Political Economy of Labor Reform in Ukraine: Does Accountability Matter?

Elena Besedina, Tom Coupe and Olena Nizalova

Kyiv School of Economics, Kyiv Economics Institute

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Abstract

1 Introduction

In the fall of 1996, the office of the first Vice Prime Minister of Ukraine together with a number of NGOs developed and brought under consideration of the Parliament a comprehensive package of economic reforms documents, including pension and social security reforms. The timing seemed to be just right: after several years of hyperinflation and instability the economy was stabilizing and was in need for structural reforms to put it back on track and make it grow sustainably. The package faced a very strong opposition and caused heated debates and discussion in the Ukrainian Parliament. The laws as a package were not passed and as a result the Vice Prime Minister resigned from his post. The momentum for many reforms was lost for years.

Labor market reforms remain one of the most important areas of reforming Ukrainian economy. Labor reforms in Ukraine encompass a set of new laws as well as amendments to the existing laws. In particular, a new Law on Unemployment Insurance and new Laws and on other types of compulsory insurance were passed and came into effect in 2001 with further amendments that followed in the consequent years. A new Law on Pension System passed in 2003 stipulates for the introduction of a three pillar pension system consisting of PAYG pillar, compulsory accumulating accounts state-fund pillar and a private-funds pillar. A number of amendments to the Labor Code (the Labor Code of December 1971 is still in place)¹, to the laws on Labor Remuneration and on the Labor Protection have been approved over the last decade. The Labor Code specifies a comprehensive set of rules covering almost all aspects of interactions between employers and employees. The existing Labor Code is considered to be mostly pro-employee, reflecting the inherited from the Soviet Union socialist principles of employment (Khachaturyan, 2006). Hiring and firing regulations still remain quite rigid. At the same time, Ukraine has been also harmonizing its legislation according to the international standards, ratifying the International Labor Organization (ILO) conventions, as well as bilateral and multilateral international agreements on labor markets, employment, and social welfare. (Khachaturyan, 2006).

Since independence Ukraine has lived through the several changes in the electoral rules. Initially, Ukraine inherited the plurality electoral system from the Soviet Union. Thus, elections to the first Ukrainian parliament (legislative term 1990-1994)–Verkhovna Rada– were held under pure majority rule. General public elected 450 deputies in 450 single-mandated districts (SMD). The same system was in place when the elections to the second legislative term were held. However, before the 1998 elections the changes to the electoral system of the country were introduced shifting from pure majoritarian system to the mixed system which equally combined single mandate districts (SMD) and proportional representation (PR). Ukraine followed the general trend of moving away towards more proportional system away from plurality system observed in many transition countries. Under the new rules, half of the parliament members (225) was still elected through SMD, while the other half of the seats was allocated under

¹Since 1998 Ukraine's Ministry of Labor and Social Protection has been involved in the drafting of a new Labor Code to better suit the needs of the changing Ukrainian economy (Khachaturyan, ?).

proportional representation (PR) system using party lists. Similarly to Italy², the new system allowed for a dual candidacy: candidates could run simultaneously in a single-mandate district and under party lists. For example, ninety nine out of 225 parliament members who entered the 3rd legislative term through party lists ran in both tiers and ninety four of them lost in singlemandated districts, while remaining five withdrew from the single-mandate districts just before the elections. Dual candidacy served as a cushion for these MPS: despite losing the election race in majoritarian tier, a relatively high party rank allowed dual candidates to become parliament members. The dual candidates elected under both procedures (SMD and party lists) were supposed to withdraw from the PR mandate in favor of the majoritarian mandate. The mixed electoral system was still in place when elections to the 4th legislative term (2002-2006) took place, however, the dual candidacy provision was abandoned: candidates could choose only one tier to run in. The constitutional reform in the aftermath of the Orange Revolution (December 2004) eliminated plurality tier making Ukrainian electoral system purely proportional with closed party lists in the scheduled elections in 2006 and snap elections in 2007.

A set of labor laws introducing changes to the labor market policies has been under consideration of the parliament since independence. While passing of some was smooth, others created more heated debates among the parliamentary members and were not passed or postponed for further readings. In general, parliament members elected under the varying electoral rules might face varying incentives when working in the parliament. Hence, we can exploit the changes in the Ukrainian electoral system to investigate the effect of various electoral rules on the behavior of the parliament members overtime and within a legislative term. As we are interested in the pattern of political support of the ongoing labor market reforms, in this paper we are looking at how parliament members voted on the specific labor laws and amendments. Studying this will allow us to explain why some labor reforms were executed while others were stalled.

