petersburg, witnessed an increase in the number of appeals of women to public authorities in situations involving violations of labor rights by employers. According to the information of the Prosecutor General's Office, more than 5,000 violations of social and labor rights of pregnant women and women with children were detected throughout Russia in 2010. The heads of companies and organizations received 1622 warnings, 423 officials were held disciplinary liable, 154 officials were cautioned against violating the law, 20 criminal cases were launched. Facts of illegal dismissal of pregnant women and women with children under 3 years of age were detected in many regions of the Russian Federation including the Udmurt and Chuvash Republics, the Volgograd, Kaluga, Penza, Rostov, Saratov, Ulyanovsk and Chelyabinsk Regions (<http://genproc.gov.ru/special/smi/news/news-59304/>, Cited 12.11.2014).

The above trends of women's applications to public authorities (State Labor Inspectorate, Social Insurance Fund, Welfare Committee of the Government of St. Petersburg) were observed in St. Petersburg as well. In 2010, the Prosecutor's Office of St. Petersburg received 138 complaints from young mothers, 194 women appealed to the State Labor Inspection of St. Petersburg (<http://genprok-szfo.ru/modules.php?name=News&file=article&sid=1525>, Cited 12.11.2014).

The growing number of affected mothers was also noted in the public organization “Petersburg’s EGIDA”, which renders active legal assistance. As many as 200 women applied during only three months of 2009, further on the proportion of victims was growing. In six months of 2011, the number of such applications amounted to 218, in 2012 the number of affected women was 224, in less than eight months of 2013 it was 266 (Sharifullina at all 2013).

It should be borne in mind that approximately half of women who called the “hot line” in 2013 (48.9%) needed clarification of their rights (“Petersburg’s EGIDA”). A third of mothers were interested in the procedure for calculating maternity leave benefits, up to 1.5 years child care benefits, the procedure for assignment and receipt (29.3%). Every seventh woman asked for an explanation of her labor rights and guarantees (procedure for a transfer to another job, part-time schedule, paid annual leave, etc.) (15.4%). The main concern of women was nonpayment or delayed payment of allowances for children under 1.5 years of age (73% of the total number). Other reasons for complaints included dismissal of pregnant women and women on child-care leave (forced resignations or employer-initiated dismissal) (11.1%). A significant number of complaints were connected to violations of the social and labor law (refusal to transfer a pregnant woman to another job, to grant a paid annual leave, part-time schedule, etc.) (13.9%). As we can see, there has been much tension around the issue of non-payment of benefits by employers since the beginning of the economic crisis (2009). The increase in the number of applications to the public organization highlights widespread violations of social and labor rights, lack of awareness of pregnant women and mothers with young children about their rights. The present situation testifies to discrimination of this category of workers, as well as to the fact that employers force women to voluntarily resign through creation of worse working conditions for them.

The situation is aggravated by the fact that so far in the legislation of the Russian Federation there is no mechanism for pre-trial resolution of gender discrimination in the labor market, and in the Labor Code of the Russian Federation the term “discrimination” is not duly addressed. There are no federal and regional laws on gender equality, no Ombudsman institution for gender equality, no organized support, including that from trade unions, in case of gender discrimination. Due to this a significant part of mothers apply for restoration of their rights to supervisory authorities, and failing to get any support, to courts. This takes much money and time, so most women subjected to gender discrimination in the workplace, are unable to defend their social and labor rights.

The difficult situation of pregnant women and young mothers in the labor sphere is a consequence of not only economic causes or gaps in the legal field, but also a manifestation of a low level gender relations culture in the society, in particular, a manifestation of the stigmatization phenomenon of pregnant workers which is characteristic not only for Russia. As follows from results of studies conducted in different countries, motherhood in the public opinion of employers, as well as co-workers, is quite often associated with negative stereotypes, the number of which grows in connection with a woman’s pregnancy (Fox & Quinn 2014), with stigmatization of pregnant women who do not stand up to the expectations of the employer about the “ideal worker” (Williams 2000). Pregnant women are often characterized as more sensible, frequently unable to take rational decisions, less competent in comparison with other workers (Butensky 1984), less committed to their work (Halpert at all 1993). Colleagues often suspect pregnant women of inability to meet the deadline, of shifting their job functions to others, which for the latter results additional workload (Gueutal & Taylor 1991). One of these stereotypes about pregnant women is an idea that a woman will not return to work after the birth of the child (Halpert & Burg 1997;

Major 2004). In other words, negative stereotypes may be sufficient grounds for colleagues and employers to explain their actions infringing the rights of mothers and pregnant women (Fox, Quinn 2014).

