



Mr Volodymyr Zelenskyy
President of Ukraine

Mr Dmytro Razumkov
Chairman, Verkhovna Rada of Ukraine

Mr Oleksiy Honcharuk
Prime Minister of Ukraine

Mr Tymofiy Mylovanov
Minister for Development of Economy,
Trade and Agriculture of Ukraine

Ms Yulia Sokolovska
Minister of Social Policy of Ukraine

Mr Yurii Klymenko
Permanent Representative of Ukraine

Geneva, 25 of February 2020

Dear Sirs, Dear Madam,

On December 27th, the Cabinet of Ministers of Ukraine submitted to the Verkhovna Rada (Ukrainian Parliament) a new draft law on labour, without any consultations with trade unions. If enacted, it would strip workers of legal protections and weaken their unions. Other draft laws have been recently introduced in the same manner, namely draft laws “On Amendments to Certain Legislative Acts of Ukraine (Concerning Some Issues of Trade Union Activity)” (Reg. No. 2681), “On Amendments to the Labour Code of Ukraine concerning Additional Grounds for Dismissal” (Reg. No. 2584), labour law (No. 2708) and some others. These laws will erode fundamental rights and are not in line with international labour standards. These legislative amendments were developed behind closed doors and without full and frank tripartite consultations with representative trade unions.

Amongst other things, they provide the following:

(1) The unilateral termination of employment contracts by employers in breach of art. 4 of ILO Convention No. 158 on Termination of Employment (ratified in 1994), which stipulates that terminations must be justified; based either on capacity or conduct of the worker, or on operational requirements. The proposal would give employers the power, unilaterally, to dismiss workers without severance pay. Such a change would invite discrimination and retaliation against workers for trade union activity or membership, whistleblowers or any other workers who exercise their human rights.

(2) Employers would be able to make changes to the terms of the employment contract and dismiss employees who refuse to accept the changes. In practice, this means that the provisions of the employment contract are effectively only binding on the worker, as the employer would be able to, at any time, make changes.



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(3) The expansion and encouragement of the use of short-term and zero-hours contracts create job and income insecurity, inequalities in the status of workers, unpredictability of working hours and stress. The draft law would allow the use of short-term contracts for up to five years. It does not take into account the many possibilities for the abuse of workers' rights in such contracts. Among other things, the proposed law would enable employers to hire workers on consecutive short, fixed-duration contracts for work that is of a permanent nature.

(4) The proposal on overtime pay would reduce the premium from 100 per cent to 20 per cent. This not only reduces the protections in the current law, but would not be in line with international labour standards. The first Convention of the ILO, adopted in 1919, Convention No. 1 on Hours of Work, already provided a premium payment of at least 25 per cent. In addition, the draft amendments reduce existing limitations to overtime work.

(5) The abolition of some social guarantees. This would include fewer protections for mothers with small children, making it easier for them to be dismissed. Moreover, employees will have to disclose to employers any and all information that may impact on their employment. Pregnancy and health conditions are not excluded from that requirement.

(6) Proposed limitations on freedom of association would violate ILO Convention No. 87 on Freedom of Association and the Protection of the Right to Organise (ratified by Ukraine in 1956). This includes the limitation to two, in relation to the number of workplace unions. This contradicts the decisions of the ILO Committee on Freedom of Association on legislated limits on the number of trade unions at the workplace. The minimum threshold for the establishment of trade unions would be increased from three to ten workers, depriving workers at very small enterprises of their freedom of association. The legislation would also impose "control commissions" on trade unions that would observe and control trade union activity. Membership on such commissions would not be limited to union members.

(7) Proposed amendments would limit the right to obtain information for collective bargaining purposes. Such a provision would endanger productive and successful industrial relations. It limits transparency and undermines good-faith collective bargaining.

These are only some of the areas of the amendments that seriously breach numerous fundamental and technical Conventions of the ILO, in particular ILO Convention No. 87 on Freedom of Association, ILO Convention No. 98 on Collective Bargaining and ILO Convention No. 144 on Tripartite Consultations.

These are among the elements of the proposed amendments that conflict with the fundamental and technical Conventions of the ILO. Given the healthy and enabling impact of freedom of association on democracy and governance, they also affect democracy itself.

Ukrainian unions have announced a protest campaign rejecting the draft laws and the approach of the government. We fully support this campaign and express our solidarity with all workers of Ukraine and their unions. We demand the drafts to be withdrawn and that any formal hearings in the Verkhovna Rada should be postponed. These legislative changes must be subject to full consultations with trade unions. There is no justification to enact hastily drafted amendments to these important laws without full tripartite negotiations.



We call on the Ukrainian government and Parliament to respect universal, international labour standards. To that end, we urge the government to seek ILO technical assistance in preparation of revisions to the Labour Code.

Sincerely yours,

Sharan Burrow, General Secretary
ITUC - International Trade Union Confederation

Ambet Yuson, General Secretary
BWI- Building and Wood Workers' International

Sue Longley, General Secretary
IUF - Uniting Food, Farm and Hotel Workers Worldwide

Valter Sanches , General Secretary
IndustriALL Global Union

Rosa Pavanelli, General Secretary
PSI Public Services International

Christy Hoffman, General Secretary
UNI Global Union