



DECENT WORK CHECK

UKRAINE 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Acknowledgements

Many people contributed to the development of the Decent Work Check as a tool and to this Check for Ukraine. Those who contributed to the development of tool include Paulien Osse, Kea Tijdens, Dirk Dragstra, Leontine Bijleveld, Egidio G. Vaz Raposo and Lorena Ponce De Leon. Iftikhar Ahmad later expanded the work to new topics in 2012-13 and made the work more legally robust. Daniela Ceccon, Huub Bouma, and Gunjan Pandya have supported the work by bringing it online through building and operating labour law database and linking it to the WageIndicator websites. Special thanks are due to the WageIndicator global labour law office (headed by Iftikhar Ahmad), which works on Decent Work Checks since 2012. The Minimum Wages Database, developed by Kea Tijdens, is supported by Paulien Osse, Kim Chee Leong, and Martin Guzi. Khushi Mehta updated the Minimum Wages Database before 2020.

Minimum Wage Database and Labour Law Database are maintained by the [Centre for Labour Research](http://www.centreforlabourresearch.org), Pakistan, which works as WageIndicator Labour Law office. The team comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Seemab Haider Aziz, Sobia Ahmad, Shanza Sohail, and Tasmeena Tahir.

Bibliographical information

Ahmad I, Golovko E (2023) Ukraine Decent Work Check 2023. Amsterdam, WageIndicator Foundation, October.

For an updated version in the national language, please refer to <https://mojazarplata.com.ua/ua/> & <https://mojazarplata.com.ua/ru/>

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WageIndicator Foundation, 2023

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 15 more countries, thus taking the number of countries with a Decent Work Check to 125!

The text in this document was last updated in October 2023. For the most recent and updated text on Employment & Labour Legislation in Ukraine in Ukrainian & Russian, please refer to: <https://mojazarplata.com.ua/ua/> & <https://mojazarplata.com.ua/ru/> respectively.

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP (version 14.08.2021)
2. Law of Ukraine 'About state social standards and state social guarantees' 05.10.2000 № 2017-III (version 10.06.2018)
3. Law of Ukraine 'About state assistance to families with children' 21.11.1992 № 2811-XII (version 14.04.2021)
4. Law of Ukraine 'About ensuring equal rights and opportunities of women and men' 08.09.2005 № 2866-IV (version 07.01.2018)
5. Law of Ukraine 'About compulsory state pension insurance' 09.07.2003 № 1058-IV (version 14.08.2021)
6. Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV (version 03.07.2020)
7. Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV (version 14.08.2021)
8. Law of Ukraine 'About compulsory state social unemployment insurance' 02.03.2000 № 1533-III (version 14.08.2021)
9. Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI (version 14.08.2021)
10. Law of Ukraine 'About charge and accounting of a single fee for compulsory state social insurance' 08.07.2010 № 2464-VI (version 10.06.2021)
11. Law of Ukraine 'About collective contracts and agreements' 01.07.1993 № 3356-XII (version 05.12.2019)
12. Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP (version 15.07.2021)
13. Law of Ukraine 'On the foundations of social protection of disabled people in Ukraine' 21.03.1991 № 875-XII (version 05.08.2021)
14. Law of Ukraine 'About protection of childhood' 26.04.2001 № 2402-III (version 17.03.2021)
15. Law of Ukraine 'About OSH' 14.10.1992 № 2694-XII (version 14.08.2021)
16. Law of Ukraine 'About pension system' 05.11.1991 № 1788-XII (version 14.08.2021)
17. Law of Ukraine 'About the procedure for settling collective labor disputes (conflicts)' 03.03.1998 № 137/98-BP (version 07.11.2012)
18. Law of Ukraine 'About trade unions, their rights and guarantees' 15.09.1999 № 1045-XIV (version 23.05.2021)
19. Law of Ukraine 'About social dialogue in Ukraine' 23.12.2010 № 2862-VI (version 23.12.2010)
20. Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster' 28.02.1991 № 796-XII (version 01.07.2021)
21. Law of Ukraine 'About ratification of the International Convention ILO № 81, 1947 about labor inspection in industry'

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- and trade' 08.09.2004 № 1985-IV
22. Labor Code of Ukraine 1971 (version 25.10.2021)
 23. Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)
 24. Constitution of Ukraine 1996
 25. Criminal Code of Ukraine 2001 (version 08.08.2021)
 26. Official letter of the Ministry of Social Policy of Ukraine 'About provision of additional leave for single mothers' 30.05.2014 № 193/13/123-14
 27. Order of the Ministry of Health Protection of Ukraine 13.10.2017 № 1254
 28. Order of the Ministry of health protection of Ukraine 'About approval of limits of lifting and moving heavy objects by minors' 22.03.1996 № 59
 29. Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and work with harmful and dangerous conditions in which prohibits the employment of minors' 31.03.1994 № 46
 30. Order of the Ministry of health protection of Ukraine 'About approval of limits of lifting and moving heavy objects by women' 10.12.1993 № 241
 31. Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and works with harmful and dangerous working conditions, which prohibited for women' 29.12.1993 № 256 (version 22.12.2017)
 32. Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and works with harmful and dangerous working conditions, which prohibited for women' 29.12.1993 № 256 (version 22.12.2017)
 33. Fundamentals of legislation of Ukraine about compulsory state social insurance 14.01.1998 № 16/98-BP (version 14.08.2021)
 34. Law of Ukraine 'Fundamentals of legislation of Ukraine about health care' 19.11.1992 № 2801-XII (version 23.04.2021)
 35. Tax Code of Ukraine 2010 (version 01.08.2021)
 36. Regulations 'About the State Labour Service', established by Resolution of the Cabinet of Ministers 11.02.2015 № 96 (version 03.08.2021)
 37. Procedure of appointment, recalculation and pay of insurance payments, established by the Decision of the Board of Fund of Social insurance 19.07.2018 № 11 (version 05.03.2021)
 38. Resolution of the Cabinet of Ministers of Ukraine "About the one-time benefit for women who were awarded the honorary title of Ukraine "Mother-heroine", and one-time financial assistance to persons who were affected by human traffic" 28.02.2011 № 268 (version 24.04.2021)
 39. Resolution of the Cabinet of Ministers of Ukraine 'About approval of the Procedure for granting leave in case the birth of a child' 07.07.2021 № 693
 40. Resolution of the Cabinet of Ministers of Ukraine 'About approval of the Procedure for pay at the first five days of temporary disability due to illness or injury, not related to an accident at work, and at the expense of the employer' 26.06.2015 № 440
 41. Resolution of the Cabinet of Ministers of Ukraine 'About approval of assignment and payment state allowance to families with children' 27.12.2001 № 1751 (version 20.07.2021)
 42. Resolution of the Cabinet of Ministers of Ukraine 'About approval the list of industries, works, workshops, professions and positions, working in which entitles additional annual leave for hazardous and difficult working

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conditions and special type of work labour' 17.11.1997 № 1290 (version 01.04.2016)

- 43. Resolution of the Cabinet of Ministers of Ukraine 'About approval of the lists of industries, works, professions, positions and indicators, that entitled early retirement pension' 24.06.2016 № 461 (version 20.08.2019)
- 44. Resolution of the Cabinet of Ministers of Ukraine 'About calculation of average earnings (income, cash security) for counting payments on compulsory state social insurance' 26.09.2001 № 1266 (version 04.07.2015)
- 45. Resolution of the Board of Compulsory State Social Insurance against Unemployment "About the Minimum rate of the unemployment benefit" 31.01.2020 № 211
- 46. Resolution of the Board of Compulsory State Social Insurance against Unemployment "About the minimum amount of unemployment benefits for the quarantine period" 08.04.2020 № 217
- 47. ILO Decent Work Country Programme for Ukraine 2020 – 2024
- 48. Judgement of the Constitutional court of Ukraine 23.01.2020 № 1-p/2020
- 49. Decree of the President of Ukraine "About the one-time benefit for women who were awarded the honorary title of Ukraine "Mother-heroine" 25.12.2007 № 1254/2007

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Ukraine has not ratified the Conventions 95, 117 and 131 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Constitution of Ukraine 1996
- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP (version 15.07.2021)
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)
- Criminal Code of Ukraine 2001 (version 08.08.2021)

Minimum Wage

The Constitution of Ukraine guarantees everyone the right to get at least the minimum wage as determined by law. The minimum wage in Ukraine is determined at the national level. Minimum wage is revised every year by the Law of Ukraine on State Budget. Minimum wage is calculated as hourly and monthly wage. Wage is set a higher level for heavy work in harmful and hazardous working conditions; work in special geographical regions and geological conditions, and work with health risks. The list of such works is determined by the Cabinet of Ministers.

The amount of the minimum wage is set by the Supreme Council of Ukraine (the Ukrainian parliament), following the recommendation of the Cabinet of Ministers of Ukraine, during the yearly adoption of the state budget, while considering the proposals as agreed between representatives of trade unions, employers, or organs authorized by them. Wages may be set by national, sectorial, territorial or local collective bargaining agreements. In the event of financial difficulties of the enterprise, the minimum wage can be fixed by collective agreement at a lower level than the minimum wage

specified under national or sectorial agreement (however not below state guaranteed minimum wage) for a period not exceeding six months. The amount of minimum wage is determined taking into account the cost of living, level of average wage in the country, subsistence level (poverty line), level of productivity and employment, and needs of workers and their families.

The minimum basic rates of (salary) wages are determined by general agreement. In commercial organizations the basic rate of the first grade of workers is determined by sectorial collective agreement. If there are no such agreement the basic rate of the first grade of workers must be at least 110% of minimum wage. The first grade of workers is meant the least skilled work and the lowest payment.

The minimum wage is the legally established lower bound of salary for unskilled labour. It can't be less than living wage for employable persons. The minimum wage, amount set under the law or collective agreements, does not include bonuses, allowances, incentive and compensation payments.

Employers who failing to pay the stipulated minimum wage rate are liable to an administrative fine of between 30-100 times non-taxable minimum incomes. Violation of the legislation on payment of labour is punishable by an administrative fine in the amount of 30 to 100 tax-free minimum incomes of citizens. Repeated violation within a year or in relation to a minor, a pregnant woman, a single father, mother or a person who replaces them and is raising a child under 14 years of age or a child with a disability entails a fine of 100 to 300 tax-free minimum incomes of citizens.

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If this violation continues more than one month (committed intentionally) it will be considered a criminal offense and punishable by a fine of 500 to 1,000 non-taxable minimum incomes, or correctional work for up to 2 years, or imprisonment for up to 2 years, with the deprivation of the right to occupy certain positions or engage in certain activities for up to 3 years. The employee has the right to complain to the Labour Inspection or to sue.

Sources: §43 of the Constitution of Ukraine; §95 and 100 of the Labour Code; §3, 9-14 of the Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP; §41 of the Code on Administrative Penalties; § 175 of the Criminal Code

Regular Pay

Wage is the remuneration, calculated usually in monetary terms, which the owner or the authorized body is required to pay the employee for work performed. Wages depend on difficulty of labour and working conditions, professional skills, results of working and economic activity of the organization. While the minimum wage is determined under the law, there is no maximum sum of wages. According to the Ukrainian Labour Code, wages are subject to indexation taking into account inflation rate.

