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EUROPEAN SOCIAL CHARTER

8th National Report
on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

- Articles 1, 9, 10, 15, 18, 20 and 24 for the period 01/01/2011 – 31/12/2014
- Complementary information on Articles 2§7, 5, 26§§1 and 2, Article 28

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CYCLE 2016

EUROPEAN SOCIAL CHARTER (REVISED)

8th National Report on the implementation of the European
Social Charter (revised)

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THE GOVERNMENT OF UKRAINE

(Articles 1, 9, 10, 15, 18, 20, 24
for the period 2011–2014)

Additional information

(Article 2 §7; Article 5; Article 26 §§ 1-2; Article 28)
(Conclusions 2014)

In accordance with Article C of the Revised European Social Charter and article 23 of the European Social Charter, copies of this report have been communicated to the Federation of Trade Unions of Ukraine, the Confederation of Free Trade Unions of Ukraine, the All-Ukrainian Union of Workers Solidarity and the Federation of Employers of Ukraine

All Ukrainian legal acts are available on the Internet at:
www.rada.gov.ua.

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Article 1 – The right to work

Article 1§1

General legal framework

- Law of Ukraine, „On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Resolution of the Cabinet of Ministers of Ukraine dated 08.09.2010 No. 831 “On Approval of the Primary Areas of the State Employment Policy Implementation for 2010-2011”;
- Resolution of the Cabinet of Ministers of Ukraine dated 15.10.2012 No. 1008 “On Approval of the Program promoting Employment among the Population and New Job Creation for the period till 2017”

Employment policy

In pursuance of the Resolution of the Cabinet of Ministers of Ukraine dated 08.09.2010 No. 831 “On Approval of the Primary Areas of the State Employment Policy Implementation for 2010-2011” the following favorable changes in the labor market were achieved in y 2010 – 2011.

The unemployment rate for the age group 15-70, using the ILO definition, decreased from 8.1% in 2010 to 7.9 % in 2011i. The rate was less than the average rate in EU countries (9.7%). The employment rate in the same period (as a percentage of all the population) increased from 58.5% to 59.2%.

The level of economic activity among the population increased from 63.7% to 64.3%.

The number of employees transferred for economic reasons from full-time job to part-time decreased from 13.6% to 8.6% of average number of staff-listed employees.

In order to promote efficient employment of the population, to encourage employers to create new jobs, develop entrepreneurial initiative of the population, and strengthen competitiveness of Ukrainian citizens in the labor market, on July 5, 2012 the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI (hereinafter referred to as the Law No. 5067) that is effective since January 1, 2013.

In accordance with the Article 15 of the Law No. 5067 the state employment policy is based on the principle of foreground ensuring full, productive, and freely chosen employment in the process of active state social and economic policy implementation.

The goal of the state employment policy is:

- to ensure equal possibility to every person for exercising their right to labor;
- to promote professional level increase for workable population according to social needs;

- to promote employment among the population, inter alia in rural and depressed areas;
- to supply qualified human resources for economy;
- to balance demand for labor (to create enough number of jobs) and supply of labor (to establish conditions for professional development and worthy work conditions);
- to ensure full, productive, and freely chosen employment as the top priority.
- to ensure social protection of persons in case of unemployment;
- to strengthen social and legal protection of Ukrainian citizens working abroad inter alia through activation of international cooperation, signing international treaties on protection labor migrant rights.

The primary areas of the state employment policy are as follows:

- to establish conditions for economic development and promote new jobs creation;
- to meet demand for highly skilled workers in priority sectors;
- to improve motivation to legal and productive work;
- to promote entrepreneurial initiative and self-employment;
- to improve vocational training system in the interests of an individual, needs of the economy and the labor market;
- to assist businesses, institutions and organizations irrespective of their ownership form, type of activity and way of management in professional development of their employees;
- to balance supply and demand in terms of labor qualification scope and level in the labor market by way of forecasting needs of the economy;
- to promote employment of Ukrainian citizens;
- to ensure interaction between executive authorities, local authorities, employers and trade unions to ensure full and productive freely chosen employment, including implementation of employment promoting activities;
- to implement the employment promoting activities for citizens that are not enough competitive in the labor market;
- to encourage employers that retain existing and create new jobs especially for people that are not enough competitive in the labor market;
- to protect the domestic labor market through regulating employment of foreign workers”.

In accordance with the Article 5 of the Law of Ukraine No. 5067 the state shall guarantee the following in the employment field:

- 1) free choice of a place and a type for employment, free choice or change of occupation;
- 2) getting wages (remuneration) in accordance with the law;
- 3) vocational guidance aimed at self-determination and exercising an individual's ability to work;
- 4) vocational training in accordance with the trainee skills and needs of the labor market;

- 5) confirmation of informal vocational training results for persons with working professions;
- 6) free assistance in finding employment, choosing suitable work and obtaining information about the labor market situation and prospects of its development;
- 7) social protection in case of unemployment;
- 8) protection against employment discrimination, unjustified refusal in hiring and unlawful dismissal;
- 9) additional assistance in employment for certain categories of citizens.

The activities aimed to implement the state employment policy are financed out of the state budget and local budgets, out of the Social Protection of Disabled Fund, the Fund of obligatory state social insurance of Ukraine against unemployment and other sources envisaged in the legislation.

Activities aimed to promote employment among the population shall ensure adequacy of professional skills of able-bodied people to labor market needs; establish conditions to have unemployed actively seeking work; increase their competitiveness in the labor market.

Activities aimed to promote employment among the population include vocational guidance and training; stimulation of employers activity aimed at creating new jobs and employment of unemployed; establishment of conditions for self-employment and support of entrepreneurial initiative; promoting first job offers to youth and providing incentives for on-job training at enterprises, institutions and organizations irrespective of their ownership form, type of activity and management, natural persons that employ labor, youth while learning; promotion of employment for disabled persons; ensuring participation of unemployed persons in public works and other works of a temporary nature.

In accordance with the Article 3 of the Law of Ukraine # 5067, foreigners and stateless persons residing permanently in Ukraine; persons that are recognized by Ukraine as refugees; those having gained asylum in Ukraine; those recognized as individuals who need additional protection; those whom temporary protection has been provided; and those who have received permission to immigrate in Ukraine, are entitled to employment on the grounds and in accordance with the procedure established for the citizens of Ukraine.

The foreigners and stateless persons who arrived in Ukraine for employment for a specified period shall be employed by employers on the basis of a permit for the employment of foreigners and stateless persons issued in accordance with the procedure established by this Law, unless otherwise provided by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

To empower citizens in exercising their right to decent work, increase their incomes by establishing conditions for increasing employment; by stimulating the employers' interest in creating new jobs; preservation and development of labor potential; increasing the role of participants that are interested in the labor market transformation (associations of employer's organizations and trade unions) in the social dialogue, the Resolution of the Cabinet of Ministers of Ukraine dated

15.10.2012 No. 1008 approved the Program for promoting employment among the population and stimulating job creation for the period till 2017. Its implementation shall:

- ensure expansion of the labor sphere through creation of new jobs and thus increase in the number of persons involved in economic activity;
- decrease scale of unemployment inter alia among youth and rural residents;
- increase labor mobility in the labor market, quality and competitiveness of labor, in particular, for persons aged 45 years and more;
- improve quality of jobs in terms of labor conditions and wages as a result of state innovation and investment policy implementation;
- decrease scale of illegal (shadow) employment
- make worker professions more prestigious;
- eliminate absolute poverty among workable persons;
- ensure growth of revenues to budgets at all levels and to funds of compulsory state social insurance;
- reduce outflow of economically active population abroad.

Amid the Program implementation, the labor market in 2013 had in general favorable tendencies. In 2013 the average number of employed population aged 15-70 years increased by 49.8 thousand persons (as compared with 2012) and amounted to 20.4 million persons.

Level of employment has increased from 59.7% in 2012 to 60.3% in 2013.

The average number of unemployed persons decreased in 2013 by 80.7 thousand and amounted 1.6 million persons.

The unemployment rate, using the ILO definition, decreased from 7.5 % to 7.2 % of economically active population.

Social support of citizens displaced from temporarily occupied territory of Ukraine and Anti-Terrorist Operation areas

The Government of Ukraine steadily performs activities aimed at social support of citizens displaced from temporarily occupied territory of Ukraine and Anti-Terrorist Operation areas.

The Law No. 5067 was supplemented with Article 24-1 in accordance with the Law of Ukraine "On amendments to some laws of Ukraine aimed to strengthen social protection for internally displaced persons" dated 05.03.2015 No. 245-VIII (the Law No. 245).

In accordance with the Article 24-1 of the Law No. 245 the employment promoting activities shall be implemented for internally displaced persons from among the registered unemployed persons.

The employment promoting activities for internally displaced persons who are employed by the assignment from territorial bodies of the central government body that implements the state employment policy and the state policy on labor migration, mentioned in part one of the article are as follows:

- compensation of actual transportation costs to move to their new place of employment in another administrative unit, and costs of passing pre-employment medical and drug inspection according to the law, if required for employment for the persons employed by the assignment from territorial bodies of the central government body that implements the state employment policy and the state policy on labor migration;
- compensation of employers' expenditures for labor (for the period of not more than 6 month) if they employ registered unemployed persons from among IDPs under fixed-term contracts and guarantee their employment for the period that is at least two-time longer than duration of the benefit period (the amount of the benefit shall not exceed average wages prevailing in the region over the past month).
- compensation of employers' expenditures (if they employ registered unemployed persons from among IDPs for the period at least twelve calendar months) for retraining and skills improvement of such persons. The amount of compensation shall not exceed the costs of the retraining and skills improvement and can not exceed tenfold the subsistence minimum for able-bodied persons, established by law on the date of such payment made by the employer.

Statistics

According to the State Statistics Service of Ukraine, economic activity of the population in 2011 - 2014 was characterized by the following indicators (the temporarily occupied territories of the AR of Crimea and city of Sevastopol are not included):

- the number of employed population aged 15-70 years was 19,231.1 thousand persons in 2011, 19,261.4 thousand persons in 2012, 19,314.2 thousand persons in 2013, and 18,073.3 thousand persons in 2014;
- employment rate for the population aged 15-70 years was 59.1% in 2011, 59.6% - in 2012, 60.2% - in 2013, and 56.6% - in 2014;
- the number of unemployed population aged 15 – 70 years (ILO methodology) was 1,661.9 thousand persons in 2011, 1,589.8 thousand persons- in 2012, 1,510.4 – in 2013, and 1,847.6 thousand persons – in 2014;
- the unemployment rate for the population aged 15-70 years (ILO methodology) was 8% in 2011, 7.6% - in 2012, 7.3% - in 2013, and 9.3% - in 2014.