### **A Study of Discrimination of Mothers in the Sphere of Social and Labor Relations**

The research dedicated to social protection of women workers, namely pregnant women and mothers with young children, allowed studying situations in which women's rights to work and financial support measures are violated\*. The study was conducted between 2009 and 2011 basing on the use of qualitative methodology and employing a case study method. The field phase of the study consisted of in-depth biographical interviews with mothers, focusing on the pregnancy case record, labor conditions during the pregnancy, relationships with the employer, the situation of violation of social and labor rights. Issues addressed in the research concerned the relationship of women with the father of their child, parents, friends, colleagues at work, peculiarities of interaction of mothers with officials in government agencies and institutions of social protection of population, the social, economic and cultural context of the woman's life and her family. We also aimed at obtaining information on support of mothers on the part of the project coordinators, employees of non-governmental organizations and volunteers included into the network of support of young families.

Main instruments of the research included a discursive analysis of individual and group interviews with affected women, interviews with employees of public organizations and experts. The study also utilized the data of state statistics, mass media materials, regulations of the family and demographic policy of the Russian Federation and St. Petersburg, employment regulations of the Russian Federation and Scandinavian countries, materials of the public organizations such as "Petersburg's EGIDA", Saint Petersburg medical and educational Orthodox center "Zhizn", "Telpy Dom" Charity Fund, SOS Children's Villages (Murmansk, Apatity). The study involved 72 women and 18 experts and employees of public organizations.

Two groups of women were selected to take part in the study: "happy" (well-to-do, having a stable job before the maternity leave, with an extensive network of relatives and friends, officially married, 28 people), and "disadvantaged" (with a low income, an unstable family and labor status, a narrow network of family and friend support, 44 people). Following criteria were taken into account in the process of selecting respondents: 1) problems with work over the last year, including family members (were laid off, transferred to a low-paid job/part-time job, registered at the employment exchange), 2) applications for help to a public organization, self-aid group or to specialists due to a critical situation: an intention to terminate pregnancy and (or) surrender of a new-born child because the child's father' or the parents' family refuse to support the mother, 3) difficulties with obtaining allowances, poverty, 4) problems with child-rearing.

Of 44 women from the socially vulnerable group, only 2 were officially married, and 19 were in a common law marriage, 21 women were single, one was a widow, two were divorced. Among mothers in this group there were 4 times as many women with a general secondary education and vocational education (19 and 17 respectively), and 8 women with

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a higher education. The disadvantaged group was predominated by very young workers: the share of adolescent mothers under 18 amounted to 11%, over half were between the age of 18 and 25(53%), only a third were at the age of 26 to 40 (36%).

In the group of “happy” women, most women had a higher and (or) incomplete higher education (26 people), and only 2 women had a vocational secondary education, 27 women were officially married, one woman was single. On the whole, the target sample of “happy” women was relevant to socio-demographic characteristics of pregnant women and women with children up to 3 years old, seeking support in the public organization “Petersburg EGIDA”. Most of them were young women aged 25 to 30 years (35.3%), 30 to 35 years (33.1%). Most of them were officially married (73.8%), 6.7% were in a common law marriage, 19.5% were single. Three quarters of all women who had applied had a higher or an incomplete higher education (70%). Based on these data, we can conclude that young, educated, officially married women are more proactive and seek to protect their social and labor rights, which resulted in their appeal to the human rights organization. In contrast, women from the socially vulnerable groups appealed for financial support to charity organizations.