Wages must be paid at least twice a month (once every half month) on a day established by collective agreement or employer's act, as agreed with trade union. More specifically, wages must be paid once in every 16 calendar days however not later than 7 days after the end of the period for which payment is made. Payment of wages can be made through bank transfer or

money order if worker has given written consent for that.

Wages for working by an employment contract with an irregular work schedule are paid for the time when the employee has actually worked.

If payment day coincides with a non-working day, wages shall be paid on the day before. Wages must be paid in legal tender, i.e., Ukrainian hryvnia. Payment of wages in the form of debt commitments and receipts or in any other form is prohibited. A collective agreement, by way of exception, may stipulate payment of certain part of wages in kind (according to the price not exceeding production cost of the product being given as in-kind payment) in an amount not exceeding 30 percent of the monthly wage. These payments are equivalent to payments in a monetary form, and must be normal and desirable from employees' point of view. The Cabinet of Ministers of Ukraine approves the list of the commodities that may not be used for in-kind payments.

Legislation prohibits limiting the rights of workers to freely dispose of their wages. Deductions from wages to make direct or indirect payments to employer or some other intermediary to get employment or keep a job are prohibited. Deductions from wages can be made only in cases as provided under the law. The total amount of all deductions on each wage period must not exceed 20 per cent, and in the cases stipulated by laws, - 50 per cent of the wages. The size of deductions from wages may not exceed 70 percent in cases of correctional work and alimony for minor children. It is not allowed to make deductions from severance pay, compensation and other payments by law. On payment of wages, employer must also

inform the employees about gross wages, total size and ground of deductions and the net amount of wages to be paid.

Wages are paid on an hourly or piece rate basis, or other remuneration systems as specified under the law. Payment can be made as a result of individual and collective work. Employers are under obligation to pay timely and full wages, otherwise they are liable. Individuals violating legislation concerning the payment of wages face disciplinary, material, administrative, or criminal liability. Employers who failing to pay the stipulated minimum wage rate are liable to a fine of between 30-100 times non-taxable minimum incomes. Repeated violation within a year or in relation to a minor, a pregnant woman, a single father, mother or a person who replaces them and is raising a child under 14 years of age or a child with a disability entails a fine of 100 to 300 tax-free minimum incomes of citizens. If this violation continues for more than one month (committed intentionally) it will be considered a criminal offense and punishable by a fine of 500 to 1,000 non-taxable minimum incomes, or correctional work for up to 2 years, or imprisonment for up to 2 years, with the deprivation of the right to occupy certain positions or engage in certain activities for up to 3 years. The employee has the right to complain to the Labor Inspection or to sue.

Sources: §94, 97 and 115 of the Labour Code; §23, 26, 33, 36 of the Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP; §41 of the Code on Administrative Penalties; § 175 of the Criminal Code

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Ukraine has ratified the Conventions 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Code of Ukraine 1971 (version 25.10.2021)

Overtime Compensation

The normal working hours are 40 hours per week. The collective bargaining agreement may set a lower limit for weekly working hours. Moreover, the Ukrainian labour legislation makes an exception for child workers and adolescent workers. Employees aged fifteen to sixteen years are allowed to work no more than 24 hours per week. The same rule is established for school going children aged fourteen to fifteen years, working during school holidays. Employees aged sixteen to eighteen years are allowed to work no more than 36 hours per week. In addition, these limits reduced by half if the underage employee combines work with study. The maximum working hours for those engaged in hazardous working conditions are 36 hours per week. Laws also establish reduced working hours for certain categories of workers including teachers and doctors. The daily working hours for workers depend on the work-week chosen by the employer in consultation with the trade union: five-day or six-day working week.

Overtime work is the work in excess of normal hours of work. As a rule, overtime work is forbidden. Nevertheless, there are some exceptions, established by legislation. Involvement of the employee to work overtime is allowed in the following cases:

1. prevent a disaster, industrial accident or to eliminate the consequences of it or natural disaster;
2. strengthen the country's defences;

3. removing of unforeseen circumstances that disrupt functioning of the centralized systems of water supply, drainage (sewerage), gas supply systems, heating, lighting, transport, communication;
4. necessity to complete work, which, due to unforeseen delays in the technical conditions of production was not performed, if the unfinished work may lead to damage or destruction of property or stopping operations for a large number of workers;
5. work in place of an absent employee if the work is strictly of continuous nature though employee is required to take immediate steps to bring replacement worker;
6. loading operations for eliminating accumulation of cargo.

Maximum allowed overtime hours are 4 hours for two consecutive days and 120 hours per year. However, overtime work may be carried out only with the permission of the trade union. Overtime work is forbidden for:

1. pregnant women;
2. women with children under 3 years;
3. minors (under 18 years);
4. employees, who study at secondary or vocational schools for working during the lessons;
5. other categories of workers, as specified by law.

Overtime work is allowed for women with children aged three to fourteen or disabled child in the presence of worker's consent. Workers with disabilities may be involved in overtime work only with their written consent and medical report.

For hourly remuneration system, overtime work is paid at double the hourly rate (200% of the normal wage rate). In piece-rate wage

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system, overtime is paid as extra charge in the amount of 100% of the employee's wage for all hours worked overtime. Compensation for overtime work by granting time off is not allowed.

Sources: §50, 51, 52, 62-65, 106, 172, 176, 177, 192 and 220 of the Labour Code

Night Work Compensation

Night work is a working time between 22:00 and 06:00. Working time at night is reduced by one hour, except for those who are already engaged in reduced working time. The duration of night work is the same with in cases where it is necessary in terms of production (continuous production, shift work, etc). Night work is prohibited for pregnant women and women with children under three years, minors (under 18 years), and other categories of workers as specified by law. Workers with disabilities may be involved in night work only with their written consent and medical report.

Compensation of working at night is generally established by collective agreements. The minimum level of remuneration for night work is however set under the law and it is 120% of the normal hourly wage rate for each hour of night work.

Sources: §54, 55 and 108 of the Labour Code

Compensatory Holidays / Rest Days

As a rule, working on a weekly rest and public holidays is prohibited. But working on weekends and public holidays may be allowed with the permission of the trade union in following cases:

1. to prevent a disaster, industrial accident or to eliminate the

consequences of such accident or natural disaster;

2. to prevent accidents that may endanger the life or normal living conditions of people, loss or damage of property;
3. to perform urgent and unforeseen work which is required for the normal operation of the enterprise;
4. to perform loading operations in order to prevent accumulation of cargo.

Engaging employees to work on weekends is performed by written order of the owner or his authorized body.

Work on the weekend can be compensated by agreement of the parties providing another day of rest (compensatory rest day) or in cash at double rate (200% of the normal wage rate).

Sources: §7, 72 and 107 of the Labour Code

Weekend/Public Holiday Work Compensation

At the request of an employee who worked on a public holiday and a weekly day-off, he may be given another day of rest or cash at double rate. There are special rules for getting compensation. Pieceworkers get pay at double piece-rates. Employees, whose work is paid at hourly or daily rates are paid - double the hourly or daily rate. Employees receiving a monthly salary are paid in the amount of a single hourly or daily rate in excess of the salary if work on a day-off or public holiday was carried within the normal monthly working hours. The rate is raised to double hourly or daily rates in excess of salary if work on day-off and public holiday exceeded the normal monthly limit of working hours.

Sources: §72 and 107 of the Labour Code

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Ukraine has ratified the Conventions 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP (version 14.08.2021)
- Resolution of the Cabinet of Ministers of Ukraine 'About approval the list of industries, works, workshops, professions and positions, working in which entitles additional annual leave for hazardous and difficult working conditions and special type of the work labour' 17.11.1997 № 1290 (version 01.04.2016)

Paid Vacation / Annual Leave

In accordance with the labour legislation, there are two types of annual labour paid leave: basic and additional. Employees are granted annual leave with retention of their job (position) and average wages.

Entitlement to annual leave is available to the citizens of Ukraine, as well as foreigners and stateless persons working in Ukraine if they are employed by an enterprise regardless of ownership or type of activity. It also includes individuals working under an employment contract.

The length of basic paid annual leave is 24 calendar days. The basic leave is raised to 31 calendar days for minor workers (under 18 years). There is also provision of enhanced basic paid annual leave for workers engaged in certain professions which include industrial-production personnel of the coal, oil shale, metallurgical, electric power industries, surface mining & quarrying (24 calendar days with an increase 2 calendar days for

every two years, but not more than 28 calendar days), underground mining (28 calendar days), forestry, state national parks (28 calendar days), paramilitary rescue personnel (30 calendar days), non-military rescue workers (28 calendar days), those working in educational institutions (56 calendar days). Workers with disabilities get basic paid annual leave according to the group of disability: 30 calendar days for Group I & II and 26 calendar days for Group III. Seasonal and temporary workers are eligible for proportionate leave depending on the time they worked.

The annual additional leave is granted on the following grounds:

1. hazardous and difficult working conditions (35 calendar days);
2. special nature of the work (35 calendar days);
3. other cases provided by law.

The exact duration of additional annual leave is determined by the collective agreement or employment contract depending on the time of employment. The total duration of the basic and additional paid annual leaves may not exceed 59 calendar days. The limit is set as 69 calendar days for those engaged in underground mining work.

Employees become eligible for availing annual leave after six months of continuous service with the enterprise. If such leave is granted before 6 months of continuous work, the leave duration is determined in proportion to the time worked.

Before the expiration of six months of continuous work, basic paid annual leave may be provided, at the employee's request, to the following employees which include:

- 1) women - before the maternity leave or immediately after it;
- 2) women with two or more children under 15 or a disabled child;
- 3) disabled workers;
- 4) minors;
- 5) husbands, whose wives are on maternity leave;
- 6) persons, discharged from military service, if they have been employed for three months after it;
- 7) part-time employees (at the same moment when they leave main employment);
- 8) others cases, as specified by law.

Annual paid leave for the second and next years of working may be given at any time of the year in accordance with vacation schedule. Employee must be notified about the time of the leave no later than two weeks before its beginning.

The length of service, giving right to annual basic paid leave, includes:

- actual working time;
- time of saving job without actual working;
- some types of education;
- other by legislation.

The following categories of employees may get the annual leave at a time convenient for them:

- a. minors;
- b. disabled workers;
- c. veterans of labour and war veterans;
- d. wives (husbands) of servicemen;
- e. women with two or more children under 15 or a disabled child;
- f. women - before the maternity leave or immediately after it;
- g. single parents;
- h. others by law.

Both the basic and additional paid annual leave must be taken by end of the year. Annual leave by the employee's request may be transferred to another period in cases of the failure to notify the employee of vacation time or late payment of salary for annual leave. Annual leave is transferred to another period or extended where annual leave coincides with following situations:

- temporary disability;
- leave from work to perform public duties;
- maternity leave;
- leave for study.

Annual leave at the initiative of the employer may be transferred to another period only with the written consent of the employee and agreement of the trade union, when giving annual leave due to the earlier period may adversely affect the normal functioning of the enterprise. In such cases, the basic leave of at least 24 calendar days is still used in the current working year and the remainder is transferred to next year. It is prohibited not to grant annual paid leave for two years in a row. Annual leave cannot be transferred for minors and those workers who are eligible for additional leave due to work in hazardous or difficult working conditions or work of special nature.