Percentage of expenditures for active employment policy measures in GDP, %

	2011	2012	2013	2014*
Active employment policy measures, million UAH	2274,7	1376,8	1265,3	651,6
Gross Domestic Product, million UAH	1 349 178	1 459 096	1 522 657	1 566 728
%	0,17	0,09	0,08	0,04

(Occupied territories of AR of Crimea, city of Sevastopol, Donetsk and Luhansk oblasts are not included)

Article 1§2

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On Principles of Discrimination Prevention and Counteraction in Ukraine” dated 06.09.2012 No. 5207-VI;
- Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” dated 22.09.2011 No. 3773-VI;
- Law of Ukraine “On Protection of Personal Data” dated 01.06.2010 No. 2297-VI;
- Law of Ukraine “On Ratification of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transboundary Data Flows” dated 06.07.2010 No. 2438-VI;
- Resolution of the Cabinet of Ministers of Ukraine dated 08.09.2010 No. 831 “On Approval of the Primary Areas of the State Employment Policy Implementation for 2010-2011”;
- Resolution of the Cabinet of Ministers of Ukraine dated 15.10.2012 No. 1008 „On Approval of the Program promoting Employment among the Population and new Job Creation for the Period till 2017”

Measures for application of legal regulations Prohibition of discrimination in employment

In accordance with the Article 43 of the Constitution of Ukraine, everyone has the right to work that includes opportunity to earn his living by work freely chosen or freely agreed. Article 24 of the Constitution guarantees that citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions based on race, color, political, religious and other beliefs, sex, ethnic or social origin, property status, place of residence, language or other characteristics.

In accordance with the Article 6 of the Law of Ukraine No. 5067 everyone has the right to free choice of place, type of activity and type of occupation, which is ensured by the state through establishment of legal, organizational and economic conditions for this choice.

The right to choose the place, type of activity and type of occupation is ensured through employment independently ensured by the person for his/herself or through address to the employer for the employment or with assistance of the central executive body that implements the state employment and labor migration policy or of entity providing mediation services in employment.

In accordance with the Article 26 of the Constitution of Ukraine foreigners and stateless persons legally resided in Ukraine have the same rights and freedoms

as well as responsibilities as Ukrainian citizens except for situations provided in the Constitution, laws and international treaties of Ukraine.

In accordance with the Article 3 of the Law of Ukraine “On Legal Status of Foreigners and Stateless Persons” foreigners and stateless persons legally resided in Ukraine have the same rights and freedoms as well as responsibilities as Ukrainian citizens except for situations provided in the Constitution, laws and international treaties of Ukraine

In accordance with the Article 3 of the Law of Ukraine No. 5067 each person has the right to freely chosen employment.

The foreigners and stateless persons, that are permanent residents of Ukraine, those recognized in Ukraine as refugees, those whom asylum was granted in Ukraine, those recognized as persons needing additional protection, those whom temporary protection was granted and those who have received permission to immigrate to the Ukraine are entitled to employment on the grounds and in accordance with the established procedure applied for citizens of Ukraine.

Foreigners and stateless persons that have arrived in Ukraine to be employed for a defined period shall be employed on the basis of a permit for the employment of foreigners and stateless persons issued in accordance with the procedure prescribed by this Law, unless otherwise provided by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

Article 42 Of the Law of Ukraine No.5067 determines the list of foreigner's categories that are employed without obtaining the permission:

- 1) foreigners, who are permanent residents of Ukraine;
- 2) foreigners, who have acquired the refugee status in accordance with the legislation of Ukraine or received permission to immigrate to Ukraine;
- 3) foreigners recognized as persons needing additional protection, or those whom temporary protection was granted in Ukraine;
- 4) representatives of foreign marine (river) fleet and airlines servicing such companies in Ukraine;
- 5) staff of the foreign media accredited to work in Ukraine;
- 6) professional sportsmen, actors and artists to work in Ukraine under their profession;
- 7) emergency service staff employed to do urgent works;
- 8) staff of foreign representative offices registered in Ukrainian territory in accordance with the procedure established in Ukrainian law;
- 9) foreign clergy men that are foreigners and reside temporary in Ukraine at invitation of religious organizations to carry out canonic activity only in such organizations with official approval of such activity by the body that has registered the statute of the appropriate religious organization;
- 10) foreigners that arrived to Ukraine to participate in implementation of international technical assistance projects;
- 11) foreigners, that arrived to Ukraine to carry out lecturing and/or scientific activities in higher educational institutions and at their invitation;
- 12) other foreigners in situations envisaged in laws of Ukraine and international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

In accordance with the part 5 of the abovementioned article, foreigners and stateless persons cannot be appointed for the position or carry out labor activity when they require Ukrainian citizenship to be held unless other is envisaged by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

This requirement of the current legislation is related to use of foreigners labor in positions the civil service, and in law enforcement agencies, prosecutor's offices, courts and in positions that need access to the state secrets.

The above restrictions as provided in Articles 76, 103, 127, 148 of the Constitution of Ukraine, Article 4 of the Law of Ukraine “On the State Service”, article 17 of the Law of Ukraine “On Militia”, article 19 of the Law of Ukraine “On the Security Service of Ukraine”, article 18 of the Law of Ukraine “On the State Secrets”.

In accordance with the Article 5 of the Law of Ukraine No.5067 the state guarantees protection against discrimination in employment sphere, against groundless refusals in employment and illegal dismissal.

In accordance with the Article 11 of the Law No.5067 the state guarantees protection against any discrimination in employment sphere, based on race, color, political, religious and other beliefs, membership in trade unions or other citizens’ associations, sex, age, ethnic and social origin, place of residence, language or other signs.

Article 1 Of the Law of Ukraine “On Principles of Prevention and Counteraction of Discrimination in Ukraine” dated 06.09.2012 No. 5207 – VI (the Law No. 5207) envisages that:

- discrimination is the situation when a person or a group is restricted in recognition, exercising, or use of rights and freedoms based on race, color, political, religious and other beliefs, membership in trade unions or other citizens’ associations, sex, age, disability, ethnic and social origin, citizenship, marital and property status, place of residence, language or other signs that may be real or assumed (some signs), in any form, provided in the law except for situations when such a restriction has eligible, objectively grounded purpose, with means of achievement that are duly and necessary;
- indirect discrimination is the situation where some individuals and/or groups appear (because of some signs) in less favorable conditions or position as compared with other individuals and/or their groups as a result of implementation or application of formally neutral legal standards, evaluation criteria, rules, requirements or practices, except for cases when their implementation or application has legitimate, objectively reasonable purpose, and ways of achievement thereof are appropriate and necessary.
- direct discrimination is the situation where some individuals and/or groups are (because of some signs) less favorably treated as compared with other individuals and/or their groups in the same situation, except for cases when such treatment has legitimate, objectively reasonable purpose, and ways of achievement thereof are appropriate and necessary;

Regarding the burden of proof of discrimination, it should be noted that article 60 of the Civil Procedure Code provides that in discrimination cases the plaintiff

has to provide evidence proving that discrimination took place. Should the evidence be provided, the burden of proof that they did not take place is relied on the defendant.

Article 212 of the Civil Code of Ukraine envisages that the court shall evaluate evidence upon its internal conviction, based on a comprehensive, complete, impartial and immediate study of existing evidence. No evidence has a pre-set value for the court.

Regarding non-discrimination in employment area based on sexual orientation, it should be noted that on 11.12.2015 the Ukrainian Parliament adopted the Law of Ukraine №785-VIII “On Amendments to the Labor Code of Ukraine for harmonization of anti-discrimination legislation with the European Union Law”(on prohibiting any discrimination on job, including restrictions of the rights of workers depending on their sexual orientation) (effective since November 25, 2015).

According to information from the State Judicial Administration of Ukraine claims of discrimination in employment field based on sexual orientation are not reported by courts separately.

Other aspects of the right to earn one’s living in an occupation freely entered upon Alternative service to military service

The information provided in the previous report regarding the length of alternative service still remains relevant, i.e. its duration is 1.5 times longer than the period of military service established for persons serving active military service in the Armed Forces of Ukraine and other military formations established under the laws of Ukraine

The difference in duration is caused by the fact that the conditions of the active military service are much heavier than for alternative (non-military) service. Advantages of the alternative service are as follows:

- alternative service is served primarily within the human settlement where the servant resides or in the area where it is possible day to return to place of residence everyday;
- labor relations are based on a written contract for temporary employment and are governed by labor legislation;
- the service is paid in accordance with the staff list and level of wages at the enterprise;
- period of being on the alternative service is included into the pension insurance record;
- possibility to have an annual paid leave for twelve days;
- possibility to have (optional) leave without pay and to have this period included in the period of alternative service in cases specified by law;
- possibility to combine the alternative service with studying in secondary and higher educational institutions (evening or extramural form of training).

Number of citizens sent to alternative (non-military) service in 2011-2014

Year	In total, (persons)
2011	499
2012	436
2013	215
2014	475
TOTAL:	1625

Privacy at work

The article 32 Of the Constitution of Ukraine guarantees that no one shall be subjected to interference with his/her private, family life, except for situations envisaged in the Constitution of Ukraine.

The collection, storage, use and dissemination of confidential information about a person without his/her consent are not allowed, except for situations specified by law, and only in the interests of national security, economic prosperity and human rights.

Everyone is guaranteed judicial protection of everyone's right to refute false information about him/her selves and their family members and the right to demand removal of any information and the right to compensation for material and moral damage caused by the collection, storage, use and dissemination of such incorrect information.

The article 7 Of the Law of Ukraine “On Personal Data Protection” dated 01.06.2010 No. 2297-VI prohibits processing of personal data regarding racial or ethnic origin, political, religious or philosophical beliefs, membership in political parties and trade unions, sentences to criminal punishment and data concerning health, sexual life, biometric or genetic data.