The effects of the majoritarian and proportional electoral rules on politicians and policies have received significant interest on the part of political scientists as well as macroeconomists. According to the theory, plurality systems lead to stronger linkages between legislators and their constituencies. In particular, Persson and Tabellini (2000) demonstrate how under the majority rule the elected candidates favor swing districts by implementing more local constituency targeted policies, while under the proportional representation politicians are more prone to provide universal public good since their constituency is defined by national boundaries.³ Egger et al. (2008) investigate the differences in the scope and target of government spending under majoritarian and proportional electoral systems. Their model, which combines electoral competition and legislative bargaining, predicts higher redistributive spending in majoritarian system, which would favor special interest groups at the expense of regular voters.

Applying the implications of the existing politico-economic models to the Ukrainian reality, one would expect that the way a parliament member is elected would affect her public service

²We discuss this later in the paper.

³Other studies include Lizzeri and Persico (2001), Milesi-Ferrretti et al (2002), Myerson (1999), etc. All these models unanimously imply more targeted policies under majoritarian electoral rules.

incentives: being elected as a SMD candidate would require higher degree of adherence to the local constituency's interests when serving in the parliament. At the same time, a candidate elected under party lists would be more disposed to align his interests with the party baseline. Generally speaking, we can investigate the accountability to the constituency of the parliament members elected under proportional system (party lists) and under majoritarian system (singlemandate districts). Government accountability can be measured by the level of influence of the characteristics of the local voters on the policies voted for by the legislators.

It is common to apply a program evaluation framework in this context, in other words to estimate the average treatment effect on the treated versus the non-treated (control group). Here the treatment is defined as event of being elected through SMD, hence the parliament members elected through party lists become the control group for comparison. One of the main concerns of the researchers in this case is the possibility of sorting out of different candidates into either of two tiers. The candidates well connected to the local voters (for different reasons) may decide to compete in single-mandate districts to maximize their probability of winning. This would make treatment endogenous and pose problems in the estimation of the average treatment effect since one of the main assumption of this framework is randomness of the treatment. In our paper we follow the approach of Gagliarducci et al. (2009) who apply regression discontinuity design (RDD) to the Italian parliament data. As it was in Ukraine, Italy also had a mixed electoral system which allowed dual candidacy. For dual candidates who lose plurality elections in the so called swing districts with a narrow vote margin, the assignment into SMD or PR tier could be viewed as random. Making additional assumptions about the characteristics of the dual candidates and candidates competing in the single tier allows to estimate the average treatment effect⁴.

The data on voting by Parliament members are available for the period of 1990-first quarter of 2007 and cover the first five legislative terms of the Ukrainian Parliament⁵. The Roll Call data are mainly available since 1998 as before that the parliament members cast primarily secret votes. Hence we use only 3rd (1998-2002) and 4th convocations (2002-2006) of the Parliament. In addition, we possess basic information on the parliament members, including such personal characteristics as age, gender, highest level of education attained, party affiliation, tier in which he/she was elected, etc. We analyze a set of laws related to the labor market related and classifie them as pro-employee or pro-employer based on the official minutes for the plenary sessions in the Parliament. We try to answer several questions: (1) whether we observe any differences in the voting patterns of parliament members elected under SMD and PR, (2) whether the characteristics of local constituency have larger impact on the majoritarian candidates versus party list candidates once we control for the self-selection effect. For this end we match Ukrainian regions to the electoral districts to create a matrix of local constituency characteristics such as

⁴Plausibility of these assumptions can be verified with a number of test proposed in the literature on RDD. See for example, Van der Klaauw (2008).

 $^{{}^{5}}$ The data for the fifth legislative term (2006-2007) are incomplete in our dataset. In any case, the 5th convocation was the shortest in the history of the Ukrainian Parliament. It lasted until September 2007 when the Parliament was dissolved and snap elections were called for.

level of unemployment, share of industry in overall region's economy, share of retired individuals in the total population and others. We use a restricted sample only dual candidates comparing dual candidates elected in single-mandate districts versus dual candidates who came to the power through party list. We expect that the local district characteristics would matter more for the SMD elected parliament members since they are presumed to be more accountable to the local electorate.