Annual paid leave may be divided into parts by agreement between parties of the labour contract. However, either part should not be less than 14 calendar days. The unused portion of the annual leave must be granted to the worker at the end of year however within 12 months after the end of the working year for which leave is granted.

The annual paid leave may be interrupted by the employer only with the written consent of the employee in the case of force

majeure, industrial accidents or to eliminate the effect of such accidents or protect the property from loss or damage. The remaining part of the annual paid leave is available for the current or the next working year. In this case, by the agreement between the employee and the employer, compensation may be paid instead of getting unused part of the vacation.

Payment for annual leave must be made at least three working days before its start. The amount of annual leave pay is calculated by multiplying the average wages by the number of vacation days.

At the request of the employee, part of the annual leave (above 24 calendar days) may be replaced by monetary compensation. Minors cannot be paid monetary compensation in lieu of basic or additional paid annual leave.

Some categories of workers can get special paid leaves. For example, combatants, war invalids are granted 14 days per calendar year of additional paid leave.

Sources: §4, 6, 9-12, 21 and 24 of the Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP; §74-77.2 of the Labour Code; Resolution of the Cabinet of Ministers of Ukraine 17.11.1997 № 1290

Pay on Public Holidays

In accordance with the Labour Code, the public holidays and non-working days in Ukraine are:

- January 1 - New Year;
- January 7 & December 25 - Christmas;
- March 8 - International Women's Day;
- May 1 Labour Day;

- May 9 - Day of Victory over Nazism in World War II (Victory Day);
- June 28 - Day of the Constitution of Ukraine;
- August 24 - Independence Day of Ukraine;
- October 14 - Day of men and women who defend Ukraine

There are also non-working religious holidays:

- January 7 & December 25 - Christmas;
- one day (Sunday) - Easter;
- one day (Sunday) - Trinity.

Upon recommendation of other religious groups, employer is required to provide workers up to three days-off during the year to celebrate their religious holidays.

Workers may have to work during public holidays and non-working days on work the suspension of which is not possible due to production or technical reasons, the public service work and urgent repair and loading and unloading operations. Work in these days compensated in accordance with the Labour Code. Pieceworkers get pay at double piece-rates. Employees, whose work is paid at hourly or daily rates are paid - double the hourly or daily rate. Employees receiving a monthly salary are paid in the amount of a single hourly or daily rates in excess of the salary if work on a day-off or public holiday was carried within the normal monthly working hours. The rate is raised to double hourly or daily rates in excess of salary if work on day-off and public holiday exceeded the normal monthly limit of working hours.

Sources: §73 and 107 of the Labour Code

Weekly Rest Days

Weekly rest day depends on the working-week adopted by an enterprise. In a five-day working week, employees are given two days-off. There is a provision for one day-off in a six-day working week. In any case, the weekly rest period must not be less than 42 hours. Sunday is a common day-off. The second weekly rest day in a five-day working week is set by company's operating schedule, established with agreement of the trade union. Usually two days off are provided in a row.

Weekends at organisations, where suspension in work is not possible, are given on different days of the week alternately to each group of employees. The weekly rest days for shops, consumer

services, theatres, museums, etc. are set by local authorities.

Breaks

Lunch break must be no more than two hours. There are special breaks for heating and rest when working outdoors, in closed unheated rooms in winter, etc. The duration of daily rest is at least twice the duration of the work time in the working day preceding the rest.

Sources: §66 – 70, 168 of the Labour Code

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Ukraine has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Written Employment Particulars

An employment contract is an agreement between an employee and an employer, when the employee must do the job according to this agreement, and the employer must pay salary and provide working conditions. An employee has the right to realize his abilities for productive and creative activity by concluding an employment contract at one or several enterprises at the same time, unless otherwise provided by legislation, a collective agreement or an employment contract.

As a rule, the employment contract is generally in writing. In accordance with the Labour Code, compliance with the written form is required in the following cases:

1. organized recruitment of workers;
2. working in areas of special natural geographical and geological conditions or with risk to health;
3. conclusion of the contractual agreement;
4. worker's request for conclusion of a written employment contract;
5. contract with a minor;
6. employment contract with an individual;
7. remote and domestic work;
8. other cases by legislation.

Labour contracts, in accordance with labour law, may be indefinite term or fixed term, about single or multiple jobs, or for completing a particular job.

An employment contract with irregular working hours is a special type of employment contract, the terms of which do not establish a specific time for performing work. The number of such employment contracts with one employer cannot exceed 10% of the total number of employment contracts to which this employer is a party.

Before conclusion of an employment contract, worker may be required to submit passport (or other document proving the identity), employment record (or information about length of service from the register of insured persons of the State register of compulsory state social insurance), education credentials and medical records (if necessary). The period of validity, the rights, duties and responsibilities of the parties, the material conditions of provision and organization of work, the conditions of termination are set by agreement.

At the conclusion of the employment contract it is prohibited to demand from candidate for a job to provide employer information about his/her party or ethnic affiliation, origin, registration at place of abode and other documents, presentation of which is not required by law.

The employee can start working after the conclusion of the employment contract. The employee has the right to realize their potential for productive and creative work by entering into an employment contract in one or simultaneously in several organizations.

The actual admission of an employee to work without drawing up an employment contract is punishable by an administrative fine in the amount of 500 to 1,000 tax-free minimum incomes of citizens. A repeated

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violation within a year entails a fine of 1,000 to 2,000 tax-free minimum incomes of citizens.

Sources: §21, 23-25 and 187 of the Labour Code; §41 of the Code on Administrative Penalties

Fixed Term Contracts

Labour Code provides for definite and indefinite term contracts as well contracts concluded for performance of some specific work. Fixed term contracts are concluded when labour relations cannot be established for an indefinite period because of type of work, working conditions, employee's interests, and other reasons stipulated by legislative acts. The duration of a fixed term contract is established by parties' agreement or determined by completion of a task.

Hiring of fixed term contract workers for tasks of permanent nature is also prohibited. However, the length of a fixed term contract can be set indefinitely or it can be renewed for unlimited times if above conditions prevail. In the absence of those conditions, a worker is assumed to be engaged on an indefinite term contract on the renewal of a fixed term contract. Similarly, if a worker keeps working on the expiry of a fixed term contract, he is assumed to be engaged on indefinite term contract.

Fixed-term employment contract can be terminated prematurely at the request of the employee due to illness or disability that interferes with working of the employee or employer's violation of labour legislation, conditions of the collective agreement or the employment contract.

Sources: §23, 39, 39.1 of the Labour Code

Probation Period

The maximum length of probation period is 3-month, but in cases by law and with the permission of trade union, it may be extended to 6-month. The probation period for hiring industrial workers must not exceed one month. The probation period is suspended for the period when the employee is actually absent from work (irrespective of the reason).

The probation period must not be set for following persons:

- minors;
- young graduates from higher education institutions;
- persons hired after internship;
- persons elected to occupy public positions;
- persons, retired from the military or alternative service;
- disabled persons;
- pregnant women;
- single mothers with a child under the age of fourteen or a disabled child;
- workers hired on a fixed term contract up to 12 months;
- persons hired for temporary and seasonal work;
- persons relocated from ATO zone;
- others, specified by legislation

Employers are obliged to serve employees with a three-day prior notice in writing, if they are to be dismissed for poor performance during the probationary period. Employee has the right to challenge such dismissal.

If the probation period has expired and neither of the parties has not notified about the termination of the employment

contract, the employee is considered to have passed the probationary period.

Sources: §26-28 of the Labour Code

Notice Requirement

In accordance with the Labour Code, grounds for termination of the employment contract are:

- a. the parties' agreement;
- b. expiry of the fixed term employment contract (article 23 of Labour Code);
- c. employer's initiative (article 40-41);
- d. employee's initiative (article 38-39);
- e. at the request of the trade union or other authorised body to represent workers (article 45);
- f. transfer of an employee to work for another employer;
- g. conscription (recruitment in military service);
- h. transfer to an elected job/office;
- i. conviction of a worker by a court of law which excludes the possibility continuing work;
- j. other cases specified by law.

Employees may terminate an indefinite term employment contract after serving a two-week written notice. An employment contract may be terminated at employee's request if a worker finds him/herself unable to work on account of following grounds:

- 1) moving to a new location;
- 2) transfer spouse to work in another area;
- 3) enrollment in a university;
- 4) inability to stay in a particular area, confirmed by the medical report;
- 5) pregnancy;
- 6) retirement;
- 7) care for a child until the age of fourteen or a disabled child;

- 8) care for a sick family member according to medical opinion or invalid of the first group;
- 9) other good reasons.

In the above referred cases, employer is required to terminate the employment contract within the period requested by the worker. If a worker does not quit on the completion of his two-week notice, employer is not entitled to dismiss the worker on the ground of previously filed application except for cases where another worker is called to replace this worker and he/she cannot be stopped from entering into employment contract. Worker has the right to quit at any time in case of the breach of the employment contract, collective agreement or labour law by the employer. A fixed term contract may be terminated on a worker's request in case of diseases or disablement preventing him from performance of work or violation of the terms of labour legislation or collective agreement or employment contract and in cases specified above.

During the probation period, employer may cancel the employment contract by warning a worker in writing not later than three calendar days before terminating the contract. Employment contract may be terminated by the employer in the following cases:

- a. changes in production and labour organization, including liquidation, reorganization, bankruptcy or conversion of enterprise, institution, organization, reduction of number or staff of employees;
- b. non-conformity of the employee with job or with work performed as the result of insufficient qualification or state of health which prevent continuation of this work, as well as in case of cancellation of access to state

secret, if fulfilment of obligations imposed on him/her as part of employment requires an access to state secret;

- c. systematic failure by the worker to fulfil obligations (without good reasons) imposed on him/her under labour contract or internal regulations;
- d. absence from work (including absence from work for over three hours during the working day) without good reasons;
- e. absence from work for more than four consecutive months due to temporary disability (unless it relates to pregnancy or occupational injury);
- f. reinstatement in a job of the employee (in whose place this new worker was hired);
- g. showing up for work intoxicated with alcohol, narcotics or other toxic substances;
- h. on-the-job embezzlement;
- i. if the employee has a real or potential conflict of interest;
- j. other reasons established by legislation.

Employees must be warned by the employer personally no later than two months before the dismissal. Civil servants are notified of the termination no later than one month. Nevertheless, the employment contract may be terminated at any time by agreement of the parties without special notice periods. Cases of dismissal of certain categories by the employer are established by specific laws.

Sources: §28, 36, 38-41, 43 and 49.2 of the Labour Code

Severance Pay

Severance pay is paid in amount of monthly average earnings at the dismissal by following reasons:

- (a) employee's refusal to be transferred to work in another locality with the organization;
- (b) employee's refusal to continue work due to changes in material conditions;
- (c) elimination, reorganization, bankruptcy, change in the speciality of the organization;
- (d) staff reduction;
- (e) inconsistency between a worker's skills and job;
- (f) health status;
- (g) no access to state secrets;
- (h) reinstatement of an ex-employee.

In the above cases, the severance pay cannot be less than one average monthly salary. In case of the breach of the employment contract, collective agreement or labour law by the employer dismissal pay is stipulated by the collective agreement, but must be not less than three-month average earnings. In the case of worker's conscription for military or alternative service, the severance pay is two minimum wages. In the case of employment termination of a company's executive on revocation of his authority (by Board), the severance pay is six monthly average salaries.