The control over observance of legislation regarding protection of personal data is carried out by the Ukraine Parliamentary Commissioner for Human Rights and by courts.

Article 1§3

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On Compulsory State Social Unemployment Insurance” dated 02.03.2000 No. 1533 (as last amended)

Measures for application of legal regulations

Pursuant to the Law of Ukraine No.5067, the Public Employment Service implements activities to promote employment of the population. In particular, the employment centers organize training, retraining, and skills improvement for the unemployed citizens; ensure delivery of information and advisory services relating to employment; carry out vocational guidance and provide assistance in establishing business activities; search for suitable work and assistance in finding employment, inter alia through the organization of public works and other works of temporary nature.

All citizens who address the public employment service have equal rights to obtaining free social services, inter alia irrespective of gender, age, ethnic or social origin, property, residence, language or other signs.

To solve the population employment issues the state employment service provides the citizens with objective information regarding demand and supply of labor, -ensures them free access to the information and maintains the unified database of actual vacancies in Ukraine. There was implemented access to information, including information regarding vacancies, inter alia through using electronic and Internet-based means (www.dcz.gov.ua; www.trud.gov.ua).

Ukraine has a social dialogue system to solve the problems of social protection against unemployment, to ensure implementation of constitutional and state insurance guarantees for citizens, and confirmed viability and efficiency of existing management model for the Unemployment Insurance Fund (the Fund). In accordance with the current law functions of executive direction of the Fund are placed on the public employment service bodies.

In accordance with the Article 10 off the Law of Ukraine “On Mandatory State Social unemployment insurance” the Fund is managed by the State, representatives of insured persons and employers on parity principle. The Fund is managed by the Fund's Board.

Since 01.01.2013 the Fund's Board consists of 5 members from each of the parties: the state, employers and insured persons who perform their duties on a voluntary basis (until 01.01.2013 the Board consisted of 15 people per each party respectively). Representatives from the state are appointed by the Cabinet of Ministers of Ukraine. Representatives from insured persons and employers are elected (delegated) by all-Ukrainian associations of trade unions and all-Ukrainian associations of employers' representative at the national level.

The procedure for election (delegation) of such representatives is determined by the parties of social dialogue independently. Term of office of the Fund's Board

members is six years and it ends on the day of the first meeting of the new Fund's Board.

The Fund's Board is led by the Head elected from among the members of the Fund's Board for two years by turns from representatives of each party. The Head of the Fund's Board has two deputies, representing their parties together with the Head.

Any decision of the Fund's Board, taken within its competence, is binding, including all insurers and insured persons to whom it applies.

21 meetings of the Fund's Board were held in 2011– 2014.

The Law of Ukraine “On Employment of the Population” regulates activity of business entities that provide mediation employment services in Ukraine and other entities engaged in hiring staff for the further performance of work in Ukraine for other employers,

Article 36 of the Law of Ukraine envisages that such entities are required:

1) to provide citizens with full and accurate information on employer's demand for labor (available jobs), its requirements for qualification, experience, work conditions, nature of work and remuneration;

2) to cooperate with public employment service bodies, enterprises, institutions and organizations, trade unions and their associations, employers and their associations;

3) to ensure protection of the information received from citizens applying for employment and to comply with rules for use and dissemination of such information as provided in the Law of Ukraine "On information" and "On Personal Data Protection" and confidential commercial information of employers under the law;

4) to provide information regarding the number of persons employed by them to the state employment service in accordance with the established procedure.

The business entities that provide mediation employment services do not have the right to:

1) deliberate recruitment, employment or hiring employees for works related to unacceptable hazards and risks and for works where workers may become victims of abuse or discrimination of any kind;

2) precluding the employee from direct hiring by an employer, restricting occupational mobility of the employee, sanctioning the employee who has agreed to work for another employer;

3) providing staff to an employer for replacement of the employer's staff who carries out a strike or other collective action.

Such private intermediaries shall collaborate with the state employment service bodies through:

1) signing memoranda of understanding in various fields of activity, including data exchange about vacancies (jobs);

2) carrying out joint activities (projects);

3) consulting aimed to improve professional practice and services delivery to employers and job seekers, including those with additional guarantees in employment assistance.

The business entities that provide employment mediation services in Ukraine are not entitled to receive honorariums, commissions and other fees from citizens whom the services were provided. The employment services shall be paid only by the employer, whom such services were provided.

The activity of business entities that provide mediation services for employment abroad is to be licensed and regulated by the laws of Ukraine “On licensing of certain types of economic activity”, "On foreign economic activity”, “On Employment of the Population” and other legislative acts of Ukraine.

The mediation services for employment abroad shall be provided only upon signing the contract for mediation services delivery on employment abroad between the individual and the entity. An entity that provides mediation services on employment abroad is not entitled to get money from the persons whom such services are provided until an appropriate Acceptance Certificate is signed.

Article 1§4

The information about vocational guidance and vocational training as well as vocational guidance and vocational training for persons with disability is submitted in Article 9, Article 10 para. 3 and Article 15 para. 1.

Article 9 – The right to vocational guidance

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Decree of Cabinet of Ministers of Ukraine “On Approval of the Concept of Vocational Guidance for the Population” dated September 17, 2008 No. 842 (as amended by the CMU's Resolution dated 14.11.2012 No. 1069);
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Action plan to implement the Concept of the state system of vocational guidance for the population” dated 27.01.2010 No. 150 (as amended by the CMU's Resolution dated 14.11.2012 No. 1069);
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Action plan for integration of refugees and persons who need additional protection into Ukrainian society for the period up to 2020” dated 22.08.2012 No. 605;
- Order of the Ministry of Social Policy of Ukraine dated January 3, 2013 No. 2 “On Approval of the Procedure for delivery of vocational orientation services to persons by territorial bodies of the central executive body that implements the state policy in the field of employment and labor migration” registered with the Ministry of Justice of Ukraine on January 17, 2013 under No. 131/22663;
- Order of the Ministry of Education and Science of Ukraine dated 21.10.2013 No. 1456 “On Approval of the Concept for profiled education in high school”

Measures for application of legal regulations

All social groups and ages of people who address the state employment service have the right to free social services for vocational guidance to select or change profession (specialty), type of work, place of work, or work mode.

Equal opportunities to obtain vocational guidance services are guaranteed to all persons irrespective of their place of residence (registration), work, education, age, gender, and race, ethnic or social origin, political, religious and other beliefs, economic status, etc.

To organize and conduct the vocational guidance activities, the state employment service has established appropriate subdivisions with positions of vocational guidance specialists on their staff lists, responsibilities of the specialists include delivery of vocational guidance services.

Funding of the vocational guidance services within the state employment service is provided out of the Compulsory State Social Unemployment Insurance Fund of Ukraine money.

The local executive authorities and the State employment service ensure inclusion of activities aimed to ensure the development of vocational guidance for

the population system into all the regional and local employment programs. These activities are comprehensive and include delivery of a wide range of vocational guidance services to people who applied to the employment service for assistance in finding employment, and performance of work aimed at prevention of unemployment, promoting employment for released workers, graduates of educational institutions, young people, seniors, disabled persons, persons preparing for release or released from prisons and other vulnerable groups, rural residents, people willing to become entrepreneurs through systemic delivery of mass and group vocational guidance services, individual vocational consulting, professional selection on employers request.

All local employment programs include activities aimed at development of vocational guidance. In some regions there are additionally approved regional vocational guidance programs or comprehensive regional programs aimed at solving urgent issues related to social policy and employment; their components include vocational guidance activities for the population. Social partners and community based organizations participate actively in the program.

Among many target groups receiving vocational guidance services in the State Employment Service, there are registered unemployed; persons with additional guarantees of employment; persons without any profession; persons with disability; persons studying in educational institutions of various types, etc. Since 2014 the State Employment Service provides information and explanatory services and vocational guidance services to internally displaced persons from occupied territories and ATO zone. Since 2015 such services are provided also to demobilized ATO veterans.

Vocational guidance is provided to the persons who applied to the State Employment Service through delivery of professional information, professional consulting and vocational selection. At the request of the beneficiary the professional consulting and vocational selection activities may be supplemented with psychological diagnostic tests.

The State Employment Service carries out vocational guidance seminars with a focus on vocational training and provides individual professional consulting services for those who do not have any profession or wish to receive a new profession, improve their skills or to undergo training with the assistance of the SES.

There are implemented active employment promoting programs for unemployed persons aimed to promote their employment. Under the programs various activities are held aimed at familiarization with the labor market and professions in demand, at training in job seeking methods, at entrepreneurship attitude and self-employment, at eco-tourism activity, training in efficient agriculture, prevention of illegal labor migration and human trafficking, etc.

Amidst of the labor market transformation and job reduction, the focus on self-employment and entrepreneurship is an important area to promote employment for unemployed citizens.

In 2014 over 189 thousand persons took part in more than 16 thousand various seminars on entrepreneurial topics. More than 12 thousand persons from among

participants of these activities have received lump sum assistance for business startup.

The State Employment Service pay also attention to the issue of vocational guidance services for school age and unemployed youth, to ensure conscious choosing of the professions by them that are in demand in the labor market as well as their further professional training and employment.

The employment centers focus their attention in the following areas:

- delivery of targeted information services and vocational guidance services for graduates who are neither employed, nor studying, but registered in the State Employment Service;

- dissemination of information about planned time and place of appropriate activities including on-site ones through oral and written announcements, leaflets, etc., and dissemination of such information in media, through local educational bodies, bodies for youth and sport affairs, other local government bodies, local authorities etc.;

- organizing and conducting rapid surveys from among group and mass events participants aimed at their further involvement into state employment bodies services.

When working with young people information and communication technology is used and various forms of vocational guidance aimed at activation of cognitive-motivational sphere of the young man, increased awareness of the world of professions. The vocational information in accessible form is placed on an interactive Internet portal of the state employment service "Labor (Trud – in Ukrainian)" www.trud.gov.ua, and in software and hardware package for vocational guidance of youth "vocational guidance terminal", located in many general education institutions.

There are organized job describing meetings, trips to enterprises, presentations and fairs of professions "Lessons of the real labor life", comprehensive mass vocational guidance actions (events, marathons, festivals professions); interactive activities (debates, discussions, conferences, etc.); youth clubs and centers, mobile consulting spots, volunteer movement was initiated among students.