All the women, who participated in the study, faced a situation of non-payment of maternity and childcare allowances due to them under the law. In the “socially vulnerable” group, most women were employed informally, and did not expect any allowances from their employers. In the “happy” group all women before pregnancy had been employed officially, hence they were legally protected. In 2010, the vast majority of respondents were employed in the commercial sector, with the exception of 5.4% of women who worked in governmental organizations. Two-thirds of companies (68%), which employed the women, can be attributed to small businesses: with staff number up to 30 people in 43% of cases and from 30 to 100 people in 25% of cases. 9% of women worked in companies employing between 100 and 500 people, 14% of female workers were employed in companies with the staff of over 500 people. A third of women worked in the field of trade (33%), one in five in the field of social services (19%), a quarter (25%) in the production area (food, textile, construction), and 23% in other areas.

An analysis of interviews with the women has shown that the main violators of labor laws against women are the owners of small businesses (89% of 100% of the cases), or individual entrepreneurs (5.4%). The percentage of large enterprises, employing more than 500 is only 5.6%. Over half of the firms at the time of a woman’s application to a human rights organization (61%) were operating, 32% were not functioning, 3.5% were in the process of liquidation and 3.5% had been closed down. It should be noted that a significant proportion of women received their salary in an envelope (35.7%) and did not have an employment contract (22.9%). It is extremely difficult to protect violated rights of such women. Hence, typical offenders of the labor legislation in respect of pregnant women and women with young children were representatives of small businesses. The main reasons for non-payment were significant financial difficulties of enterprises due to the economic crisis. In some cases, companies were liquidated, but some entrepreneurs, who had managed to keep their businesses, but did not have a possibility to pay and were willing to evade the responsibility to their worker(s), so to speak “disappeared”. Owners usually re-registered a firm or resold it to an unknown person, who was impossible to find. Employees, working in the organization, were often transferred to another company, and the accounts of the organization would appear empty. The experience of legal experts from a human rights organization since 2002 shows that this way of “business termination” is fairly common in Russia (“Petersburg’s EGIDA”).

On the basis of interviews with affected women 4 most common situations connected to violations of the labor legislation by employers were singled out: 1) wrongful dismissal, 2) forced resignation, 3) non-payment of wages, and 4) non-payment and/or delay in payment of maternity benefits, child care allowance for children under 1.5 years of age, a lump-sum childbirth benefit.

Each woman's situation was unique, but at the same time, they all confronted reluctance of the owner to bear the cost of benefits for their female employees. In accordance with the federal Bases of Compulsory Social Insurance Act, the plan-sponsor (i.e. the employer) is obliged to pay a maternity leave allowance, and the insurer (Social Insurance Fund) is obliged to compensate for the amount paid by the employer. Main reasons for non-payment of maternity benefits were lack of legal awareness of employers and pursuit of profit at the expense of legally protected interests of employees. At the same time, the procedure for benefits payment itself basically lays foundation for a conflict of interests between the employer, the state and gender culture in the society.

Despite the fact that they have legal rights, mothers do not feel protected because of discriminatory attitudes and informal norms, myths about limited labor potential which generates response distrust to their employer in them. Based on the discourse analysis of the interviews with mothers two main strategies of women informing the employer of their pregnancy were singled out: 1) open communication and informing of pregnancy at its very beginning, 2) concealing pregnancy and informing the employer only when pregnancy is obvious. In the first case, a woman reported her pregnancy in order to facilitate her employment schedule and working conditions, and in the second case she was trying to delay for as long as possible sanctions of the employer in her regard, understanding she had no legal protection and there was a high possibility of discrimination on the grounds of her pregnancy.

It should be noted that in women's explanations of the reasons for the situation the personal factor prevailed over objective economic difficulties. Although families of all participants of the study had to face the economic crisis, husband's or closest relatives' dismissal, none of them, at the time of the interview, associated difficulties in obtaining benefits with consequences of the crisis experienced by the employer like instability of orders for the company, a decline in demand for the goods produced, financial insolvency of the company.