Other payments may be established by collective bargaining agreement and employment contract.

Sources: §44 of the Labour Code

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Ukraine has not ratified both the Conventions 156 & 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP (version 14.08.2021)
- Law of Ukraine 'About state assistance to families with children' 21.11.1992 № 2811-XII (version 14.04.2021)
- Official letter of the Ministry of social policy of Ukraine 'About provision of additional leave for single mothers' 30.05.2014 № 193/13/123-14
- Resolution of the Cabinet of Ministers of Ukraine 'About approval of assignment and payment state allowance to families with children' 27.12.2001 № 1751 (version 20.07.2021)
- Resolution of the Cabinet of Ministers of Ukraine 'About approval of the Procedure for granting leave in case the birth of a child' 07.07.2021 № 693

Paternity Leave

The right to a one-time vacation of no more than 14 calendar days (excluding holidays and non-working days) in case of the birth of a child has a father who is married (or de facto) to mother. Such leave is granted to the employee no later than 3 months from the date of birth of the child. This leave must be used by the employee no later than the 104-th day from the date of the child's birth. Such vacation is not replaced by monetary compensation and is not divided into parts. If two or more children are born at once, the duration of the vacation does not increase.

The employer is obliged to provide unpaid leave up to 14 calendar days (on the basis of

an application) to a worker whose wife is on maternity leave.

Sources: §25 of the Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP; Resolution of the Cabinet of Ministers of Ukraine 'About approval of the Procedure for granting leave in case the birth of a child' 07.07.2021 № 693

Parental Leave

The parental leave is available for workers with children up to the age of three years. The parental leave may be provided for up to the maximum of 6 years if a child requires a longer permanent care based on medical conclusions. The parental leave is also available for guardians, adoptive parents, grandmother, grandfather or other relatives who actually takes care of a child. These categories of employees may work part-time or work from home during parental leave. The company may provide such workers with partially paid or unpaid parental leave of a longer duration.

According to the Law of Ukraine 'About state assistance to families with children', one of the parents constantly living with the child has a right to get childbirth allowance. In the case of birth of two or more children, assistance is provided for each child individually. The rate of childbirth allowance is 41,280 UAH (fixed sum). First part of this allowance (10,320 UAH) is paid as lump sum while the remaining amount is paid in 36 months by equal instalments.

Worker must apply to the labour and social protection of the population authority on place of abode not later than 12 months from the date of birth of the child to receive allowance. More details can found in the

Resolution of the Cabinet of Ministers of Ukraine 27.12.2001 № 1751.

Sources: §179 of the Labour Code; §18 of the Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP; §3, 10-12 of the Law of Ukraine 'About state assistance to families with children' 21.11.1992 № 2811-XII; Resolution of the Cabinet of Ministers of Ukraine 27.12.2001 № 1751

Flexible Work Option for Parents / Work-Life Balance

Reduced working hours may be set down for workers with children under the age of 14 or a disabled child. The employee may work part-time or work from home during parental leave.

Night and overtime work, business trips, and working on the weekends are forbidden for women with children (under three years). Women with children from 3 to 14 years of age or disabled children may work overtime or go to business trips only with their written consent.

A part-time working day or working week may be established by the employer on a worker's request in the following cases: pregnant workers; women workers with children under the age of 14 years or a disabled child (no age limit); and women workers taking care of an ill family member (on medical report). Remuneration of a worker engaged in part-time work is established on the pro-rata basis depending on the hours of work. Working part-time does not limit or reduce other employee rights.

Women with children under the age of three years, in case of impossibility to carry out their previous work, must be transferred to

another job with average pay for previous work, before the child will reach the age of three. The average wage of a worker is secure however if the wage is higher at the new job, worker is entitled to new and higher wage.

Employed women with children under the age of 18 months are provided with additional nursing breaks. Terms and procedure for providing nursing breaks is established by the employer in agreement with the union and taking into account the mother's opinion.

Following categories of workers are granted additional annual paid leave of 10 calendar days:

- (a) worker with two or more children under the age of 15 years;
- (b) worker with a disabled child;
- (c) worker with an adopted child;
- (d) worker with a disabled person since childhood (subgroup A group I);
- (e) single mother/father;
- (f) father or guardian of a child or disabled person since childhood (Subgroup A Group I disability) who bring up the child without mother.

If there are several grounds for granting the additional leave, its total duration will not exceed 17 calendar days. Also, there are special leaves with the payment of state allowance for adoptive mothers.

There are rooms for nursing and women's personal hygiene, kindergartens, nurseries in organizations with a wide employment of women.

According to the Labour Code, guarantees, afforded to women in connection with maternity, are extended to fathers bringing up children without a mother, as well as guardians of minors.

The employee may get the unpaid leave for family reasons, its total duration will not exceed 15 calendar days. If the Cabinet of Ministers of Ukraine establishes the quarantine, the period of the lock down will be not included in this leave.

The collective agreement may provide parents of first-graders an additional day off for celebrate the 1st of September.

Sources: §51, 55, 56, 63, 176-178, 182-183, 186 and 186.1 of the Labour Code; Official letter of the Ministry of social policy of Ukraine 'About provision of additional leave for single mothers' 30.05.2014 № 193/13/123-14; §18-19, 26 of the Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Ukraine has not ratified the Conventions 103 & 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine ‘Fundamentals of legislation of Ukraine about health care’ 19.11.1992 № 2801-XII (version 23.04.2021)
- Law of Ukraine ‘About state social standards and state social guarantees’ 05.10.2000 № 2017-III (version 10.06.2018)
- Law of Ukraine ‘About status and social protection of victims of the Chernobyl disaster’ 28.02.1991 № 796-XII (version 01.07.2021)
- Law of Ukraine ‘About leaves’ 15.11.1996 № 504/96-BP (version 14.08.2021)
- Law of Ukraine ‘About compulsory state social insurance’ 23.09.1999 № 1105-XIV (version 14.08.2021)
- Law of Ukraine ‘About state assistance to families with children’ 21.11.1992 № 2811-XII (version 14.04.2021)
- Law of Ukraine ‘About charge and accounting of a single fee for compulsory state social insurance’ 08.07.2010 № 2464-VI (version 10.06.2021)
- Order of the Ministry of health protection of Ukraine ‘About approval of the list of heavy work and works with harmful and dangerous working conditions, which prohibited for women’ 29.12.1993 № 256 (version 22.12.2017)
- Order of the Ministry of Health protection of Ukraine 13.10.2017 № 1254
- Order of the Ministry of health protection of Ukraine ‘About approval of limits of lifting and moving heavy objects by women’ 10.12.1993 № 241
- Resolution of the Cabinet of Ministers of

Ukraine ‘About calculation of average earnings (income, cash security) for counting payments on compulsory state social insurance’ 26.09.2001 № 1266 (version 04.07.2015)

- Resolution of the Cabinet of Ministers of Ukraine ‘About approval of assignment and payment state allowance to families with children’ 27.12.2001 № 1751 (version 20.07.2021)
- Decree of the President of Ukraine “About the one-time benefit for women who were awarded the honorary title of Ukraine "Mother-heroine" 25.12.2007 № 1254/2007
- Resolution of the Cabinet of Ministers of Ukraine “About the one-time benefit for women who were awarded the honorary title of Ukraine "Mother-heroine", and one-time financial assistance to persons who were affected by human traffic” 28.02.2011 № 268 (version 24.04.2021)
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Free Medical Care

Every pregnant woman (whether employed or not) is provided medical care during pregnancy and childbirth under state guaranteed medical care program to all its citizens. Everyone is entitled to free medical care in the guaranteed amount, established by subordinate acts. System of health standards consists of state social norms and industry standards. State social standards in the field of public health include:

- list and volume of the guaranteed level of care;
- amount of diagnostic, therapeutic medical care and preventive procedures;
- indicators of quality of care;

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- preferential provision with medicines and other special means to people and medical organizations;
- regulation of inpatient medical care;
- providing medical organizations with nutrition.

Medical care is divided into groups: emergency, primary, secondary (specialized), tertiary (highly specialized) and palliative. Specialized medical assistance is provided in stationary conditions or on outpatient basis.

Also, there are rooms for nursing and women's personal hygiene in organizations with a wide employment of women. The employer is obliged to provide pregnant women free or discount sanatorium vouchers as required.

Sources: §7, 12, 14.1 and 33 of the Law of Ukraine 'Fundamentals of legislation of Ukraine about health care' 19.11.1992 № 2801-XII; §11 of the Law of Ukraine 'About state social standards and state social guarantees' 05.10.2000 № 2017-III, §185 and 186 of the Labour Code

No Harmful Work

Law prohibits the employment of pregnant and nursing women in work injurious to their health. That is why, business trips, working on weekends and public holidays, overtime and night work are prohibited for pregnant workers.

It is prohibited to employ women for jobs with harmful or dangerous working conditions and in underground work, with the exception of non-physical work or work on sanitary and domestic services. The list of heavy work and work in hazardous conditions with limits for women is

established by Order of the Ministry of health protection of Ukraine 29.12.1993 № 256 (acts in the part of Chapter 3 of Section I of the List of Heavy Work and Work with Hazardous and Dangerous Conditions of Labour where the employment of women is prohibited; valid until the date of denunciation of ILO Underground Work (Women) Convention).

It is forbidden to hire women for work involving the lifting and moving manually the loads exceeding the maximum limits set by the Order of the Ministry of health protection of Ukraine 10.12.1993 № 241.

Normal working hours for pregnant women must be reduced according to a medical report and on a worker's application. Also, pregnant women may be transferred to another job while preserving previous average earnings. A worker is released from the work till the time she is transferred to safe work.

Sources: §174, 176 and 178 of the Labour Code; Order of the Ministry of health protection of Ukraine 'About approval of limits of lifting and moving heavy objects by women' 10.12.1993 № 241; Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and works with harmful and dangerous working conditions, which prohibited for women' 29.12.1993 № 256; Order of the Ministry of Health protection of Ukraine 13.10.2017 № 1254

Maternity Leave

The maternity leave is granted on presenting a medical certificate. The total length of maternity leave is 126 calendar days, i.e., 18 weeks of which 10 weeks are given as antenatal while remaining 8 weeks

are given as postnatal leave. The post natal leave is increased to 10 weeks/70 calendar days in the case of complicated delivery or on the birth of two or more children. The cumulative duration of maternity leave is 126 or 140 calendar days and is given in full regardless of the number of days actually used before childbirth.

Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster' increases the duration of both antenatal and postnatal maternity leaves to 90 calendar days (180 calendar days in total).

A person who adopts a child is granted paid leave of 56 calendar days (70 calendar days for the adoption of two or more children) after the court's decision on adoption.

Sources: §179 of the Labour Code; §30 of the Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster' 28.02.1991 № 796-XII; §17, 18.1 of the Law of Ukraine 'About leaves' 15.11.1996 № 504/96-BP

Income

Ukrainian legislation protects pregnant women from loss of income by providing the maternity allowance. It is provided to the insured person in the amount of 100% of the average earnings, calculated by the Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266. The upper limit of monthly sum of the insurance maternity allowance must not be more, than maximum value of base of charging single fee for compulsory state social insurance. Minimum maternity allowance is equal to minimum wage. The insurance maternity allowance is paid during the whole period of the maternity leave.