During 2014 vocational guidance services were provided by the State Employment Service to about 637 thousand unemployed young persons under age 35 (this amounts to 95.2% of the total number of unemployed youth) including 800 persons under 18 years of age at the date of their registration in SES. Unemployed youth was provided with about 2.7 million vocational guidance services. In addition, more than 1.2 million vocational guidance services were provided to more than 1.2 million persons studying in educational institutions of various types.

Since 2014 the State Employment Service provides information and explanatory services and vocational consulting services to internally displaced persons (IDPs) from the occupied territories and ATO zone.

It is ensured delivery of information and explanatory services to IDPs both in employment centers at their place of their residence and in traveling mode in places of their temporary accommodation, as well as on routes of IDP traveling at important transport hubs.

According to current data from regional employment centers, in the period from March 1 to December 31, 2014 about 2.8 thousand traveling events were carried out; the events covered 46.5 thousand IDPs. In the employment centers during the same period about 29 thousand IDPs participated in more than 26 thousand collective vocational guidance activities, and about 26 thousand persons from among IDPs received individual vocational guidance services.

In order to implement the Law of Ukraine “On Employment of the Population” regarding promotion of employment for foreigners and stateless persons who are recognized in Ukraine as refugees, it is ensured delivery of full range of information and consulting services and vocational guidance services to these persons, if they apply to the employment centers and/or are registered therein.

Regional employment centers organized information work among this category of persons on issues of employment, familiarization with legislation on employment, services provided by employment centers, current vacancies, and job seeking methods. Such persons are invited to participate in a variety of mass information and consulting and vocational guidance activities for the population, “Open Door Days”, “Days of Employers”, job fairs, seminars on prevention of illegal labor migration and human trafficking, etc.

Also, individual vocational consultations are provided to IDPs if necessary.

Government bodies and the State Employment Service enlighten about vocational guidance issues in media and on Internet resources.

State Committee of Ukraine for TV and Radio promotes coverage of central and local government bodies activities aimed at vocational guidance for youth as well as at raising worker's professions prestige and social status of workers in society by state-owned TV and radio broadcasters.

Vocational guidance in institutions of the educational system of Ukraine

The Vocational guidance in the educational system in Ukraine is provided free of charge by qualified educators, teachers, psychologists and this activity is sufficiently staffed both in general educational institutions and in vocational and higher education institutions.

The main components of vocational guidance in educational institutions are as follows:

1. Vocational training (vocational informing) that is associated with familiarization of students with various types of work, specificity of professions, their development trends, staff demand in regional labor market.

2. Involvement students to various types of socially useful and productive work to form professional interests of students with opportunity to test their abilities in practice.

3. Vocational consultation that is carried out by psychologists and social workers of educational institutions aimed to establish whether individual physiological and personality characteristics of students is responsive to specific requirements of a profession.

To improve the system of vocational guidance for students of secondary

schools within the reporting period there were carried out activities aimed at further the creation of educational districts.

The Regulation on Educational District, approved by the Cabinet of Ministers of Ukraine Resolution dated August 27, 2010 No. 777, defines an educational district as a voluntary association within the administrative units of educational institutions for early childhood education, general secondary education, extra-curricular, vocational and higher education, which focus their activity on establishing conditions for citizens to obtain secondary education, implementation of pre-profile preparatory training and profile training, in-depth study of certain subjects, etc. to ensure the full development of every personality.

Establishment of the educational districts has provided to citizens of Ukraine possibility to access and select the type of educational institution, to study of certain subjects in-depth, to create flexible forms for obtaining interdisciplinary knowledge, especially in rural areas. Thus, every child is provided with the ability to select individual educational area, to develop his/her creative abilities, aptitudes and talents.

Employers and community based associations are actively involved in implementation of various vocational guidance activities.

Vocational self-determination of secondary schools students is promoted through organization of manufacturing facility tours, job fairs with the participation of employers and the public. Open Door Days in vocational and higher education institutions are carried out with participation of graduates, representatives from enterprises, institutions and organizations.

International and national exhibitions with participation of educational institutions, manufacturers and employers organizations also have an important role in vocational guidance.

Ministry of Education and Science of Ukraine Order dated October 10, 2013 No. 1456 approves the Concept of profiled education in high school.

One of the main objectives of the profiled education is to promote vocational guidance and self-determination of high school students, to ensure continuity between secondary and vocational education, and possibility to get a profession.

The “at choice” course “Try your profession” was implemented in the upper school, that involves not only theoretical study of their selected profile by students but also an opportunity to practice "in touch" specific professions associated with this profile.

To popularize worker's professions, 25 regional and 5 nationwide competitions of professional skills were held in 2014 among students of vocational schools under the following professions: “mechanic on car repairs”, “Mechanic on rolling stock repairs”, “Painter”, “Cook”, “Tractor-driver for agricultural production”. More than 800 students participated in these competitions.

In 2014, more than 21 thousand secondary school graduates obtained a worker profession together with a certificate of secondary education.

In the reporting period the Ministry of Social Policy, the State Employment Service together with the Ministry of Education and Science continued their

vocational guidance work with youth using information and communication technologies. In secondary schools as of 01.01.2014 there were installed 11.5 thousand hardware and software packages for vocational guidance of youth.

In 2014 specialists of the state employment service held 16 thousand vocational guidance activities for students, teachers and parents, using these systems, including nearly 10.7 thousand activities with students where about 340 thousand children participated and received over 344 thousand services; almost 2.3 thousand activities with parents (over 54 thousand persons got 54 thousand services); and more than 2.9 thousand activities - with teaching staff (about 36 thousand persons, 36 thousand services).

In the vacation period the state employment service actively carried out field information and educational work with youth in places of their recreation. In 2014, the field work covered more than 86.4 thousand students. Specialists from employment centers have held more than 1.6 thousand information and educational activities and provided about 89 thousand services using various mass, group and individual forms of vocational guidance work of informative and entertaining nature.

Institute of Pedagogical Education and Adult Education at the National Academy of Pedagogical Sciences of Ukraine (NAPSU) has prepared and published a textbook for students “Vocational Guidance”, which sets forth basics of profессиography, psychodiagnosics, vocational information, vocational consulting, vocational selection and adaptation as components of vocational guidance of any individual. The Cooperative Program of the Ministry of Education and Science of Ukraine and NAPSU includes the development of a professional standard for the pedagogical profession “Pedagogue- Vocational Guide”.

The Ministry of Education and Science of Ukraine Order No. 665 dated 06.01.2013 approved qualification characteristics of pedagogical and teaching staff positions in educational institutions ensuring vocational guidance for the population.

In June 2014 on the basis of the Federation of Employers of Ukraine there was established the Institute of Professional Qualifications that develops a system of professional qualifications and positions the business view of the processes in educational system reform, improvement its quality and convergence of learning outcomes with actual requirements in the labor market through the Federation of Employers of Ukraine.

Vocational guidance in secondary educational and vocational schools in penitentiary institutions

According to the State Penitentiary Service of Ukraine (SPtS), in 2014 SPtS institutions carried out vocational guidance work in secondary educational institutions and vocational schools at penitentiary institutions

The result of this work was the coverage over 32 thousand convicts with vocational guidance activities in 2014; the total number of activities was 2191, 7157 services were provided.

The vocational guidance work among convicts was carried out with involvement of representatives from employment centers, district and city departments of education and science, supervisory commissions at city- and district executive committees and district departments of justice, offices for labor and social protection at city and district councils, as well as lecturing staff and masters of vocational training from vocational schools at penitentiary institutions.

Vocational guidance stands were installed in SPtS institutions.

To carry out the vocational guidance work among juvenile convicts serving sentences in penitentiary institutions, in 2010-2011 the state employment service installed vocational guidance terminals in all penitentiary institutions that may be used by convicts.

Systematic work on vocational guidance services delivery to persons who are in penitentiary institutions and persons to be released from prison was also carried out by SPtS offices in the regions of Ukraine together with the State Employment Service. Regional employment centers signed contracts with regional offices of SPtS, penitentiary institutions, charitable organizations, community based associations to promote re-socialization of persons released from and being in prisons, etc.

To increase awareness of convicts about situation in the labor market and the services provided by the state employment service, informational materials are regularly distributed and information activities carried out for prisoners in penitentiary institutions on regular basis.

According to the current data, there were held more than 700 such activities in the reporting period, together with employment centers; and about 11 thousand. Convicts have got vocational guidance services.

Statistics

Provision of vocational guidance services

Year	Categories of beneficiaries of the vocational guidance services provided by the State Employment Service			
	Total number, Thousand persons	Total number of unemployed persons, thousand persons	Students in educational institutions of various types thousand persons	IDPs thousand persons
2011	4 268,9	1 744,0	1 887,1	X
2012	4 086,0	1 725,9	1 610,7	X
2013	4 182,4	1 470,3	1 570,7	X
2014 *	3 558,6	1 410,1	1 241,4	28, 9

(Occupied territories of AR of Crimea, city of Sevastopol, Donetsk and Luhansk oblasts are not included)

Article 10 – Everyone has the right to appropriate facilities for vocational training

Article 10§1

General legal framework

In the reporting period the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Higher Education” dated 07.01.2014 No. 1556

Measures for application of legal regulations

The Right to higher education is guaranteed irrespective of age, nationality, place of residence, sex, color, social or economic status, nationality, language, origin, health status, religion, convictions, and other circumstances. No one may be restricted in the right to get the higher education, except for cases provided for in the Constitution and the Laws of Ukraine.

The foreign citizens, persons with refugee status in Ukraine, stateless persons, persons that need of additional or temporary protection and persons with the status of foreign Ukrainian residing in Ukraine legally (with a permit for temporary or permanent residence in Ukraine) have the same right to vocational education as citizens of Ukraine.

The access to vocational education for other categories of foreign citizens is mandatory fee, unless otherwise provided by Ukrainian law or international treaties of Ukraine. There are no other restrictions in access to vocational education for foreigners in Ukraine.

The Nationals of other States Parties to the European Social Charter (revised) are obliged to get appropriate document for temporary residence in Ukraine in order to be entitled to the same access to vocational and higher education in Ukraine as citizens of Ukraine. A temporary residence permit is issued in Ukraine usually for one year with the possibility of its extension for the entire period of study.