This paper is organized as follows. In the next section we review recent developments in the Ukrainian labor market. In particular, we look at the structure of employment, unemployment and such a widespread phenomenon as labor migration. Section 2 briefly outlines the main features and changes in the electoral rules in Ukraine.

2 Ukrainian Labor Market

In this Section The labor participation rate of working age population in Ukraine is quite high and has been above 70 per cent for working age group . Economically active population is split almost equally between genders with a slight decline in women's share to 48 per cent as of 2007 down from 50 percent recorded in 1995. The ILO estimates of the economically active population differ downward from the official estimates by the State Statistics Committee, however in absolute terms the Ukrainian labor force has been shrinking due to the drop in the population caused by fewer births and labor emigration to the Western Europe and Russia (Figure 1).

[Insert Figure 1 about here]

The structure of employment had changed since proclaimed in 1991 independence. Thus, in 1990-the year before the economic collapse started-slightly less than one third of working population was employed in industry (30.7%). By 2006, industry's employment share had declined to less than 20 per cent (19.5%) reflecting the structural changes that the Ukrainian economy had to undergo during the transition when many manufacturing enterprises were closed or worked under their capacity. At the same time the share of services had doubled over the period under consideration though it employment level in services is still below of the one observed in the developed countries.

[Insert Figure 2 about here]

Official unemployment rose sharply in the late 90s: from around 5 percent in 1995 to more than 11 per cent in 1998, it has started declining since 2001 once the economic growth was resumed. Over the entire period under consideration the unemployment rate among economically active women was slightly lower than the unemployment rate among men (Figure 3). This number did not reflect a real situation with employment in Ukraine because in the 90s the Ukrainian labor market has been characterized by a phenomenon of forced underemployment that included part-time employment and unpaid administrative leave. For example, overall 22.4 percent of the all employed workers were on unpaid administrative leave and 17.5 per cent were employed part-time (Derzhkomstat). By 2001 these numbers fell significantly as demand for labor was growing in the started-to-boom economy.

[Insert Figure 3 about here]

Gender composition of the officially registered unemployed persons has not changed dramatically since 1999; women have been more active in registering as unemployed: despite the lower rate of unemployment among women they have accounted for around 60% throughout the period (Figure 4). The share of rural population among those who claim unemployment status has been growing over time: thus if in 1999, only one fifth of the officially registered unemployed were from rural areas, by 2007 their share has passed 50 percent level.

[Insert Figure 4 about here]

The occupational decomposition of the unemployed individuals has been rather stable: in total, the share of white-collar workers has decreased and is currently less than 30 per cent of the unemployed. The share of the low-skill workers (elementary occupations) has doubled between 1999 and 2007 to reach around 20 per cent of all unemployed.

A glance at the dynamics of the unemployment rates among different occupation groups shows that the lowest level of unemployment has been among the top two occupation categories (Figure 5). If in 1999 the highest level of unemployment was among craft and related trade workers, by 2007 the largest share of unemployed is observed in agriculture and fishery. The unemployment rate for the low-skilled workers (category 9) is rather modest; hence large representation of the low skilled among the unemployed is due to the occupational structure of the Ukrainian economy.

[Insert Figure 5 about here]

The growth of the real wage was quite heterogeneous across regions as well as the unemployment rate.

Contrary to the standard economic theory that predicts that an increase in real wage would lead to rise in unemployment rate, in Ukraine higher level of unemployment does not seem to be associated with higher growth rate when nationwide indicators are used in time perspective. However, there exists a positive relationship at the regional level if we consider pooled crosssection (Figure 6). That is, regions with higher growth rate of real wage have statistically higher unemployment level in the next period.

[Insert Figure 6 about here]

Individuals working in the air transportation and financial sector have been enjoying the highest wages in the Ukrainian economy. The lowest pay has been observed in agriculture, fishing and health care.

2.1 Labor Migration

Migration is not a recent phenomenon for Ukraine. Ukraine experienced several major waves of emigration. The first wave of emigrants occurred as early as the end of XIX century, when whole families, in major part from the Western Ukraine, left their homes and went to the New World in the pursuit of better life. The October revolution and the World War II brought the second and third waves of emigration. When the Iron Curtain was lifted with Perestroika in the 80s of the last century, thousands of Jews abandoned Ukraine, then part of the Soviet Union. However, the recent trends in migration have been absolutely astonishing.