The insurance maternity allowance will be calculated on the basis of accrued wages per month but no more than double minimum wage and no less than minimum wage per month, if women's length of insurance is less than 6-month.

Women, who are not insured in the system of compulsory state social insurance, have a right to get state maternity allowance. It is paid for the whole period of the maternity leave. The state maternity allowance is granted at the rate of 100% of average monthly income (scholarships, cash security, unemployment benefit, etc.), but not less than 25% of the living wage for employable persons per month. The state maternity allowance is provided if women apply for it within six months of the end of maternity leave. This order is given in detail by the Resolution of the Cabinet of Ministers of Ukraine 27.12.2001 № 1751.

A one-time benefit is paid by social protection agencies to women who have been awarded the honorary title of Ukraine "Mother-Heroine" by Presidential Decree. The amount of the allowance is a tenfold living wage for able-bodied persons, established from January 1 of the year in which the woman was awarded the honorary title. The honorary title "Mother-Heroine" is awarded to women who have given birth and raised 5 or more children up to the age of 8.

Sources: §3, 7-9 of the Law of Ukraine 'About state assistance to families with children' 21.11.1992 № 2811-XII; §19-20, 25-26 of the Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV; §1 of the Law of Ukraine 'About charge and accounting of a single fee for compulsory state social insurance' 08.07.2010 № 2464-VI; Resolution of the

Cabinet of Ministers of Ukraine 27.12.2001 № 1751; Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266; Decree of the President of Ukraine 25.12.2007 № 1254/2007; Resolution of the Cabinet of Ministers of Ukraine 28.02.2011 № 268

Protection from Dismissals

The termination of the employment contract with pregnant woman by employer's initiative is not allowed, except on the liquidation of the organization.

Compulsory employment of pregnant women is carried out in cases of the expiry of fixed-term employment contract during maternity leave. During this period, workers retain their average earnings for a maximum of three months after the end of fixed term employment contract.

Employers who fail to pay wage for pregnant women in time are liable to a fine of between 100-300 times non-taxable minimum incomes.

Sources: §40, 184 and 186-.1 of the Labour Code; §41 of the Code on Administrative Penalties

Right to Return to Same Position

A worker retains his/her job during maternity and parental leave. The termination of the employment contract with pregnant woman, woman with children up to 3 years (6 years if child needs home care and is certified through a medical report), and single mothers with children under the age of 14 years or with disabled children by employer's initiative is

not allowed, except on liquidation of the enterprise.

Sources: §179, 184 and 186.1 of the Labour Code

Breastfeeding

Employed women with children under the age of one and a half year (18 months) is provided with additional nursing breaks after every three hours of work for at least 30 minutes. If there are two or more children, the nursing breaks are set as at least one hour. Terms and procedure for providing nursing breaks is established by the employer in agreement with the trade union and taking into account the mother's opinion. Nursing breaks are considered to be parts of working time and paid in the amount of average earnings. There are rooms for nursing in organizations with a wide employment of women.

Sources: §183 and 186 of the Labour Code

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Ukraine has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About OSH' 14.10.1992 № 2694-XII (version 14.08.2021)
- Law of Ukraine 'About ratification of the International Convention ILO № 81, 1947 about labour inspection in industry and trade' 08.09.2004 № 1985-IV
- Regulations 'About the State Labour Service', established by Resolution of the Cabinet of Ministers 11.02.2015 № 96 (version 03.08.2021)
- ILO Decent Work Country Programme for Ukraine 2020-2024
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Employer Cares

In accordance with the Constitution of Ukraine, everyone has the right to proper, safe and healthy working conditions. Labour Code and the Labour Protection Act are the main legislation on occupational safety and health in Ukraine. Protection of workers from specific occupational risks in various separate legislative enactments like the laws on fire safety and ionizing radiation. In accordance with the Labour Protection Act, employer has a duty to ensure compliance on maintaining safe and healthy workplaces. In the case of the distance work the employer is responsible for the safety of the equipment that was issued to the employee.

Employers are required to ensure preliminary and periodic medical examination of workers engaged in hard work, work with dangerous or hazardous working conditions and work which requires professional selection. The Labour

Protection Act specifies the following as an employer's responsibilities:

- 1) establishment and functioning of OSH management system;
- 2) approval and revision of the regulations on safety and labour protection;
- 3) investigation and registration of accidents at work;
- 4) special assessment of working conditions;
- 5) inform and train workers about OSH;
- 6) introduce advanced technology, means of mechanization and automation of production, ergonomics requirements, positive experience in labour protection;
- 7) approval of regulations, instructions and other acts about labour protection;
- 8) check-up of observance of OSH by workers.

Also, there are OSH-services in enterprises employing 50 or more persons. At a lower number of employees, the establishment of service is not required. However, labour protection service functions must be performed by OSH-specialists. Violation of labor protection rules by the employer entails a fine of between 20-40 times non-taxable minimum incomes.

Sources: §43 of the Constitution; §13 and 15 of the Law of Ukraine 'About OSH' 14.10.1992 № 2694-XII; §153 of the Labour Code; §41 of the Code on Administrative Penalties

Free Protection

Employers are required to provide free of cost personal protective equipment to workers engaged in working with harmful and dangerous working conditions, as well

as work related to pollution or carried out in adverse weather conditions (very high or low temperatures). The personal protective equipment includes special clothing, special footwear, detergents, disinfectants and other personal protective equipment, milk or equivalent foodstuffs, carbonated salt water, according to norms of sectorial ministries. Employer is required to purchase and maintain personal protective equipment as specified under the laws and collective agreements. The employer must compensate the employee costs of protective clothing and other personal protective equipment, if the employee has been compelled to buy it. Workers without personal protective equipment must not be allowed to work.

Sources: §163-167 of the Labour Code; §8 of the Law of Ukraine 'About OSH' 14.10.1992 № 2694-XII

Training

While concluding an employment contract, employer is required to take following steps:

- a) inform workers, against signed receipt, on working conditions and on the existence of occupational hazards and risk at the workplace which have not yet been eliminated;
- b) on the possible consequences for the workers' health;
- c) on the worker's rights to benefits and compensations for carrying out work in such conditions, in accordance with the legislation and the collective agreement in force.

Workers must be instructed and trained (including remotely) while starting and during the course of employment. This training on occupational safety and health,

first aid as well as rules of conduct in an emergency is done at the expense of employer. Moreover, workers, employed in jobs with high risk or professional selection, should have annually specific training and examination of relevant legal acts about labour protection.

Sources: §153 of the Labour Code; §18 of the Law of Ukraine 'About OSH' 14.10.1992 № 2694-XII

Labour Inspection System

Under the supervision of the Ministry of Social Policy, a State Labour Service has been setup to integrate labour inspection services in relation to labour legislation compliance, occupational safety and health, employment relations, compulsory state social insurance and implementation of state mining supervision.

The Cabinet of Ministers has approved a procedure of state control over the observance of labour legislation. Inspectors without prior notification have the right any time to visit the employer, to read documents and discuss with employees.

Ukraine ratified the Convention 1947 (No. 81) about labour inspection in 2004.

In accordance with the ILO Decent Work Country Programme for Ukraine 2020 - 2024, the following priorities are indicated:

1. full and productive employment
2. improvement of working conditions (issues of labour relations, occupational safety and health, wages, legalization of informal employment, etc.);
3. increasing social protection;
4. effective and inclusive social dialogue.

Sources: § 160, 259-263 of the Labour Code, Regulations 'About the State Labour Service', Law of Ukraine 'About ratification of the International Convention ILO № 81, 1947 about labour inspection in industry and trade' 08.09.2004 № 1985-IV, ILO Decent Work Country Programme for Ukraine 2020-2024

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Ukraine has not ratified the Conventions 102, 121 & 130.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV (version 14.08.2021)
- Law of Ukraine 'About charge and accounting of a single fee for compulsory state social insurance' 08.07.2010 № 2464-VI (version 10.06.2021)
- Law of Ukraine 'Fundamentals of legislation of the Ukraine about health care' 19.11.1992 № 2801-XII (version 23.04.2021)
- Law of Ukraine 'About state social standards and state social guarantees' 05.10.2000 № 2017-III (version 10.06.2018)
- Fundamentals of legislation of Ukraine about compulsory state social insurance 14.01.1998 № 16/98-BP (version 14.08.2021)
- Resolution of the Cabinet of Ministers of Ukraine 'About calculation of average earnings (income, cash security) for counting payments on compulsory state social 27.04
- insurance' 26.09.2001 № 1266 (version 04.07.2015)
- Resolution of the Cabinet of Ministers of Ukraine 'About approval of the Procedure for pay at the first five days of temporary disability due to illness or injury, not related to an accident at work, and at the expense of the employer' 26.06.2015 № 440
- Procedure of appointment, recalculation and pay of insurance payments, established by the Decision of the Board of Fund of Social insurance 19.07.2018 № 11 (version 05.03.2021)

Income/Paid Sick Leave

The employer is obliged at their own expense to pay workers a social benefit for temporary disability. The reasons for payment of social benefits for temporary disability are medical certificates.

The temporary disability benefit is paid in the following cases:

1. illness or injury;
2. caring for a sick child (including a disabled person) or a family member;
3. quarantine;
4. self-isolation;
5. temporary transfer to another job for health reasons;
6. prosthetics;
7. rehabilitation.

The Cabinet of Ministers establishes the amount of temporary disability benefit by the Law of Ukraine 'About compulsory state social insurance'. It determines a uniform rate of temporary disability benefits for the first five days (to be paid by the employer) and from the sixth day of disability (to be paid through the social insurance fund). Temporary disability allowance is paid to the insured person for the whole period of temporary disability until the day of rehabilitation (or the establishment of invalidity).

According to the Law of Ukraine 'About compulsory state social insurance', rates of temporary disability allowance depend on the length of insurance:

- 50 % of the average earnings - up to 3 years of work and insurance;
- 60 % of the average earnings - from 3 to 5 years of work and insurance;
- 70 % of the average earnings - from 5 to 8 years of length;
- 100 % of the average earnings - over 8 years of length or particular categories

of workers by special laws (for example a person injured in the Chernobyl disaster, a person caring for a child up to age 14 who was injured in the Chernobyl disaster, a Second World War veteran, a surviving spouse of a veteran or soldier killed in combat, or a blood donor).

If the insurance period (in the last 12 months before the insured event) is less than six months, payment of temporary disability will be in the amount of accrued wage, but not exceed monthly minimum wage. The amount of payment of temporary disability days per month should not exceed the maximum value of base of fee for compulsory state social insurance (25 times of living wage for employable population).

Average earnings for these payments is calculated according to the Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266 in cases by law.

Persons in hospitals or during self-isolation are paid temporary disability benefits in the amount of 50% of the average earnings, regardless of the insurance period. In these cases, medical workers are assigned an allowance in the amount of 100% of the average earnings, regardless of the insurance period.