Statistics

The system of vocational education in Ukraine includes more than two thousand educational institutions and enterprises of various types and forms of ownership engaged in vocational training of skilled worker staff.

The network of vocational institutions includes: 188 higher vocational schools; 70 centers of vocational education; 441 vocational lyceums; 113 vocational schools; 76 training centers in the penitentiary institutions of closed type; 33 structural subdivisions of universities; 19 educational institutions of other types.

The training of qualified workers for all sectors of economy is carried out in 940 state owned vocational schools, subordinated to the Ministry of Education and Science of Ukraine that enroll more than 325,000 persons under 35 study areas and types of economic activity with of almost 500 professions. 387 vocational schools train staff for industry, transport and communications, 166 - for construction, 143 - for trade, service and housing and public utility services, 244 - for agriculture.

Article 10§2

General legal framework

The list of regulations mentioned in the previous report shall be supplemented with the Cabinet of Ministers of Ukraine Resolution “On Approval of the Procedure of jobs delivery for passing apprenticeship and manufacturing practices by students and trainees of vocational schools” dated 07.06.1999 No. 992 as amended on 06.13.2013 (the Procedure).

The Procedure defines organizational and legal and pedagogical activities aimed to provide jobs for passing apprenticeship and manufacturing practices by students and trainees of vocational schools in manufacturing or in services.

The enterprises irrespective of their form of ownership shall provide jobs or training production site for passing apprenticeship and manufacturing practice by students and trainees of vocational schools in accordance with the contracts signed with the vocational schools for curricular practical training.

The Students and trainees can choose (independently, upon permission of vocational schools management) the place for passing their apprenticeship and manufacturing practices, including prospective employment.

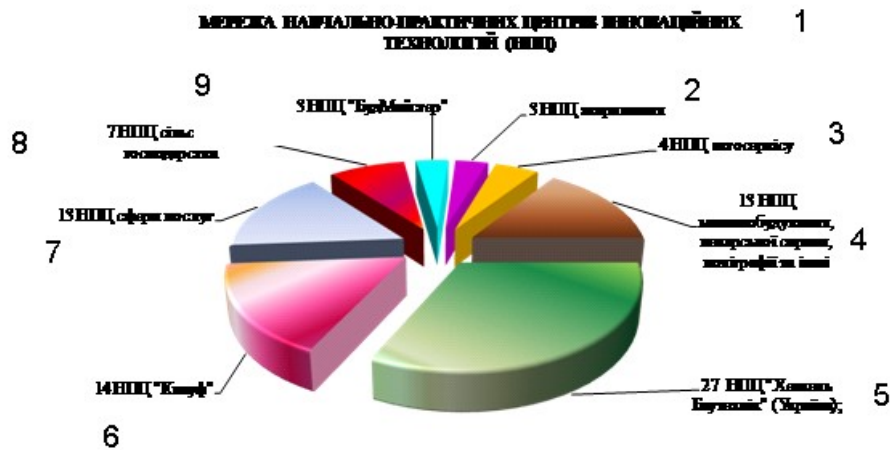
Students and trainees of vocational schools during their apprenticeship and manufacturing practices in manufacturing or in services perform work immediately in workplaces of enterprises, construction sites, fields, farms as a members of study groups, student teams or individually.

The manufacturing practices are carried out to improve acquired knowledge and practical skills to achieve the specified level of skills in appropriate professions, specialties and specializations, and to ensure social, psychological and professional adaptation of students and trainees in labor collectives.

Amount of work actually performed by students or trainees within the period of apprenticeship and manufacturing practice pursuant to the manufacturing assignments shall be paid in accordance with the company's established systems of remuneration.

Measures for application of legal regulations

The cooperation between social partners and vocational institutions is implemented through establishment of modern educational&practical centers (EPC) with sectoral specialization to concentrate the latest achievements in manufacturing and pedagogical technology and implement them in training of workers. There are 84 such centers in Ukraine now. The most active social partners are such companies as: “Henkel Bautechnik Ukraine”, “KNAUF”, “Modern Factory for Building Mixtures”, “BudMaister”, “BOSCH”, “TRIORA”, “NIBCO”, “HERZ Ukraine”, LLC “Kyiv-Aquatherm”.



- 1- Network of educational & practical centers (EPC) for innovation technology
- 2- Welding (3 EPCs)
- 3- Automotive service (4 EPCs)
- 4- Machine building, bakery, polygraphy, etc. (13 EPCs)
- 5- "Henkel Bautechnik Ukraine" (27 EPCs)
- 6- KNAUF (14 EPCs)
- 7- Human services (13 EPCs)
- 8- Agriculture (7 EPCs)
- 9- "BudMaister" (3 EPCs)

The foreign citizens, persons with refugee status in Ukraine, stateless persons, persons that need of additional or temporary protection and persons with the status of foreign Ukrainian residing in Ukraine legally (with a permit for temporary or permanent residence in Ukraine) have the same right to vocational training and its other forms as citizens of Ukraine.

Article 10§3

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On the Professional Development of Employees” dated 21.01.2012 No. 4312-VI;
- Resolution of the Cabinet of Ministers of Ukraine dated 20.03.2013 No. 207 “On Approval of the Procedure for vouchers issuance to persons aimed to maintain competitiveness in the labor market”;
- Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for confirmation of informal vocational training results for people with working professions” dated 15.05.2013 No. 340

Measures for application of legal regulations

The article 41 Of the Law of Ukraine “On Education” envisages that citizens may obtain a profession, improve their vocational skills, and get training immediately at their workplace. Every year more than 1.2 million employees acquire new profession and improve their skills.

In the reporting period the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On the Pprofessional development of employees” dated 21.01.2012 No. 4312 (the Law No. 4312).

The goal of the state policy in the area of employees' professional development is to improve their competitiveness in accordance with the needs of society through promoting employers to use labor efficiently and ensure appropriate professional level for their staff.

The state policy in the field of employees' professional development is made on the basis of the following principles:

- availability of professional development for employees
- free choice of forms and methods of support by the employer
- professional development for employees taking into account specificity of their work
- protection of the employer's and the employee's interests;
- continuity of professional development process for employees

The main areas of employers' activity in professional development of their employees are as follows:

- development of current and future plans for vocational training of workers;
- determining types, forms and methods of vocational training for workers;
- development and implementation of working training plans and programs for vocational training of workers;
- organization of vocational training for workers;

- selection of teaching staff and specialists for carrying out vocational training of workers immediately at the Employer's site;
- maintenance of primary and statistical accounting of the number of employees, including those who have been trained;
- promoting professional growth of staff;
- delivery of additional training to employers at the employer's site or in educational institutions, usually at least once per five years;
- determining the frequency of staff certification and carrying out the certification;
- analyzing results of the certification and implementation of activities aimed to improve professional level of employees.

Trade unions and their associations, employers' organizations and their associations shall:

- be involved in the formation and implementation of the state policy in the field of staff professional development, implementation of activities envisaged in collective contracts and agreements;
- exercise public control over compliance with regulatory and legal acts requirements in the professional development of employees area;
- participate together with government bodies in monitoring of the labor market and forecasting its development, the formation of the state mandate for specialist training.

The article 6 of the Law No. 4312 provides for that:

- organization of workers' vocational training shall be ensured by employers taking into account the needs of their economic or other activities;
- Vocational training of workers is carried out immediately at the employer's site or in vocational and higher educational institutions, enterprises, agencies or organizations on a contractual basis;
- an employer may establish a separate subdivision for vocational training of workers or put functions of such training organization on relevant professionals;
- training of workers shall be organized in the manner determined by the central executive body in the field of social policy in coordination with the central executive authority in the field of Education, Science, Youth and Sports, other interested central executive bodies, all-Ukrainian associations of trade unions and employers.

Employers can carry out formal and informal training of their employees.

Formal vocational training of employees in worker's professions includes initial vocational training, retraining and skills improvement for workers and may be carried out immediately at the employer's site or be organized on a contractual basis in vocational schools, at enterprises, in institutions and organizations, and for workers whose professions are categorized as managers, professionals and specialists it may include retraining, probation, specialization and skills improvement and may be organized on a contractual basis in higher educational institutions.

As a result of formal vocational training, a document of established form is issued to the employee.

Informal vocational training of employees is carried out upon employees' consent immediately at the employer's site in accordance with the decision of the employer and out of its funds to meet the needs of its economic or other activity.

Professional training of employees is carried out in full time form, part-time (in evening or in shifts) form, on site/off site, in distance, or external form, with day-release or on the job and under individual educational plans.

Vocational training in worker's professions is carried out in the following way

- In course form – this envisages forming of study groups and is performed in training classes (laboratories);
- In individual form – this envisages on-the-job training under surveillance of qualified workers as vocational tutors

Vocational training at the employer's site is carried out by lecturers, vocational training masters, vocational training tutors etc. engaged under educational service contracts.

Employees' professional development activities are funded by employers out of their own funds or other sources not prohibited by law.

Vocational training may be provided to employees if desired out of their own funds or funds from other entities or persons.

To organize confirmation of informal vocational training results, the state employment service establishes centers for acknowledgement of informal vocational training results. The centers for acknowledgement of informal vocational training results shall ensure organization of the confirmation of informal vocational training results. For this reason, the centers for acknowledgement of informal vocational training results engage educational institutions of the state employment service and other vocational training institutions, enterprises, organizations and institutions licensed to carry out educational activities for defined professions. Results of the informal vocational training are certified with a document of specified form regarding assigned or improved worker's qualification.