According to the State Statistics Committee, while in the early years of transition the number of people that left Ukraine exceeded the number of people that immigrated to Ukraine since 2005 the net migration flow has been positive making Ukraine a net receptor of the migrants. (Figure 7)

[Insert Figure 7 about here]

The data on official migration do not take into account labor migration of Ukrainian population abroad and within the country. In recent years, Ukraine has become one of the major labor exporting countries in Europe. According to some estimates, from 2 to 7 million Ukrainians are currently working abroad. According to Andriy Haidutsky, of the National Bank of Ukraine, there are almost 5 million Ukrainian migrants abroad; this represents around 10 per cent of total population and 20 percent of labor force. According to the expert, the distribution of the labor migrants from Ukraine across foreign countries is asymmetric (Table 1):

Westward labor migration is more evenly balanced between women and men - in some regions, women are even over-represented - and involves disproportionately more people from central and western Ukraine.

According to the estimates of the Institute for Demography and Social Studies, labor migrants earn around 4.7 - 7.5 billion USD annual (which is around one fifth of the Ukrainian GDP) and send from 2.5 to 3.5 billion USD to Ukraine as remittances.

Recent years has evidenced increase in the volumes of labor migration across regions.

Top-5 net sender*	Top 5 net receivers [*]
Kirovohrad	City of Kyiv
Kherson	Sevastopol
Sumy	Kharkiv
Luhansk	Crimea
Ternopil	Chernivtsi

Note: * Overall for 2006 – 2008 Source: State Statistics Committee

As in the case with outward migration, the official numbers represent only a part of the actual labor migration.

2.2 Need for reform

Ukraine faces a severe demographic crisis as its population rapidly shrinks and ages. As the ILO projections show the number of the economically active individuals is shrinking over time which will reduce available labor supply. However, given the current financial crisis and approaching global recession this drop in labor supply is not likely to raise real wages.

Increasing share of elderly is expected to put still more fiscal burden on the economy if no changes to the pension system are made. Though, as mentioned in Introduction the Parliament has passed pension reforms laws, the three-tier system has not started to function. The PAYG system still bears the main burden of supporting old-age pensioners and other categories of recipients of social welfare benefits.

Ukrainian labor force is becoming increasingly educated as more and more young people pursue higher education. The number of high education institutions of the 3rd and 4th levels of accreditation (colleges and universities) has more than doubled since 1990 (from 149 to 351 in 2007). The number of enrolled students in these institutions has almost tripled (from 881.2 thousand in the academic year of 1990/91 to 2372.5 in the academic year of 2007/08. Though this phenomenon can be considered positive, its consequences might skew the occupational structure towards unnecessary high share of white collars at the expense of workers. This statement is supported by the data of the State Statistics Committee, which show that the number of vocational schools and other institutions of the 1st and 2nd level has decreased from 742 (in 1990) to 553 (in 2007) accopmanied by the decrease in the students enrollment as well (from 757 thousand to 441.3 thousand). The lack of workers has already started to manifest itself in the vacancy announcements posted by the firms.

3 Ukrainian Electoral System

Parliament members of Ukraine are elected by the citizens of Ukraine of 16 years and older on the basis of equal and direct universal suffrage through secret vote. The elections for the first convocation of the Ukrainian parliament, Verkhovna Rada, took place in 1990. Initially, the elections were held under majoritarian system, where all 450 parliament members were elected in the single-mandate district in two-round system. The system was inherited from the Soviet Union where Rada's predecessor 'Verkhovny Sovet' was an artificial authority without any real powers. The new Ukrainian Constitution adopted in 1996 introduced changes to the electoral system: starting from the third convocation (1998-2002), half of the parliament members were to be elected in single-mandate districts as before, but with simple plurality rule, while remaining 225 seats were allocated through party lists in a nation-wide electoral district. The entrance threshold was initially set to 4%.

The mixed electoral system existed until 2006 elections (fifth convocation) when it was replaced by proportional representation with closed party lists according to the Constitution amendments that followed Orange Revolution in 2004. The threshold level was decreased from 4% to 3%.