One of the affected women described the situation in the following way: *The crisis has affected the whole sphere of the auto business. My husband was also working in this field, but for another, major, company. Actually, he was lucky not to get laid off ... I did not receive any salary or benefits, nothing, not even the child allowance*” (Ek., 30 years old, children: 6 years old, 4.5 years old, 1 year old, marketing consultant). Prior to the crisis, the owner of the company had bought it with debts that were further on covered by the funds of the company which included the money received from the Social Security Fund for maternity allowances of the three women who had just gave birth to children. Describing the reasons for the current situation, the affected women explained it by personal qualities of the employer and inefficient management: *“Inability to run a company, personal characteristics, human qualities ....irresponsible attitude to people.”*

Another participant told the story of a famous Saint Petersburg men garment manufacture “FOSP”, registered as a private company OOO “Fashion Park”. While women were on maternity leaves, the owner willing to get rid of 21 female workers, he was supposed to pay allowances to, closed the private company OOO “Fashion Park” and registered a new firm ZAO “BTK group”. All the employees were transferred to the new

company, the women on maternity leave were left in the closed up organization. The legal entities were in no way connected with each other, so the women on the payroll of OOO "Fashion Park" who were on maternity leave stopped receiving child care allowances.

One of the mothers who, before going on maternity leave, had worked as an HR specialist, and had been quite happy with the corporate spirit of the company, had trouble explaining why she had been deceived and deprived of childcare allowance. *Probably, there were lots of factors, plus, of course, a low culture of business operations and a bad attitude towards people. Just to think that both the HR officer and HR director are women who have children. How in the world could they have taken such a decision?*" (Ir., 30 years old, 2 children, a specialist). Experiencing conflicting feelings of offence, humiliation, anger and resentment, she decided to join the struggle for their rights.

An employee of the Central Real Estate Agency was concealing her pregnancy, and after she revealed the fact, she first lost additional payments, later the maternity allowance and finally the job itself. *"As it appeared, the Central Real Estate Agency operates through several legal entities, and as at the same time another two women, who worked there, got pregnant, and the economic situation was growing critical, they decided to get rid of us. They paid us the maternity payments, wished a Happy New Year, and an easy delivery. After we had had our babies and applied for the lump-sum childbirth benefit owed to us and the monthly childcare allowance for children under 1.5 years of age, we were informed that the company now belonged to another owner. And as a favor they suggested dismissing us hindsight and giving us our work record books, so that we could register at the labor exchange, and get a minimal unemployment benefit. As a working person I had the right to get 6,000 rubles per month, and in 2009 the unemployment benefit was 1,873 rubles."* The woman explained the problems at hand first of all with human qualities of the company's management, and in the second place, with a low level of responsibility of both the employer and the state, that during 9 years before the birth of her child had been receiving the taxes from her: *"In this situation, I also don't understand the position of the state. I've been working ever since I was 18. During all these years I was paying my taxes only to find myself starving and abandoned now when I am incapacitated"*(An., 27 years of old, 1 child, 1 year old, a real estate broker).

The situation of another worker demonstrates that the relations with the employer had been tense from the very beginning and any support was out of the question. *"A month after my official recruitment I got pregnant. All in all, I had been working for 7 months. At first, I was afraid to inform the employer of the pregnancy, because he kept delaying signing the contract. He was also delaying drawing up a medical insurance policy. When I got into hospital because of threatened miscarriage, I only had a policy as an unemployed person. I called the Health Insurance Fund, but they told me that they could not give me a policy as I had been dismissed. I said: "What do you mean "dismissed", I was at work today, I was walking the scaffolds, carrying buckets of plaster just as anyone else". When I got out of hospital, the employer confirmed: "You are dismissed".* (Al., 27 years old, 1 child, 1 year old, a restorer).

The mechanism of interaction of the owner of a company with a pregnant woman, identified as part of the study, manifests itself in the form of a specific socio-cultural framework that reflects his reluctance to take on additional responsibility for financial support of the pregnant woman and her child. This mechanism was also the case when heads of companies were expats — Finns and Estonians. Not only did the director of a shop selling Swiss watches, who knew that S. was going to have a baby alone, without a husband, fail to support her, but also did her best to fire the woman. After she revealed her pregnancy, she started to experience persistent criticism, and as a result they *"framed up a situation to fire me"* (34 years old, 2 children, 10 years and 1.7 months old, a sales person).