If necessary the centers for acknowledgement of informal vocational training results have the right to request and receive information regarding professional experience of employees from interested entities and persons. The procedure for acknowledgement of informal vocational training results for employees was approved by the Resolution of the Cabinet of Ministers of Ukraine dated May 15, 2013 No. 340. The persons that may acknowledge their informal vocational training results are citizens of Ukraine, foreigners and stateless persons residing permanently in Ukraine; persons that are recognized by Ukraine as refugees; those having gained asylum in Ukraine; those recognized as individuals who need additional protection; those whom temporary protection has been provided; and those who have received permission to immigrate in Ukraine. The Resolution of the Cabinet of Ministers of Ukraine dated April 15, 2013 No. 347 “On some issues related to implementation of the Article 26 and the Article 27 of the Law of Ukraine “On Employment of the Population” has approved the procedure for granting funds in the amount of single contribution for obligatory social insurance

to employers and the list of priority economic activities for job creation by small entrepreneurship entities. Employer who employs registered unemployed at new jobs is entitled to compensatory payments in the amount of single fee contribution for obligatory state social insurance for appropriate person per month. The compensation payments are paid to the employer during 1 year from the date of the person's employment if his/her employment is maintained at least 2 years. In this way by the end of 2014, 23.6 thousand unemployed persons were employed at new jobs, including 9.7 thousand persons insufficiently competitive in the labor market and 13.9 thousand persons were employed at jobs in priority types of economic activity. In accordance with the Article 27 of the Law No. 5067 it is envisaged that to encourage self-employment of the population and job creation at small entrepreneurship entities, the central government body that implements the state policy in the field of employment and labor migration shall provide free individual and group consultations on organization and conducting entrepreneurial activities. In pursuance of the Article, the Ministry of Social Policy of Ukraine by its Order dated 21.02.2013 No. 74 approved the Procedure for delivery of free individual and group consultations on organization and conducting entrepreneurial activities by the territorial bodies of the central government body that implements the state policy in the field of employment and labor migration (*registered in the Ministry of Justice on 14.03.2013 under No. 408/22940; effected on 02.04.2013*).

The free individual and group consultations on organization and conducting entrepreneurial activity or on continuation thereof were provided to 38.8 thousand persons.

The unemployed persons from among insured ones who wished to carry out entrepreneurial activity may get their unemployment benefits as a lump sum to enable them starting up their activity.

Due to the activities 18.2 thousand of unemployed persons started up their business in 2014 using the lump sum unemployment benefits (15.8 thousand persons - in 2013).

In accordance with the Article 31 "Organization of community and other work of a temporary nature" of the Law No. 5067, the community works is a type of public beneficiary paid work in the interests of territorial communities that are organized to increase motivation to work and provide financial support for unemployed persons and other categories of persons and are carried out by them on a voluntary basis.

The community works that meet needs of some territorial community or meet social needs of communities are organized by local state administrations, executive committees at village, town or city councils with the participation of territorial bodies of the central executive body that implements the state policy in the field of employment and labor migration on a contractual basis.

To provide temporary employment for unemployed persons during their search for suitable employment and according to the above article, temporary jobs were created to engage them to socially useful community works and works of a temporary nature.

235 thousand persons were engaged in the socially useful community works and works of a temporary nature in 2013. On parity financing principle the Fund of obligatory state social insurance against unemployment of Ukraine (the Fund) and local budgets has financed the community works for 87.2 thousand persons (mostly in landscaping and gardening public and recreation areas), other works of a temporary nature – for 147.9 thousand persons, including 143.6 thousand persons from among the unemployed.

234.8 thousand persons (including 230.4 thousand unemployed persons) participated in the community works in 2014 in accordance with the procedure approved by the Cabinet of Ministers of Ukraine Resolution dated 20.03.2013 # 175.

The Procedure for issuing vouchers to maintain some persons' competitiveness in the labor market that introduced a mechanism for issuing vouchers for training in educational institutions under high-demanded occupations to persons over 45 years to enhance their competitiveness in the labor market was approved by the Resolution of the Cabinet of Ministers of Ukraine on 20.03.2013 No. 207.

In 2013 there was introduced vocational training at the voucher' expense for top-priority occupations and specialties. The value of the voucher is equal of the cost of the training but shall not exceed 10 subsistence minimums for workable persons. The voucher is paid out of the Fund of obligatory state insurance of Ukraine against unemployment. The list of professions, specialties or areas of training to be paid at the vouchers' expense includes 22 specialties for university graduates and 13 workers professions. 26.2 thousand persons got their vouchers for education in 2013-2014.

Statistics

Employment for unemployed persons ensured by the State Employment Service

Year	Number of persons whom the State Employment Service provided its services, thousand persons	Of them, number of those who become employed
2011*	1775,8	731,5
2012*	1748,6	732,5

Employment for unemployed persons ensured by the State Employment Service

Year	Number of persons who had the status of registered unemployed person, thousand persons	Of them, number of those who become employed	Number of persons who was employed but did not have the status of registered unemployed person, thousand persons
2013*	1478,9	521,0	270,5
2014*	1468,5	494,6	241,8

Vacancies filled through the State Employment Service

Year	Number of vacancies, thousand ones	Level of filling, %	Average time required to fill a vacancy. days
2011*	1164,9	62,3	7
2012*	1112,9	68,1	9
2013*	1135,2	69,0	8
2014*	960,6	79,3	9

*(The AR of Crimea and city of Sevastopol are not included)

Article 10§4

General legal framework

- Law of Ukraine „On Employment of the Population” dated 05.07.2012 No. 5067-VI

Measures for application of legal regulations

The Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI (The Law No. 5067) envisages stimulation of employers to job creation with filing the vacancies with unemployed persons insufficiently competitive in the labor market through compensation of the single fee contribution for obligatory state social insurance for the person to the employer.

In 2013 9.6 thousand unemployed persons were employed at new jobs, with compensation of the insurance contribution, including 4.4 thousand persons insufficiently competitive in the labor market and 5.2 thousand persons were employed at jobs in priority types of economic activity.

In 2014 14.0 thousand unemployed persons were employed at new jobs, with compensation of the insurance contribution, including 5.4 thousand persons insufficiently competitive in the labor market and 8.6 thousand persons were employed at jobs in priority types of economic activity.

The Law No. 5067 strengthened additional guarantees of employment promotion for citizens insufficiently competitive in the labor market; in particular a quote of jobs for such persons was envisaged.

In 2013, the number of employed unemployed persons from among those having additional guarantees in promoting employment was 154.5 thousand persons, in 2014 - 130.1 thousand persons.

In January – April 2015, the number of employed unemployed persons from among those having additional guarantees in promoting employment (parents with children aged under 6; graduates of educational institutions; orphans, disabled persons, etc.) was 38.4 thousand persons.

The State Employment Service provides temporary employment to both unemployed persons and persons engaged in economic activity. One of the most effective forms of material support to unemployed persons and continuous staying in employment is organization of the community works and other works of a temporary nature.

In 2013, the community works and other works of a temporary nature were provided to 230.6 thousand unemployed persons. In 2014 – to 230.4 thousand unemployed persons.

The State Employment Service organizes vocational training, retraining and skills improvement (the vocational training) to registered unemployed persons (the unemployed persons) at the request of employers, for self-employment, or for starting entrepreneurial activity (taking into account wishes of the unemployed persons).

The types of business activities to start small business by unemployed persons are determined by them taking into account the level of socio-economic development in their region and locality. Such social service promotes new jobs creation in the region, development of certain industries, mitigating unemployment, particularly in rural areas.

Due to the activities 16.3 thousand of unemployed persons started up their business in 2013 using the lump sum unemployment benefits (18.2 thousand persons - in 2014).

The vocational training is carried out in vocational and higher educational institutions, enterprises, agencies or organizations irrespective of ownership form, type of activity and type of business;

The organization of vocational training of the unemployed persons is carried out by employment centers on a contractual basis with the unemployed, employers, and educational institutions. The State Employment Service issues vouchers to persons aimed to maintain their competitiveness in the labor market.

Q. The Committee also recalls that in application of Article 10§4, equal treatment with respect to access to vocational training for long term unemployed must be guaranteed to non-nationals. It asks for clarification of which categories of foreigners and in what cases long term unemployed foreigners do not benefit of equal treatment with Ukrainian nationals in matters of access to vocational training.

Response: Please see information to Article 18, paragraph 1 regarding the right to use labor of foreigners and stateless persons in Ukraine.

Statistics

Organization of vocational training by the State Employment Service

Year	Total number of unemployed persons benefited from the vocational training, thousand persons	Level of employment after the vocational training, %
2011	215,6	82,1
2012	221,1	83,0
2013*	209,2	88,8
2014 *	202,2	92,1

*(The AR of Crimea and city of Sevastopol are not included)

Number of persons having received the vouchers to persons aimed to maintain their competitiveness in the labor market;

Year	Total number, thousand persons	Registered unemployed persons, thousand persons
2013*	19,4	11,1
2014*	5,7	2,6

*(The AR of Crimea and city of Sevastopol are not included)

Article 10§5

General legal framework

- Law of Ukraine “On Vocational and Technical Education” dated 10.02.1998 No. 103/98

Measures for application of legal regulations

Q. The Committee asks whether there are any restrictions applicable for nationals of States Parties to the Charter as regards fees and charges as well as eligibility to financial assistance in order to attend vocational training.

Response: The information provided in the previous report remains valid. The article 5 of the Law of Ukraine “On Vocational and Technical Education” envisages that foreigners and stateless persons, residing in Ukraine on legal grounds, have the same right to vocational training as citizens of Ukraine. Other foreigners shall pay for their education, unless otherwise is provided in law or international treaties of Ukraine.

During the reference period, reduction or cancellation of any payment or financial assistance for foreigners do not happened, no restrictions for foreigners - nationals of other parties to the Charter in regard to fees and rights to financial assistance to get the vocational training were not applied.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 15§1

General background

Statistics on disabled adults and disabled children in Ukraine

Year	Disabled adults	Disabled children
2011	2 709 982	165 121
2012	2 661 347	166 164
2013	2 621 167	167 059
2014	2 663 446	168 280

General legal framework

- Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine” dated 06.09.2012 No. 5207-VI;
- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On Amendments to some Laws of Ukraine on Education on inclusive education” dated 05.06.2014 No. 1324-VII;
- Law of Ukraine “On amendments to some laws of Ukraine concerning the organization of inclusive education” dated June 5, 2014-VII No. 1324;
- Resolution of the Cabinet of Ministers of Ukraine “On the Procedure for organization of inclusive education in general education institutions” dated 15.08.2011 No. 872

Measures for application of legal regulations

Vocational guidance

According to the Ukrainian legislation the State Employment Service shall provide vocational guidance social services to persons with disabilities taking into account recommendations of medical-social expert commissions and individual vocational rehabilitation programs to accelerate adaptation to the requirements of the labor market, achievement of financial independence, self-sufficiency and integration into society.

The choice of services in each case depends on purpose of address from that person to the employment service (employment, vocational training, assistance in starting own business, assistance in choosing a profession; getting information; improving skills of independent job search, etc.) and his/her desire to obtain a particular service.