Sources: §19, 20, 22, 24 of the Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV; §1 and 7 of the Law of Ukraine 'About charge and accounting of a single fee for compulsory state social insurance' 08.07.2010 № 2464-VI; Resolution of the Cabinet of Ministers of Ukraine 26.06.2015 № 440; Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266; §25 of the Fundamentals of legislation of Ukraine about compulsory

state social insurance 14.01.1998 № 16/98-BP

Free Medical Care

Health is one of the priorities of state activities. Everyone is entitled to free medical care in the guaranteed amount, established by subordinate acts. System of health standards consists of state social norms and industry standards. State social standards in the field of public health include:

- list and volume of the guaranteed level of care;
- amount of diagnostic, therapeutic medical care and preventive procedures;
- indicators of quality of care;
- preferential provision with medicines and other special means people and medical organizations;
- regulation of inpatient medical care;
- provision medical organizations with nutrition.

Medical care is divided into groups: emergency, primary, secondary (specialized), tertiary (highly specialized) and palliative. Specialized medical assistance is provided in stationary conditions or on outpatient basis.

The new financing model for specialized and highly specialized medical care institutions start in 2020.

Sources: §7, 12, 14.1 and 33 of the Law of Ukraine 'Fundamentals of legislation of Ukraine about health care' 19.11.1992 № 2801-XII; §11 of the Law of Ukraine 'About state social standards and state social guarantees' 05.10.2000 № 2017-III

Job Security

As a rule, it is not allowed to terminate the labour contract by the employer's initiative during the period of temporary disability. Nevertheless, the employment contract may be terminated in the cases of liquidation of the organization or absence of employee at work for more than 4 consecutive months due to temporary disability, except maternity leave and some specific diseases.

Sources: §40 of the Labour Code

Disability/Work Injury Benefit

Social insurance against accidents is a system of payments in cases of accident at work or an occupational disease that entailed professionally caused physical injury or psychical trauma. There is no minimum qualifying period for work injury benefits.

According to the Law of Ukraine 'About compulsory state social insurance', insurance payments consist of:

- 1) monthly insurance payment - insurance compensation for lost earnings, that depends on the degree of loss of employability;
- 2) lump sum - insurance payment in certain cases to the victim (his family members and or other dependent persons of dead breadwinner);
- 3) the insurance payment to a child born disabled as a result of injury or occupational illness of his mother during pregnancy;
- 4) insurance costs for health and social care.

These norms are specified by the Procedure of appointment, recalculation and pay of

insurance payments, established by the Decision of the Board of Fund for Social insurance.

The temporary disability benefit, as explained under sick pay, is 100% of the insured worker's average earnings during the first five days of temporary disability and this benefit is paid by the employer. Once this five-day waiting period has passed, the temporary disability benefit is paid by the Social Insurance Fund. The monthly work injury is based on the insured worker's average earnings before the accident and the assessed loss of working capacity.

If the victim works for more than one employer, the benefit will be given in place of the industrial accident. However, it is necessary to take into account salary at all jobs for counting benefit.

In the event of permanent disability, the level of benefit depends on the disability group: 70% of the insured worker's average earnings are paid for a Group I disability (incapacity for work and requires constant attendance); 60% for a Group II disability (incapacity for work however does not require constant attendance); and 40% for a Group III disability (incapacity for usual work).

In the case of death of an insured worker due to work injury, 30% of the deceased worker's monthly earnings are paid to each dependent survivor. The minimum monthly pension is 100% of the minimum subsistence level for people with disability.

A lump sum is also paid based on the assessed loss of working capacity and 17 times the minimum subsistence level for able bodied persons on the day of benefit entitlement. In the event of death of a

worker, a benefit of 100 times the minimum subsistence level is on the day of benefit entitlement. Moreover, there is also provision for lump sum survivor benefit as 20 times the minimum subsistence level for each dependent family member. A posthumous child born within 10 months of the death of breadwinner is also given this lump sum benefit.

If it is proved that the worker violated OSH provisions, the lump sum amount is reduced by up to 50%.

Average earnings for these payments is calculated according to the Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266 in cases by law.

Sources: §1, 35-37, 40-42 of the Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV; §25 of the Fundamentals of legislation of Ukraine about compulsory state social insurance 14.01.1998 № 16/98-BP; Resolution of the Cabinet of Ministers of Ukraine 26.09.2001 № 1266; Procedure of appointment, recalculation and pay of insurance payments, established by the Decision of the Board of Fund of Social insurance 19.07.2018 № 11 (version 05.03.2021)

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Ukraine has not ratified the Conventions 102, 121, 128, 130 and 168.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Law of Ukraine 'About compulsory state social unemployment insurance' 02.03.2000 № 1533-III (version 14.08.2021)
- Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI (version 14.08.2021)
- Law of Ukraine 'About pension system' 05.11.1991 № 1788-XII (version 14.08.2021)
- Law of Ukraine 'About compulsory state pension insurance' 09.07.2003 № 1058-IV (version 14.08.2021)
- Law of Ukraine 'On the foundations of social protection of disabled people in Ukraine' 21.03.1991 № 875-XII (version 05.08.2021)
- Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster' 28.02.1991 № 796-XII (version 01.07.2021)
- Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV (version 14.08.2021)
- Resolution of the Board of Compulsory State Social Insurance against Unemployment "About the Minimum rate of the unemployment benefit" 31.01.2020 № 211
- Resolution of the Board of Compulsory State Social Insurance against Unemployment "About the minimum amount of unemployment benefits for the quarantine period" 08.04.2020 № 217
- Resolution of the Cabinet of Ministers of Ukraine 'About approval of the lists of industries, works, professions, positions and indicators, that entitle early retirement pension' 24.06.2016 № 461 (version 20.08.2019)
- Judgement of the Constitutional court of Ukraine 23.01.2020 № 1-p/2020

Pension Rights

There is provision for old age pension under the pension laws of Ukraine. These are the transition years in which the eligibility criteria for old pension are being revised. The minimum age for eligibility to old age pension is 60 years for men and 60 years for women. Men must have at least 35 years of coverage while women must have 30 years of coverage.

The covered employment includes years spent in higher education, armed services, caring for persons with disabilities or children under three years, or being unemployed and seeking a job if contributions are paid for these periods.

There is also provision for partial pension if the number of years of coverage are less than required however as a minimum, 15 years of coverage are needed. Old age pension may also be deferred from one to ten years after the normal retirement age. There is provision for old age pension (social assistance) for men (63 years and older) and women (63 years and older) with low income and do not meet the qualifying conditions for old age pension.

A specific percentage of wage base is paid for every full year of employment. The wage base is based on the average national wage in 36 months preceding the year of retirement and insured worker's earnings. The minimum pension is the minimum subsistence level for people with a disability while the maximum pension is 10 times this amount. The monthly benefit is reduced in proportion to the number of years of coverage less than 35 years (men) or 30 years (women). In the case of deferred pension, the pension is increased by 0.5%

The text in this document was last updated in October 2023. For the most recent and updated text on Employment & Labour Legislation in Ukraine in Ukrainian & Russian, please refer to: <https://mojazarplata.com.ua/ua/> & <https://mojazarplata.com.ua/ru/> respectively.

for every additional month of coverage if pension is deferred up to 60 months after normal retirement age. The ratio increases to 0.75% for every additional month after first 60 months. The social assistance old age pension is 30-100% of the minimum subsistence level for people with disability.

There are limits of retirement insurance pension rates. The minimum rate of insurance retirement pension for men 35 years and women 30 years of insurance is set at the living wage for incapacitated people. The maximum amount of retirement insurance pension must not be higher, than 10 living wages for incapacitated people. The living wage is established by the budget law for the current year.

Persons, who got retirement pension before coming into force insurance system, continue to receive a pension in accordance with the Law of Ukraine 'About pension system'.

In accordance with the Law of Ukraine 'About pension system', the early pension is depends on many factors: profession, gender, age, length of service, working conditions. The lists of professions with early retirement pension is established by the Cabinet of Ministers of Ukraine in 2016. However, in 2020 the Constitutional Court of Ukraine recognized norms of the Law of Ukraine 03.02.2015 No. 213-VIII about the step-by-step increase (until 5 years) of age for the early retirement pension as not corresponded to the Constitution. There are additional pension provision for some categories of people, that is provided by special legislation, for example, the Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster'.

Sources: §2, 9, 24-28 of the Law of Ukraine 'About compulsory state pension insurance' 09.07.2003 № 1058-IV; §2, 12, 13 and 19 of the Law of Ukraine 'About pension system' 05.11.1991 № 1788-XII; Resolution of the Cabinet of Ministers of Ukraine 'About approval of the lists of industries, works, professions, positions and indicators, that entitle early retirement pension' 24.06.2016 № 461; §49 of the Law of Ukraine 'About status and social protection of victims of the Chernobyl disaster' 28.02.1991 № 796-XII; Judgement of the Constitutional court of Ukraine 23.01.2020 № 1-p/2020

Dependents' / Survivors' Benefit

Law provides for survivors' benefits in the case of death of a breadwinner. Depending on the deceased person's age at the time of death, the deceased person must have one to fifteen years of coverage. The eligible survivors include spouse, father and mother of pensionable age or disabled and surviving children under the age of 18 years (age limit is raised to 23 for student or orphan; no age limit for disabled). In the absence of a spouse, the survivor pension is paid to a parent, sibling (brother or sister) or grandparent of a breadwinner if they are not employed and take care of the deceased person's child under the age of 8 years. There are provisions for pension supplement and partial pension as well.

The members of the deceased breadwinner of the family are recognized his dependents, if they were on its full maintenance or recipients of his/her assistance, which was for them a permanent and main source of livelihood.

The survivors' benefit is paid in the following amounts:

- for one disabled family member - 50% of the retirement pension of the deceased breadwinner;
- for two or more disabled family member - 100 % of the retirement pension of the deceased breadwinner in equal shares.

Orphan's survivors' benefit is calculated on basis of rates of the retirement pension from each parent.

One insurance survivors' benefit is assigned for all dependent family members. Allowance for loss of breadwinner is set for period, during which the member of the family of the deceased is considered to be disabled.

The pension supplement is difference between the survivor pension and 100% (for one survivor) of the monthly minimum subsistence level for people with disability. The percentage is raised to 120% for two survivors and 150% for three survivors. If the insured person has less than 30 years of coverage, survivors' pension is reduced proportionately. There is also provision for funeral grant which is paid as a lump sum of 10 times the monthly minimum wage. The living wage is established by the budget law for the current year.

Persons, who got survivors' benefit before coming into force insurance system, continue to receive a pension in accordance with the Law of Ukraine 'About pension system'. Survivors' benefit in case of death as a result of an accident at work or occupational disease is appointed in accordance with the Law of Ukraine 'About compulsory state social insurance'.

Sources: §9, 36-39 of the Law of Ukraine 'About compulsory state pension insurance' 09.07.2003 № 1058-IV; § 2, 37-38,

44, 48 of the Law of Ukraine 'About pension system' 05.11.1991 № 1788-XII; Law of Ukraine 'About State Budget of Ukraine for 2022' 02.12.2021 № 1928-IX; Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV

Unemployment Benefits

The state guarantees social protection from unemployment. Unemployment benefit is paid to the citizens who are recognized as unemployed. Unemployed is a person aged 15 to 70 years, who due to lack of work has no earnings or other income stipulated by the legislation as a source of life, but is ready and able to start work.