It should be mentioned that third and forth convocations differed in one important aspect. During the elections of 1998 each candidate had a possibility to run in both electoral tiers, that is compete in single-mandate districts and be listed on party list becoming a dual candidate. Overall, 212 deputies out of 477 who served in the 3rd parliament were running as dual candidates. Ninety four of them lost elections in the single-mandate districts and entered Verkhovna Rada thanks to relatively high ranking on the party lists.

Similarly to Russian Federation, under the mixed electoral system parliament members of Ukraine could voluntarily form factions either on party basis or non-party (independent) basis. The factions were required to consist of at least 25 members. Membership in faction gave some administrative benefits and improved chances of landing on 'desirable' parliament committee (Kunicova and Remington, 2008). Given the weak party system in Ukraine the factions played an important role in the parliament under mixed electoral system.

4 Data and Estimation Strategy

We use the roll call data for the 3rd and 4th convocation (1998-02 and 2002-06, respectively) of Verkhovna Rada. Altogether 477 and 504 parliament members (MP) served during the third and forth convocations, respectively ⁶. Among them, in each convocation more than 40 per cent were incumbents that is served as parliament members in the preceeding convocation. At the beginning of the convocation the average age of the deputies was around 48 years, with the youngest MP of 23 years and the oldest MP of 82 years. Gender representation in the Ukrainian parliament looks despondent and the situation even worsened: the share of women declined from 8 per cent in the third parliament to only slightly more than 5 per cent of all MPs, which is in stark contrast to the Western European democracies, where many legislative bodies have gender quotas.⁷ Almost all MPs received bachelor degree or higher, some deputies hold candidate and

doctorla degrees (20 and 10 per cent of all deputies, respectively).

In order to construct constituency characteristics we match administrative rayons (similar to counties in the US) to the electoral districts. On the whole, there are 699 rayons and cities counted as administrative units in Ukraine. The information is collected at the local level using individual data on the business entities and households. In the other hand, there are 225 electoral single-mandate districts and one nation-wide for PR.We performed matching based on the information available from the Central Election Commission of Ukraine. In majority of cases the electoral districts encompass several rayons, at the same time big cities like Kiev, Donetsk, etc. have several electoral districts. Since we do not have more disaggregated data on

⁶According to Ukrainian legislation, parliament members cannot serve in executive and legislative bodies at the same time. Thus people's deputies appointed as members of the government had abandon Parliament and be replaced.

⁷During the Soviet times, women also had guaranteed quotas in Verkhovny Soviet. However, their involvement in the actual political leadership conducted esclusively by the Politburo of the Communist Party was very limited as well.

city districts, all 12 SMD deputies elected in Kiev will share the same constituency according to our database.

Overall, during the 3rd convocation parliament members voted mutiple time on labor-market related laws. Some of the voting took place on the same darft law in first, second reading, etc. We included only the latest version in our dataset. Some laws were in their first reading in several convocations. It should be noted that if a law did not go through entire legislative process from base version to final version within the same convocation, it has to go through the start of the process again in the next convocation.

In order to determine the relevance of a particular law as well as the subject of voting we study the official minutes of the plenary sessions of Verkhovna Rada available online. Often, parliament members have to vote on different draft versions of the the same law submitted by deputy groups, parliament committees, government, etc. Hence, if MPs had to vote on several drafts we include all of them and classify them as more/less employee benefitial. For example, during 5th session of the third convocation MPs considered several draft laws on minimum wage. While the draft proposed by the government stipulated for minimum wage of 90 UAH for 2000, alternative draft suggested sequential increase in the minimum wage to 90 UAH on January 1st, and 118 on July 1st. Therefore, accoding to classification, the latter law is classified as more employee-benefitial while the former less.

First we perform descriptive analysis to see if there are visible differences in the raw numbers. As mentioned above we divide laws according to their status and calculate share of laws voted "For" by MPs with different mandate type (Table below).

	Pro-employee			Pro-employer			
	All	Reg	Dual	All	Reg	Dual	
All	60.5	61.0	59.7	50.3	54.6	50.4	
SMD	59.5	60.6	58.0	56.7	59.4	52.6	
PR	61.3	61.5	61.1	49.4	50.1	48.3	

This simple analysis seems to suggest that, on average, there are no systematic difference across parliament members with different mandate types when voting on more employeebeneficial legislation, while for the opposite case, the differences seem to be more pronounced. Thus, SMD deputies cast their vote for a pro-employer law more often than PR parliament members, dual candidates regardless of the mandate type Definitely, at this stage we cannot make any strong conclusion about this differences since we need to control for other factors.