Taking into account recommendations from medical and social examination bodies and individual vocational rehabilitation programs, the persons with disabilities are provided with individual and group services on vocational

informing, vocational consulting and vocational selection (including those using psycho-diagnostic survey).

In all the employment centers, there are dedicated specialists that provide targeted services to disabled persons (if necessary). The centers have special workplaces for disabled persons where they may work independently. Inter alia the workplaces have free access to Internet. It is ensured free access to information materials and national vacancy database. There are installed terminals or displays with information about vacancies for disabled persons, organized information corners with regulatory and legal documents and reference information about social protection and rehabilitation of persons with disabilities, their employment opportunities and training.

To facilitate integration of the persons with disabilities into society it is practiced engagement of such persons to career guidance activities together with other categories of unemployed.

There is also a system of activities targeted strictly for persons with disabilities. The specialized job fairs, round tables, open door days for disabled are held together with offices of the Fund for social protection of disabled persons, employers, NGOs for disabled persons, where they may communicate with employers, obtain information and legal advice, choose a job in line with their background and get a referral to employment.

To ensure availability of vocational guidance services, there are organized consulting points of basic employment centers for persons with disabilities in convenient locations with unimpeded access.

When working with this category it is used mobile informing events intended for servicing population at their place of residence and training. On the basis there are held topical training seminars, presentations of social services and social projects for persons with disabilities, seminars on employment and vocational rehabilitation for persons with disabilities.

To promote career guidance materials, there are also used mass-media (printed, electronic, television, radio) and social advertising.

Vocational training

The joint Order of the Ministry of Social Policy of Ukraine and Ministry of Education and Science of Ukraine approved the "Procedure for vocational training, retraining and skills improvement of registered job seekers"(the Procedure) (Order No. 318/615 dated May 31, 2013, registered in the Ministry of Justice of Ukraine on June 19, 2013 under No. 1029/23561).

The State Employment Service organizes vocational training, retraining and skills improvement of registered job seekers, including disabled persons registered as job seekers out of the money from the Fund of obligatory state social insurance of Ukraine against unemployment within the approved budget.

Pursuant to the Procedure, vocational training of unemployed from among the disabled persons is organized in accordance with recommendations of medical-social expert commission. If these unemployed need special conditions for vocational training based on individual rehabilitation programs, adapted study

places, their training is organized in educational institutions that have appropriate conditions for this.

Vocational rehabilitation

The main component of the state vocational rehabilitation for persons with disabilities (where their vocational training is done) is the system of vocational rehabilitation institutions subordinated to the Ministry of Social Policy.

The centers of vocational rehabilitation carry out training for disabled persons under occupations that match their health status and functionality and are competitive in the labor market. Delivery of vocational training in these centers envisages combination of vocational training with social, psychological rehabilitation activities and medical support that ensures a successful adaptation of the disabled person to work.

All vocational rehabilitation centers are located in areas with purposely constructed or adapted premises that meet requirements of barrier-free architecture. Staying, boarding, vocational rehabilitation and training activities, social and psychological rehabilitation and medical support are free for disabled persons.

Year	Number of vocational rehabilitation centers for disabled persons	Number of persons whom the rehabilitation services were provided
2011	12	2056
2012	12	1921
2013	12	1832
2014	11	1407

Statistics

Provision of vocational guidance services to disabled persons who addressed the State Employment Service for job search

Year	Number of persons whom vocational guidance services were provided, thousand persons	Percentage of citizens covered by the vocational guidance services
2011	33,9	96,6
2012	36,2	95,5
2013*	38,3	96,9
2014*	42,0	97,2

*(the AR of Crimea and city of Sevastopol are not included)
for 2011-2012 – unemployed citizens, for 2013-2014 – registered unemployed citizens

Provision of vocational training services to disabled persons

Year	Number of persons who got vocational training, thousand persons	Employed after the training, thousand persons
2011	3,4	2,6
2012	3,9	3,2
2013*	4,2	3,4
2014*	4,3	3,6

*(the AR of Crimea and city of Sevastopol are not included)

Definition of disability

Q. The Committee asks the next report to provide such a definition. The report mentions that there are three groups of disabilities, respectively group I, II and III. The Committee wishes to be informed on the meaning of this categorization.

Response: Pursuant to the Law of Ukraine “On Principles of Social Protection in Ukraine” (Article 2) and “On the Rehabilitation of the Persons with Disabilities in Ukraine” (Article 1), disabled person is a person with persistent disorder of body functions that when interacting with external environment may lead to restriction of life activity, As a result the state is obliged to establish conditions for the person to enable him/her exercising his/her rights at the same level as other citizens and to ensure social protection for the person.

Disability is a measure of health loss due to disease, trauma (its consequences) or birth defects that when interacting with external environment may lead to restriction of the person's life activity, As a result the state is obliged to establish conditions for the person to enable him/her exercising his/her rights at the same level as other citizens and to ensure social protection for the person.

Disability is recognized in Ukraine for adult persons by medical and social expert commissions (MSEC), and for children – by medical and consulting commissions at medical institutions (MCC).

Depending on degree of the persistent disorder of body functions, caused by disease, trauma (the consequences) or birth defects, and possible restrictions of life activities when interacting with external environment due to loss of health, the person recognized as a disabled person gets the first, second or third group of disability.

The Regulation on medical and social expert examination and provisions on the procedure, conditions, and criteria of assigning disability was approved by the Resolution of the Cabinet of Ministers of Ukraine dated December 3, 2009 No. 1317. The Instruction on the disability group assignment was approved by the Order of the Ministry of Health dated 05.09.2011 No. 561 (registered in the Ministry of Justice on November 14, 2011 under No. 1295/20033).

The Disability Group I

The basis for assignment of the Disability Group I status is stable, severe functional impairment in the body caused by disease, trauma or birth defect, leading to significant restriction of the person's life activity, inability to self-servicing and causing need for constant external supervision, care or assistance.

The Group I includes persons with the most difficult health condition that are fully incapable of self-servicing, need permanent external supervision, care or assistance, are totally dependent on others in carrying out vital domestic social functions or are partially able to perform some elements of self-servicing.

The first disability group is divided into two subgroups (A and B), depending on the degree of health loss, scope of need for constant external care, assistance, or clinical supervision. Subgroup A includes persons with extremely high degree of health loss, extreme dependence on constant external care, assistance or clinical supervision from other persons, and who are actually incapable of self-servicing.

The Subgroup B includes persons with high degree of health loss, significant dependence of other persons in carrying out vital domestic social functions and who are partially able to perform some elements of self-servicing.

MCC of medical institutions assign the category “disabled child” to persons under 18 years, and the category “disabled child (subgroup A)” to persons under 18 years with exceptionally high degree of health loss and extreme dependence on constant external care, assistance or clinical supervision from other persons, and who are actually incapable of self-servicing.

The Disability Group II

The basis for assignment of the Disability Group II status is stable, functional impairment in the body of expressed severity caused by disease, trauma or birth defect, leading to significant restriction of the person's life activity, but with kept ability to self-servicing and without need for constant external supervision, care or assistance.

The criteria for assignment the Disability Group II status is the loss of health, resulting in expressed II degree restriction of one or several categories of the person's life activity.

The Disability Group III

The basis for assignment of the Disability Group III status is stable, functional impairment in the body of moderate severity caused by disease, trauma or birth defect, leading to moderately expressed restriction of the person's life activity, including his/her workability so as social assistance and social protection system are required.

The criteria for assignment the Disability Group III status is the loss of health, resulting in moderately expressed I degree restriction of one or several categories of the person's life activity.

Anti-discrimination legislation

Pursuant to the Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine”, effected on October 04, 2012, discrimination is the situation when a person or a group is restricted in recognition, exercising, or use of rights and freedoms based on race, color, political, religious and other beliefs, membership in trade unions or other citizens’ associations, sex, age, **disability**, ethnic and social origin, citizenship, marital and property status, place of residence, language or other signs that may be real or assumed in any form, provided in the law .

Pursuant to the Law of Ukraine “On Principles of Social Protection of Persons with Disabilities in Ukraine” discrimination on grounds of disability is prohibited (Article 2).

Article 161 of the Criminal Code of Ukraine envisages criminal liability for violation of citizens' equality principle based on their race, nationality, religion, disability or other grounds.

Education

To implement state policy on observance the rights of children with special educational needs to high-quality education and to integrate them into society, the Ministry of Education and Science of Ukraine by its order dated 01.10. 2010 No. 912 approved the Concept of inclusive education development.

The Procedure for organization of inclusive education in secondary schools. was approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 15,.2011 No. 872. The Procedure specifies the requirements for organization of inclusive education in secondary schools to implement the right of children with special needs to education at the place of their residence, their socialization and integration into society, and parents' engagement into the educational process.

The educational services are provided to children with special educational needs in general educational secondary schools with inclusive education classes using personality-based teaching methods and taking into account the individual characteristics of teaching and learning activity of these children.

To organize the inclusive education for children with special educational needs (children with physical and mental developmental disability, including disabled children) in general educational institutions, there are established conditions for:

- unimpeded access to buildings and premises of the school for children with musculoskeletal system disability, particularly those traveling in wheelchairs and visually impaired children;
- provision of necessary training and methodological as well as visual and didactic manuals and individual technical tools for the training
- equipping rooms for teacher-specialists on mental defects and physical handicaps, rooms for psychological relax, logaoedic rooms for developmental and correctional classes
- provision of necessary pedagogical staff.

The State standard of general elementary education for children with special educational needs was approved by the Resolution of the Cabinet of Ministers of Ukraine dated 21.08.2013 No. 607. This State Standard specifies requirements to the level of education for children with special educational needs at the level of elementary education.

According to the current data, staff lists of general educational secondary schools include about 500 positions of assistant teachers. The Ministry of Education and Science (hereinafter MOES) has established the expert advisory council for autism, which includes researchers, teachers, and practitioners, as well as NGO representatives. Taking into account urgency of the issue, proper attention is paid to training and skills development of teachers working with children with special needs.

MOES recommended for implementation the following university courses “Differentiated teaching in inclusive class-groups”, “Types of assessment in inclusive class-groups”, “professional cooperation in inclusive school”, “Leadership in inclusive school”, “Fundamentals of inclusive education”, containing topics regarding ethical communication, support, and assistance to the disabled persons.