Appeals of affected women to federal and regional authorities did not lead to any desired result; none of the executive authorities solved an issue as such. Materials of the study have shown that support of executive authorities, as well as that of an employer in the commercial sector, was “just the other way about”. A typical mechanism of such negative support is “*evasions, pretexts, excuses, they all are just passing the buck*” (S., 34 years old, 2 children – 10 years and 1.7 months old, sales person). An unexpected barrier arose when women communicated with the Social Insurance Fund, which accumulating employer’s funds, was not “very willing” to pay employees the money owed to them: “*I confronted specialists of the Social Insurance Fund. It seems their main task is not to pay the money. Why do they write to me “The circumstances were not confirmed”? What does this mean? That I did not deliver a baby? That my company is in sad shape (no assets, no funds in the accounts), though I provided them with documents from the court enforcement officer with a coat-of-arm seal, verifying everything?*” (T., 35 years old, 3 children, 17 years old, 2.5 years old and 5 months, a specialist).

To be fair, it should be noted that regional officials, as opposed to those working for federal agencies, sought to assist, for example by making a children’s card used by Saint Petersburg parents for buying children’s goods in specialized stores. Children’s cards were officially introduced and are funded from the regional budget: “*I got help at the Social Security Department: they gave me a monthly allowance in the amount of 1,900 rubles, and the so called children’s card. You can use it to buy children’s goods: diapers, baby food and clothes in specialized shops. Saint Petersburg officials helped me whenever they could, federal officials would just send me round.*” (An, 27 years old, 1 child, 1 year old, a real estate broker)

#### **Protection of Social and Labor Rights of Mothers: Analysis of Practice**

Officials working both for agencies executing the law and for supervisory authorities enforcing the law and monitoring their performance are “conductors” of government support measures; whether these measures reach consumers depends on their work. The results of the study have indicated: 1) lack of motivation to support in every case of non-payment of allowances, which manifested itself in a formal and indifferent attitude of an official to a problem, 2) shifting responsibility for a problem to another executive body, the employer or the woman herself, that in actual practice, is expressed in the mechanism of “buck-passing”, 3) the conflict of interests of mothers as a social group and officials, manifesting itself in the pursuit of the former to receive due allowances, and the wish of the latter to keep money in the accounts of the Social Insurance Fund, although this violates the law, 4) the availability of resources of support to only those in gathering, first of all relatives and friends of an official.

The records in the group of “socially vulnerable” women suggest that problems with wrongful dismissals and non-payment of maternity allowances and monthly child care benefits by the employer, as well as failure to receive a social allowance from federal sources are a common situation. Of 44 women, only 5 were employed officially, the rest of them were listed as unemployed / were students / were employed unofficially. Most of our respondents, who before the pregnancy had had no labor income or who had worked unofficially, applied neither to court nor to social agencies. Main reasons for their passivity are related to the lack of: 1) knowledge of their rights, 2) confidence that public service officials will support them, 3) free time, 4) material resources, 5) information on institutions and organizations that could provide legal support in a difficult situation, 6) mobility due to the a newborn baby, 7) trust in the state, 8) confidence in the validity of the law.

Women from the “socially vulnerable group” in cases when the father refused to help raise the child, found themselves in the most difficult situation (Bezrukova 2013). It was aggravated by the lack of support from relatives, permanent housing, as well as money due to the employer’s refusal to provide work. Even if a woman sought help in the Social Security Department, it appeared that the officials were unable to help in the context of a conflict with the employer, as search for the companies that have “gone missing” is not part of their job. Women who do not have documents, stipulated by the labor law, — a work record book, an employment contract, certificates of average wages and earnings during the year, the order granting leave for pregnancy and childbirth and child care — were unable to obtain social benefits.

The “socially vulnerable” group of women experienced an indirect discrimination, since many of them before their pregnancy had been employed unofficially, which under the current law deprives them of any rights to obtain benefits. At the same time women from the “happy” group experienced an open form of discrimination, as all of our respondents had the guarantees specified for by the labor legislation with regard to working under an employment contract in organizations with various forms of ownership, and also failed to obtain allowances.

Thus, there is a discrepancy between legal provisions to protect women in the sphere of employment and real practice of their application. In some cases it was possible to bridge the gap between a legal norm and actual practice as a result of a concerned and understanding position of social workers or supervisory bodies, as well as thanks to the human rights organization “Saint Petersburg’s EGIDA”. An active position of women themselves also had a positive effect on the course of events, but the lack of information on who they should appeal to for support, the lack of knowledge of their rights, the algorithm of application to the state authorities hindered their activity.