Unemployed person's right to get unemployment benefit depends on his length of insurance and registration in the employment service. Unemployment benefit is paid from the eighth day after registration. As a rule, the total duration of unemployment benefit may not exceed 360 calendar days in a two-year period. Exceptions are established by legislation (e.g. for people in pre-retirement age - 720 calendar days). Unemployment benefit is paid at least twice per month (with the consent of the unemployed - once a month). Rates of the unemployment benefit are as follows, depending on the years of covered employment:

- 50 % of average earnings for less than two years of insurance;
- 55 % of average earnings for two to six years of insurance;
- 60 % of average earnings for six to ten years of insurance;
- 70% for more than 10 years of insurance

Unemployment benefit depends on the duration of unemployment as a percentage of a certain rate:

- first 90 calendar days - 100% of the unemployment benefit;
- next 90 calendar days - 80% of the unemployment benefit;
- after 180 days - 70% of the unemployment benefit.

The minimum rate of the unemployment benefit is 1000 UAH or 1,800 UAH (depending on the category of the unemployed).

Sources: §1, 7, 22-23 of the Law of Ukraine 'About compulsory state social unemployment insurance' 02.03.2000 № 1533-III; §1, 5, 9, 43 of the Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI; Resolution of the Board of Compulsory State Social Insurance against Unemployment 31.01.2020 № 211; Resolution of the Board of Compulsory State Social Insurance against Unemployment 08.04.2020 № 217

Invalidity Benefit

Invalidity insurance pension is granted in case of disability (total or partial) caused by systemic illness. The invalidity benefit is paid to citizens recognized as disabled of I, II or III disability group. The recognition of a disabled citizen and establishment of disability is produced by federal medical and social agencies. The invalidity benefit is set regardless of the employment and date of establishment. Right for invalidity insurance pension depends on group of disability, person's age and length of insurance. Disability pension is assigned for the whole period of disability. Rates of invalidity insurance pension:

- I disability group (incapacity for all work and requires constant attendance) - 100 % of the retirement pension;

- II disability group (incapacity for all work but does not require constant attendance) - 90 % of the retirement pension;
- III disability group (incapacity for usual work) - 50 % of the retirement pension.

In order to avail Group I disability benefits, the insured person must have at least one year of coverage before age 25 and two to years of coverage for age 26 to 59 years. For Group II or III disability, the insured person must have one year of coverage before age 23 and two to fourteen years of coverage for age 24 to 59 years. There is also provision for social assistance disability pension if a person is assessed with disability, has low income and does not qualify for invalidity pension or work injury benefits.

Other measures of social protection of disabled people are established by the Law of Ukraine 'On the foundations of social protection of disabled people in Ukraine' (education, housing habitation, etc.).

Persons, who got invalidity pension before coming into force insurance system, continue to receive a pension in accordance with the Law of Ukraine 'About pension system'. Invalidity pension in case of an accident at work or occupational disease is appointed in accordance with the Law of Ukraine 'About compulsory state social insurance' 23.09.1999 № 1105-XIV.

Sources: §4 of the Law of Ukraine 'On the foundations of social protection of disabled people in Ukraine' 21.03.1991 № 875-XII; §2, 23, 29 of the Law of Ukraine 'About pension system' 05.11.1991 № 1788-XII; §9, 30, 31, 33-34 of the Law of Ukraine 'About compulsory state pension insurance' 09.07.2003 № 1058-IV; Law of Ukraine 'About compulsory state social insurance'

23.09.1999 № 1105-XIV

The text in this document was last updated in October 2023. For the most recent and updated text on Employment & Labour Legislation in Ukraine in Ukrainian & Russian, please refer to: <https://mojazarplata.com.ua/ua/> & <https://mojazarplata.com.ua/ru/> respectively.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Ukraine has ratified the Conventions 100 and 111 only.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Ukraine 1996
- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About ensuring equal rights and opportunities of women and men' 08.09.2005 № 2866-IV (version 07.01.2018)
- Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI (version 14.08.2021)
- Criminal Code of Ukraine 2001 (version 08.08.2021)
- Tax Code of Ukraine 2010 (version 01.08.2021)
- Law of Ukraine 'About trade unions, their rights and guarantees' 15.09.1999 № 1045-XIV (version 23.05.2021)
- Law of Ukraine 'On the foundations of social protection of disabled people in Ukraine' 21.03.1991 № 875-XII (version 05.08.2021)
- Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP (version 15.07.2021)
- Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and works with harmful and dangerous working conditions, which prohibited for women' 29.12.1993 № 256 (version 22.12.2017)
- Order of the Ministry of Health protection of Ukraine 13.10.2017 № 1254
- Order of the Ministry of health protection of Ukraine 'About approval of limits of lifting and moving heavy objects by women' 10.12.1993 № 241
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Equal Pay

According the Constitution, everyone has the right to receive the remuneration for work without any discrimination. The Labour Code has the prohibition of discrimination including the breach of principle of 'equal pay for equal work'. Discrimination is a criminal offence. In accordance with the Criminal Code, it entails fine of two hundred to five hundred non-taxable minimum incomes, or restraint of freedom up to five years, with or without disqualification. As provided by the Tax Code, one non-taxable minimum income is 17 UAH.

The Gender Equality law requires employers to provide for equal remuneration for work of women and men with the same qualifications and working conditions.

Violation of the legislation on payment of labour in relation to a minor, a pregnant woman, a single father, mother or a person who replaces them and is raising a child under 14 years of age or a child with a disability entails a fine of 100 to 300 tax-free minimum incomes of citizens.

Sources: §24 of the Constitution; §2.1 of the Labour Code; §21 of the Law of Ukraine 'About remuneration' 24.03.1995 № 108/95-BP; §161 of the Criminal Code; §5 subsection 1 section XX of the Tax Code; §17 of the Law of Ukraine 'About ensuring equal rights and opportunities of women and men' 08.09.2005 № 2866-IV; §41 of the Code on Administrative Penalties

Sexual Harassment

According to the Constitution, everyone has the right to liberty. Individual dignity is

protected by the state. The Labour Code establishes prohibition of discrimination, including on grounds of gender. Discrimination on the basis of gender is prohibited. In accordance with Gender Equality law of Ukraine, employer is required to take measures against instances of sexual harassment. The legislation defines sexual harassment as “verbally expressed sexual actions (threats, intimidation, scurrilities) or physical actions (touching, patting) which humiliate or offend persons in the state of work, service, material or other subordination”. A victim has the right to appeal to the Commissioner for Human Rights. Victims also have the right to submit to UN Committee on Elimination of Discrimination against Women (CEDAW) provided that domestic remedies have been exhausted or if there is an unjust delay in application of such remedies.

A victim has the right to compensation for pecuniary and non-pecuniary damage caused by sexual discrimination or sexual harassment. The procedure for awarding such compensation is stipulated under relevant laws.

Ukrainian law establishes criminal liability for offenses against sexual inviolability by the Criminal Code, however, does not focus on sexual harassment in the workplace. Also, there are no employer's liability for failure to prevent sexual harassment in the workplace.

In accordance with Law No. 2866-IV, gender-based violence is an act that is directed against persons depending on their gender, or customs or traditions (stereotypical notions of the social functions of women and men) or acts that are primarily related to persons of a certain gender, which inflict physical or

psychological harm, or economic damage (including threats). Also, definitions of concepts of a ‘victim’ and ‘offender’ (including minors) are added. Prevention of gender-based violence is a system of activities that are carried out by the state, private organizations and citizens and are aimed at raising the level of awareness of the population about violence based on gender, its causes and consequences. In addition, the legislation provides rehabilitation programs for the victim and re-education of the offender.

Sources: §28-29 of the Constitution; §2.1 of the Labour Code; §1, 17 and 22-24 of the Law of Ukraine ‘About ensuring equal rights and opportunities of women and men’ 08.09.2005 № 2866-IV; Order of the Ministry of Health protection of Ukraine 13.10.2017 № 1254

Non-Discrimination

The Constitution and the Labour Code have the prohibition of the discrimination and guarantee equal treatment. Discrimination on the following grounds is prohibited under the legislation: race; colour; political opinion; religious or other belief; sex; gender identity; sexual orientation; ethnical, social or foreign origin; age; health; disability; HIV or AIDS; family and family responsibilities; property status; place of residence; trade union membership or participation in trade union activities; participation in strikes; submission or intention to submit a complaint to a court to protect one’s rights; language; and any other criteria not related to the character of the work or conditions of its performance.

The requirements to worker’s age, education, health are established only by legislation of Ukraine. Administrative

liability for mobbing (bullying) an employee has also been established. Persons, who consider that they have been discriminated at the workplace, may apply to the court for redress.

The Gender equality law also prohibits discrimination on the ground of sex however following actions are not deemed sexual discrimination:

- special protection of women during pregnancy;
- compulsory military service for men envisaged under the law;
- difference in pensionable age for men and women as envisaged under the law;
- special labour protection requirements related to the protection of reproductive health of men and women;
- other affirmative action (positive discrimination).

In accordance with the Gender Equality Law, women and men must be provided with equal rights and opportunities in employment, job promotion, professional development and re-training. Employer is required to create working conditions that would allow women and men to work on a parity basis, provide both men and women with opportunities to combine work and family responsibilities; and take measures for creating safe working conditions.

Employers cannot discriminate by offering jobs only to women or men in vacancy advertisements, with the exception of specific jobs that only persons of certain sex can perform. Employers cannot put different demands to employees based on their sex giving priority to one of the sexes and require from them information about their personal life and plans to have children.

Employers can take positive actions aimed at achieving a balanced ratio of women and men in different areas of work activity, as well as among different categories of positions.

Collective agreements may also contain such provisions that ensure equal rights and opportunities of women and men and stipulate the terms of execution of relevant provisions.

Sources: §21, 24 of the Constitution; §2.1, 22 of the Labour Code; §2 of the Law of Ukraine 'On the foundations of social protection of disabled people in the Ukraine' 21.03.1991 № 875-XII; §5 of the Law of Ukraine 'About trade unions, their rights and guarantees' 15.09.1999 № 1045-XIV; §1, 6, 17-18 of the Law of Ukraine 'About ensuring equal rights and opportunities of women and men' 08.09.2005 № 2866-IV; §173-5 of the Code on Administrative Penalties

Equal Choice of Profession

Equal rights for women and men are guaranteed by the Constitution. It provides women with free choice of occupation and profession. In accordance with the Constitution, 'everyone has the right to labour, including the possibility to earn one's living by labour that he or she freely chooses or to which he or she freely agrees'.

But there are some exceptions because of health protection of women. Employment is not permitted for women on heavy work, jobs with harmful or dangerous working conditions, in accordance with list approved by the Order of the Ministry of health protection of Ukraine 29.12.1993 № 256 (acts in the part of Chapter 3 of Section I of the List of Heavy Work and Work with Hazardous and Dangerous Conditions of

Labour when the employment of women is prohibited; valid until the date of denunciation of ILO Underground Work (Women) Convention). It is forbidden to hire women for work involving the lifting and moving manually loads exceeding the maximum limits by the Order of the Ministry of health protection of Ukraine 10.12.1993 № 241. The Gender equality law also prohibits discrimination on the ground of sex however allows certain protective measures.