According to the theory, single-mandate politicians should be responsive to their constituency needs to increase the probability of reelection for the next convocation. On the contrary, PR deputies can increase probability of reelection by being coherent with party leaders to endure 'safe' place on the party lists. Hence one would expect to see that social and economic characteristics of electoral districts would influence voting pattern of SMD deputies, while voting pattern of PR deputies should be more aligned with their party leaders. That is $vote_{ij} = f(constituency characteristics, mandate type, mandate * constituency, Z_i)$

where $vote_{ij}$ is a vote on a law j cast by parliament member i and is a function of constituency characteristics, type of mandate (SMD or PR), interaction of mandate type and constituency and Z_i are parliament member individual characteristics.

As a prelimianry step we look at the share of votes cast by a parliament member in favor of labor laws, pro-employee laws and according to the subject, such as pension system.

The results presented in Table 2 are somewhat puzzling and seem to imply that constituency charachteristics such as average wage in the district, unemployment rate, shares of working and post-working population are not determinants of the voting behavior of the MPs.

4th Convocation (In Progress)

Regression Discontinuity Analysis (In Progress)

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Figure 1. Actual and projected economically active population and participation rate, 1980 – 2020

Source: ILO, State Statistics Committee (Dershkomstat)



Figure 2. Employment shares by sectors, 2000-2006

Figure 3. Unemployment rate by gender, 1995-2007.





Figure 4. Unemployment decomposition by gender and place of residence, 1999-2007.



Place of residence composition

Figure 5. Occupation decomposition of the unemployment, 1999-2007







Figure 6. Unemployment rate by occupation, 1999-2007

Figure 7. Relationship between unemployment rate and real wage growth at the regional level.





Figure 8. International migration from/to Ukraine, 2000-2008

Note: Data for 2008 are for January-September Source: State Statistics Committee

2 mln
1 mln
500,000
350,000
200,000

Table 1. Geographic distribution of the labor migrants

Other countries				
Czech Republic USA Spain Germany	100-130 thousand in each	Netherlands Hungary Romania France UK	50 thousand in each	
Belgium Cyprus	lgium 30 thousand in prus each		10 thousand in each	

Source: A. Haidutsky, "Migration Capital in Ukraine: Hidden Reality", Dzerkalo Tyzhdnia (Weekly Mirror), #15, April 2007.

Table 2. Preliminary Results

	All MPs		Dual candidates only			
	All laws	Pro- employee	Pension laws	All laws	Pro- employee	Pension laws
Mandate	-0.015	-0.048	0.019	-0.017	-0.055	0.021
	(1.10)	(2.25)*	(1.24)	(0.74)	(1.58)	(0.94)
Gender	0.015	0.016	0.003	0.009	0.004	0.014
	(0.75	(0.50)	(0.12)	(0.27)	(0.08)	(0.38)
Age	0.003	0.005	0.001	0.004	0.006	0.002
	(4.23)**	(3.71)**	-1.65	(3.56)**	(3.35)**	(2.32)*
Working-age population	0.148	1.267	-0.265	0.664	2.885	-0.062
	(0.28)	(1.53)	(0.45)	(0.74)	(1.82)	(0.07)
Post-working age population, share	-0.08	1.418	-0.351	-0.182	2.245	-0.757
	(0.18)	(2.04)*	(0.74)	(0.24)	(1.72)	(1.00)
Average wage, constant 2006 UAH	-0.012	-0.013	0.001	-0.042	-0.066	-0.023
	(1.25)	(0.78)	(0.11)	(2.53)*	(2.15)*	(1.36)
Unemployment	-0.003	0.002	-0.004	-0.002	0.004	-0.003
	(1.19)	(0.62)	(1.23)	(0.81)	(1.22)	(0.97)
Constant	0.48	-0.567	0.764	0.285	-1.572	0.773
	(1.25)	(0.97)	(1.85)	(0.44)	(1.43)	(1.20)
Observations	11116	9131	11116	4668	3818	4668
R-squared	0.04	0.08	0.01	0.08	0.16	0.04

Robust t statistics in parentheses * significant at 5%; ** significant at 1%