The study also demonstrated that although many pregnant women had a formal employment, they anyway ignored the procedure for registration documents for calculation of benefits, which, on the one hand, is indicative of their legal illiteracy, and on the other hand — of the transfer of responsibility for calculation of benefits onto the employer and the state. Consequently, it appeared that all of the participants of the process we studied demonstrated to a certain extent a component of irresponsibility that brought in one way or another some institutional benefits to each party. The state saved funds thanks to the laws allowing payment of benefits to only those mothers who worked before or during their pregnancy in the public sector or for a responsible employer. The entrepreneur got profits, saving on additional taxes and avoiding responsibility for its employees. The working woman (not officially employed) had non-taxable income.

Over the past few years lawyers have sent dozens of appeals to the Committee on Social Policy of the Administration of St. Petersburg, the Law Commission of the Legislative Assembly of St. Petersburg, to the State Duma Committee on Family, Women and Children. An active advocacy of “Petersburg’s EGIDA” together with other public organizations and consolidated efforts of the women’s movement has contributed to a change in the mechanism of payment of benefits for pregnancy and childbirth — directly to the recipient, bypassing the employer. Since January 1<sup>st</sup>, 2013 new amendments to №255-FZ Compulsory Social Insurance for Temporary Disability and Maternity Act have entered into force, which will allow receiving benefits directly from the Social Security Fund in a situation of termination of operations of an employer at the moment of application for benefits or the plan-sponsor’s (the employer’s) impossibility to pay them due to insufficient funds in his account.

In general, in St. Petersburg we have witnessed a significant improvement in cooperation between state authorities and non-governmental organizations in the field of provision of social guarantees and legal protection of pregnant women and women with young children. In 2010, “St. Petersburg’s EGIDA” with the support of the Social Policy Committee of St. Petersburg opened a public counseling office for protection of social and labor rights of pregnant women and women with children up to 1.5 years of age. It provides free legal assistance to pregnant women and women with children under the age of 3 years on issues related to employment reinstatement, refusal to recruit, recovery of wages, appointment and payment of benefits.

### **Conclusion**

The liberal social policy pursued in Russia does not provide the family with a guaranteed security at a satisfactory level of life; hence concern about family welfare is its own responsibility. The majority of young families need external support to solve their economic problems and a basis for direct economic assistance from the state is the birth of a child. However, for most families, this support is of a short-term nature and does not affect the welfare of the family in the longer term. The adaptive strategy of young families in a market economy consists in increasing labor activities, building-up their own resource potential.

State support in cases of birth of a second (and in some regions of a third) child has a positive effect in the form of a rise in births, nevertheless even more preferred compared to direct cash payments for young families are compensatory and indirect forms of support (soft loans, support in development of a family business, building of a house, parents’ combining family and professional roles). Currently, as a way to support young families in solving their housing problems, different regions of the country are implementing the program “affordable housing for young families”, and 2013 witnessed a launch of the program of training of young mothers at full-time preparatory departments of federal institutions of higher education to provide young mothers with opportunities of social adaptation and professional realization (Resolution № 756). The critical situation with the capacity in kindergartens is gradually being solved through creation of new public kindergartens, expansion of the corresponding private sector, the option of a financial compensation to a family is also under consideration, if a child does not attend a kindergarten.

Young families, which are in need of external support in solving their problems, do not tend to shift the responsibility for their decision onto the state. At the same time, it is obvious that realization of a personal initiative and responsibility for financial well-being in the long term are possible if the structural conditions guarantee that the connection between the efforts made and the results is a stable norm, and the relations between social actors are built on the basis of clear and reliable legal mechanisms of sharing and fulfillment of mutual liabilities.

The values of family, motherhood, childhood, proclaimed by the state and supported by the society, are contradicted by to the situation of discrimination against young mothers at work, that manifests itself in the practices of neglecting pregnant women, and in some cases in the employer’s evasion from responsibility towards mothers. Improving the practice of joint responsibility of the state and the business community, as well as increasing citizens’ legal literacy and the ability to defend their rights by themselves (individually or with the support of non-governmental organizations), development of civil society institutions at the micro level (Musienko 2003, Bezrukova, Samoylova 2013, Lukin, Musienko 2014) are the required mechanisms that will contribute to creation of a new “ethics” (Taylor 2007, Ulrich 2008) regarding support for mothers.

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