The Law on Employment also gives everyone the right to free choice of location, type of activity and occupation.

Sources: §21 and 43 of the Constitution; §2.1 of the Labour Code; Order of the Ministry of health protection of Ukraine 29.12.1993 № 256; Order of the Ministry of health protection of Ukraine 10.12.1993 № 241; §6 of the Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI; §6 of the Law of Ukraine 'About ensuring equal rights and opportunities of women and men' 08.09.2005 № 2866-IV; Order of the Ministry of Health protection of Ukraine 13.10.2017 № 1254

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Ukraine has ratified the Convention 182 only.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Code of Ukraine 1971 (version 25.10.2021)
- Order of the Ministry of health protection of Ukraine 'About approval of the list of heavy work and work with harmful and dangerous conditions in which prohibits the employment of minors' 31.03.1994 № 46
- Order of the Ministry of health protection of Ukraine 'About approval of limits of lifting and moving heavy objects by minors' 22.03.1996 № 59
- Law of Ukraine 'About protection of childhood' 26.04.2001 № 2402-III (version 17.03.2021)
- Criminal Code of Ukraine 2001 (version 08.08.2021)
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Minimum Age for Employment

According to the reform, the full secondary education will consist of an initial education - 4 years, a basic secondary - 5 years (introduced from 2022), profile secondary education -3 years (introduced from 2027).

The minimum age for employment is 16 years. Children at age 15 can be employed with parental consent. In secondary or vocational schools, students can perform light work at age 14 with parental consent, provided that the work does not interfere with their education and is not harmful to their health. The compulsory schooling age is 17 years (as children start school at age 6 and have to complete 11 years of compulsory education). Children are hired after a preliminary medical examination and such examination is repeated every year. Child workers also have the right to

form and join trade unions to protect their rights. Employers who fail to pay wage for minors in time are liable to a fine of between 100-300 times non-taxable minimum incomes.

In accordance with the Criminal Code, exploitation of children, who are under legally employable age, by way of profit-seeking employment is punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years. The same actions, if committed in regard of several children, or where they caused significant harm to health, physical development or educational level of a child, or accompanied with the use of child labour in hazardous production is punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Sources: §188 and 191 of the Labour Code; §150 of the Criminal Code; §21 of the Law of Ukraine 'About protection of childhood' 26.04.2001 № 2402-III §41 of the Code on Administrative Penalties

Minimum Age for Hazardous Work

Labour Code prohibits the employment of minors to work injurious for health. That is why, working at weekends and public holidays, overtime and night, working underground is prohibited for persons under the age of 18. The list of heavy jobs and jobs with harmful or dangerous working conditions in which the employment of persons under eighteen years is prohibited is confirmed by the Ministry of health protection. Moreover, it is

not allowed for workers under the age of eighteen to carry or move weights over limits laid down by the Order of the Ministry of health protection of Ukraine.

In accordance with Child Protection Law, engagement of children in the following worst forms of child labour is prohibited:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Sources: §190 and 192 of the Labour Code; Order of the Ministry of health protection of Ukraine 31.03.1994 № 46; Order of the Ministry of health protection of Ukraine 22.03.1996 № 59; §21 of the Law of Ukraine 'About protection of childhood' 26.04.2001 № 2402-III

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Ukraine has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of Ukraine 1996
- Labour Code of Ukraine 1971 (version 25.10.2021)
- Criminal Code of Ukraine 2001 (version 08.08.2021)
- Tax Code of Ukraine 2010 (version 01.08.2021)
- Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI (version 14.08.2021)

Prohibition on Forced and Compulsory Labour

Everyone has the right to freely chosen employment and forced labour in any form is prohibited. According to the Constitution, the forced labour does not include military or alternative service, working after a sentence awarded by court or in a state of emergency or martial law. In accordance with the Labour Code, it is forbidden to require an employee to perform work which is not specified in employment contract. Coercion to perform work, not conditioned by labour agreement, is punished by fine up to fifty non-taxable minimum incomes or disqualification up to five years, or arrest up to six months, or restraint of freedom up to two years. As provided by the Tax Code, one non-taxable minimum income is 17 UAH.

By the Criminal Code, forced labour is the part of the legal term 'exploitation'. It is used as qualificatory circumstance of the crime, for example at human trafficking. Also, there is a special article of the Criminal Code about child exploitation that is punished by arrest up to six months or restriction of freedom up to three years, with disqualification up to three years.

Sources: §43 of the Constitution; §31 of the Labour Code; §149-150, 173 of the Criminal Code; §5 subsection 1 section XX of the Tax Code; §3 of the Law of Ukraine 'About employment of the population' 05.07.2012 № 5067-VI

Freedom to Change Jobs and Right to Quit

Everyone has the right to freely chosen employment. According to the Constitution and the Labour Code, state guarantees equal opportunities in the choice of profession.

Employees must notify employer about resignation not later than two weeks before it. In the situation of inability to continue working (moving to a new location, entering the university, pregnancy, retirement, etc.) employment contract must be terminated at any time by employee's request. Moreover, worker has the right to quit at any time in case of the breach of the employment contract, collective agreement or labour law by the employer. The employment contract may be terminated at any time by agreement of the parties without special notice periods.

Sources: §43 of the Constitution; §5.1, 36 and 38 of the Labour Code

Inhumane Working Conditions

Maximum normal working hours are 40 hours per week. Maximum overtime hours are 4 hours for two consecutive days and 120 hours per year. In a six-day working week, the overtime hours cannot exceed 12 hours and thus the total working hours (normal and overtime) cannot exceed 52 hours per week. The main working time

during irregular working hours cannot exceed 40 hours and 6 days a week.

Sources: §21-1, 50 and 65 of the Labour Code

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Ukraine has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Ukraine 1996
- Labour Code of Ukraine 1971 (version 25.10.2021)
- Law of Ukraine 'About trade unions, their rights and guarantees' 15.09.1999 № 1045-XIV (version 23.05.2021)
- Law of Ukraine 'About collective contracts and agreements' 01.07.1993 № 3356-XII (version 01.01.2015)
- Law of Ukraine 'About social dialogue in Ukraine' 23.12.2010 № 2862-VI (version 23.12.2010)
- Law of Ukraine 'About the procedure for settling collective labour disputes (conflicts)' 03.03.1998 № 137/98-BP (version 07.11.2012)
- Code on Administrative Penalties of Ukraine 1984 (version 13.07.2023)

Freedom to Join and Form a Union

Freedom to join and form unions is established by the Constitution. The freedom of public associations is also guaranteed. Limited exclusions for army, internal affairs, and intelligence service are determined by special laws. Foreign citizens and stateless persons cannot establish new trade unions, but may join already existing trade unions, if it is allowed by a trade union's charters. Trade union is a voluntary, non-profit, non-governmental organization that brings together people bound by common interests according to their professional (work) activities (or study). Union members can include active workers, temporarily unemployed and pensioners. Trade union has the power to represent the interests of workers, work independently or collaborate with employer on certain issues and participates in many activities. Rights and guarantees

are provided under the Trade union law in a non-exhaustive list.

Sources: §36 of the Constitution; §3 and 6 of the Law of Ukraine 'About trade unions, their rights and guarantees' 15.09.1999 № 1045-XIV; §243 of the Labour Code

Freedom of Collective Bargaining

The collective agreement is signed on the basis of the legislation, obligations assumed by the parties for the purpose of regulation of the production, employment and social and economic relationships and coordination of interests of workers and employers.

Representatives of workers and employers have rights to involve in collective bargaining in preparation, conclusion or modification of collective bargaining agreements and take the initiative for such negotiations. Either party to a collective agreement may notify the other party to start negotiations not earlier than three months before the expiry of it. Representatives of parties, who have received an offer in writing of the beginning of collective bargaining, are obliged to enter into negotiations within seven days. Commission on collective bargaining is formed on parity basis.

Representatives of the parties involved in collective bargaining, are free to choose the issues of regulation of social and labor relations. Conditions of the collective agreement worsening provision of workers in comparison with the current legislation and agreements are invalid. Ukrainian legislation suggests the approximate list of questions for collective bargaining, for example:

- wages;
- allowances and compensations;
- medical care;
- rehabilitation and recreation of employees;
- employment;
- providing the equal rights and opportunities of women and men;
- the measures directed to prevention, counteraction and the termination of mobbing (bullying), and also measure for recovery of the rights violated owing to mobbing (bullying);
- working time and rest time.

Collective agreements are subject to notifying local executive or government bodies.

The collective agreement comes into force from the day of its signing or the date by its text. After the termination of the effective period the collective agreement is continued until the parties conclude new or will review acting if the other term is not provided by the agreement.

If the employer has violated the terms of the collective agreement, employee representatives have the right to submit a proposal to eliminate these violations, which is considered within a week. In case of refusal, employees have the right to go to court.

Evasion from participation in collective bargaining entails a fine from 3 to 10 non-taxable minimum incomes of citizens. Violation or non-performance of a collective agreement entails a fine from 50 to 100 non-taxable minimum incomes of citizens. Refusal to provide requested information for collective bargaining entails a fine from 1 to 5 non-taxable minimum incomes of citizens.

Sources: §10-20 of the Labor Code; §4, 7, 10 of the Law of Ukraine 'About collective contracts and agreements' 01.07.1993 № 3356-XII; §8 of the Law of Ukraine 'About social dialogue in Ukraine' 23.12.2010 № 2862-VI; §41-1 - 41-3 of the Code on Administrative Penalties

Right to Strike

Constitution recognizes the right of workers to resort to strike in order to protect economic and social interests. According to the Law 'About the procedure for settling collective labour disputes (conflicts)', strike is a temporary collective voluntary termination of work to resolve a collective labour dispute. Strike is used as a last resort to solve the collective labour dispute, when the employer refuse to meet the demands of employees or trade union.

Decision about strike is adopted by the meeting (conference) of employees at the suggestion of the representative body of employees. At least half of the workers should vote yes for a strike (for conference - at least two thirds of the delegates). Employer must be warned in writing not later than 7 days before the beginning of the upcoming strike (for continuously operating production - 15 days).

The employer ought to notify suppliers and buyers, transport organizations, as well as other interested companies about strike, as soon as possible. During the strike, parties must continue searching ways to solve the collective labour conflict.

Strikes are forbidden in the following cases:

- breaking the law;
- threat to human life, health or environment;
- state of emergency;

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- army, internal affairs, prosecutors, courts, government.

The employer, local authorities and leaders of striking workers (strike committee) must take all the necessary measures to ensure the viability of the company and save property, public order, human life and health and the environment.

Participation in the strike is not regarded as violation of labour discipline. Employees, who do not take part in the strike, receive salary by legislation and the collective agreement.

Sources: §44 of the Constitution; §17-28 of the Law of Ukraine 'About the procedure for settling collective labour disputes (conflicts)' 03.03.1998 № 137/98-BP

QUESTIONNAIRE

The text in this document was last updated in October 2023. For the most recent and updated text on Employment & Labour Legislation in Ukraine in Ukrainian & Russian, please refer to: <https://mojazarplata.com.ua/ua/> & <https://mojazarplata.com.ua/ru/> respectively.

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Ukraine is a product of
WageIndicator.org and www.mojazarplata.com.ua/ru/



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Ukraine scored 47 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.