In higher education institutions training teaching staff under such study areas (specialties) as “Preschool education”, “Elementary Education”, “Social pedagogic”, there was introduced the discipline “Fundamentals of inclusive education”. The course “Fundamentals of inclusive education” was included in training programs at skills improvement courses at regional institutions for postgraduate pedagogical education.

Since 2014, MOES recommends to include topics on the specificity of education for children with Down syndrome and autism spectrum disorders in curriculum of higher educational institutions, .

In order to ensure continuity and consistency of children's with special needs integration into general education area, the Law of Ukraine dated June 5, 2014-VII No. 1324 “On amendments to some laws of Ukraine on inclusive education” was adopted.

Statistics

According to statistical data, in the academic year 2014/2015, 5 thousand students with special needs from among those integrated into general education system studied in special classes of general educational institutions. About 2.2 thousand students with special needs studied in inclusive class-groups of general education secondary schools. The total number of disabled children that study in general educational institutions in the current academic year is 59.6 thousand persons.

Article 15§2

General legal framework

- Law of Ukraine “ On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine” dated 06.09.2012 No. 5207-VI.

Measures for application of legal regulations

In accordance with the Law of Ukraine “On Employment of the Population”, the state guarantees protection against discrimination in employment sphere, unjustified refusal in hiring, and unlawful dismissal.

(Please see para. 1 on anti-discrimination legislation).

Under the Law of Ukraine “On Principles of Social Protection of Persons with Disabilities in Ukraine” persons with disabilities have the right to work for enterprises, institutions, organizations and carry out entrepreneurial and other work activity that is not prohibited by law to implement their creative and production abilities taking into account individual rehabilitation programs.

Enterprises, institutions and organizations may create (if necessary) special jobs for disabled people, making for this purpose adaptation of main and additional equipment, technical equipment and appliances etc. taking into account restricted abilities of disabled persons for money of the Fund for Social Protection of Disabled Persons or at their own expense (if the local council decided so). Denial in signing employment contract or in promotion, dismissal on the initiative of administration, transfer disabled persons to another job without their consent on the grounds of disability are not allowed, unless in the opinion of medical and social examination commission his health status prevents them from fulfillment of their professional duties or threatens the health and labor security of others, or if continuation of the employment or change in its nature and scope threaten health status of the disabled persons.

The rights of disabled persons to employment and paid work, including to employment with condition "to work at home" are ensured by way of their direct address to enterprises, institutions and organizations or to the State Employment Service.

Appropriate jobs are picked up mainly in the enterprise, where the disability appeared taking into account wishes of the disabled person, his/her skills and knowledge, as well as recommendations of medical and social examination commission. Enterprises, institutions, organizations and individuals that use hired labor are required to provide and create jobs for the disabled persons, including special jobs, to establish conditions for them based on individual rehabilitation programs and to provide other social and economic guarantees envisaged in the current legislation; to provide information necessary for employment of persons

with disabilities to the State Employment Service; and to report to the Fund of Social Protection of Disabled Persons regarding employment of the disabled persons.

The disabled persons, who are unable to work in enterprises, institutions, and organizations, the State Employment Service assists in getting employment with the condition "work at home". Persons with disabilities may be engaged to paid public works upon their consent.

A disabled person who has not reached the retirement age, does not work, but wishes to work has the right to be registered in the State Employment Service as a registered unemployed person.

The decision to recognize the disabled person as an unemployed person and to register him/her shall be taken by the employment center at the place of residence of the person on the basis of recommendations from MSEC and other documents envisaged in laws.

The State Employment Service shall find suitable work in accordance with the MSEC recommendations, skills and knowledge of the person, and taking into account his wishes.

The State Employment Service may grant subsidies to employers out of money from the Fund for Social Protection of Disabled Persons to create special jobs for the disabled persons registered in the State Employment Service and carry out training, skills improvement, and retraining for the category of disabled persons.

Pursuant to the Law of Ukraine "On Employment of the Population" (Article 30), some citizens of Ukraine have the right to obtain a one-off voucher to maintain their competitiveness in the labor market through retraining, specialization, and skills improvement in professions and specialties intended for top-priority economic activities.

The vouchers for people over 45 years of age to maintain their competitiveness in the labor market were provided to 480 disabled persons in 2013 and to 121 disabled persons in 2014.

In accordance with the laws of Ukraine "On Employment of the Population" and "On Principles of Social Protection of Persons with Disabilities in Ukraine", the State Employment Service promotes vocational rehabilitation and employment for citizens with disabilities at vacant, newly created or adapted jobs declared by enterprises.

Year	Number of employed persons with disabilities, including those of workable age (women – 18 – 55 years, men – 18 – 60 years)					
	Total			Of them of workable age		
	W	M	total	W	M	total
2011	289 505	341 051	630 556	195 529	272 285	467 814
2012	310 710	367 396	678 106	206 256	291 555	497 811
2013	331 137	386 180	717 317	218 878	306 193	525 071
2014	340 947	390 038	730 985	220 804	309 864	530 668

Statistics

Employment for unemployed persons from among persons with disabilities by the State Employment Service

Year	Number of unemployed disabled persons whom the State Employment Service provided its services, thousand persons	Of them, number of those who became employed, thousand persons	Number of those who participated in community works, thousand persons
2011	35,1	10,8	4,9
2012	37,9	12,2	5,8

Year	Number of registered unemployed disabled persons whom the State Employment Service provided its services, thousand persons	Of them, number of those who became employed	Number of those who participated in community works, thousand persons	<i>For information:</i> Number of persons who became employed but did not have the status of registered unemployed person, thousand persons
2013*	39,5	11,8	2,4	2,1
2014*	43,2	11,8	3,4	1,2

*Occupied territories of AR of Crimea, city of Sevastopol, Donetsk and Luhansk oblasts are not included

Article 15§3

General legal framework

- Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine” dated 06.09.2012 No. 5207-VI;
- Resolution of the Cabinet of Ministers of Ukraine dated 01.08.2012 No. 706 “On Approval of the State Targeted Program “National Action Plan to implement the Convention on the Rights of Persons with Disabilities” for the period until 2020”

Measures for application of legal regulations

In accordance with the Law of Ukraine “On Principles of Social Protection of Persons with Disabilities in Ukraine” (the Law No. 875-XII) disabled people in Ukraine have the full scope of socio-economic, political and personal rights and freedoms taken up in the Constitution of Ukraine, laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine.

The State Program “National Action Plan to implement the Convention on the Rights of Persons with Disabilities” for the period until 2020” was approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 01, 2012 No. 706. The program is aimed to promote, protect and ensure the full and equal use by all disabled persons all the human rights and fundamental freedoms in all spheres of social life through application of an integrated approach based on provisions of the Convention on the Rights of Persons with Disabilities, as well as on actions aimed to ensure respect for their inherent dignity.

The program envisages series of tasks and activities, in particular to ensure the principles of reasonable adaptation and universal design when providing access for the disabled persons to public and civil facilities, improving urban and transport infrastructure, road service, transport, information and communication, as well as taking into account their individual abilities, talents, and interests to education, work, culture, tourism, physical culture and sports etc.

Anti-discrimination legislation and integrated approach

(Please see para. 1 on anti-discrimination legislation)

Consultation

Q. The Committee wishes to be informed on how disabled persons are represented and consulted in governmental bodies at national and local level.

Response: There are quite many NGOs in Ukraine that unify and protect people with disabilities. Some of them (the most active ones) receive partial funding to support their statutory activities.

In accordance with the Article 1 of the Law 875-XII all the enterprises, institutions and organizations, and individuals that use hired labor have to engage representatives from the NGOs for disabled persons when preparing decisions affecting rights and interests of the disabled people.

Draft regulatory and legal acts and standards concerning the rights of disabled persons have to be agreed with the NGOs for disabled persons.

Another mechanism of the NGOs for disabled person's engagement in decision making process is their participation in various consulting and advisory bodies.

The Regulation on the Council for Disabled Persons Affairs at the Cabinet of Ministers of Ukraine was approved by the Resolution of the Cabinet of Ministers of Ukraine dated 12.12.1994 No. 837 (as amended on 14.07.2010 by No. 592). The Council is a temporary consulting and advisory body of the Cabinet of Ministers of Ukraine. The main objectives of the Council are as follows:

- to promote coordination of government bodies activity on ensuring the rights of the disabled persons and their social protection;
- to prepare proposals on forming and implementation of the state policy in the field of rights protection for the disabled persons and their social protection;
- to identify ways, mechanisms and methods of solving problematic issues arising during implementation of the state policy in the field of rights protection for the disabled persons and their social protection;
- to prepare proposals how to improve the regulatory and legal base and efficiency of central and local government bodies in the field of rights protection for the disabled persons and their social protection.

Moreover the NGO for disabled persons are included in the public councils at government bodies. For example, NGOs for disabled persons are members of the Public Council and College of the Ministry of Social Policy of Ukraine, Ministry of Infrastructure of Ukraine State Committee for Television and Radio of Ukraine and other agencies of central and regional level.

The Procedure for the promotion of civic expert examination of government bodies' activity was approved by the Resolution of the Cabinet of Ministers of Ukraine dated 05.11.2008 No. 976.

The civic examination of government bodies' activity is a part of democratic governance mechanism that envisages control of government bodies' activities by civil society and public councils, their performance and efficiency of decision making, preparation of proposals for solving socially important problems for their use by government bodies in their everyday work.

In addition, the Procedure for public consultations on issues of public policy formulation and implementation was approved by the Resolution of the Cabinet of Ministers of Ukraine dated 03.11.2010 No. 996. The public consultations are held on issues related to socio-economic development, use and protection of citizens' rights and freedoms. The public consultations are held in the form of public discussion (direct form) and in form of public opinion surveys (indirect form).

Forms of financial aid to increase the autonomy of persons with disabilities

Q. The Committee asks for the next report to provide details on all benefits and other forms of financial assistance available to persons with disabilities.

Response: The main component of the social protection system for persons with disabilities is their pensions for disability and/or state social assistance.

Against the backdrop of existing the solidarity system of compulsory state

pension support amount of pension for each pensioner is determined individually based on his/her insurance history and wages used as a base for paid insurance contributions.

Disability pensions depending of disability group are assigned in the following amounts:

Disability group I - 100%;

Disability group II - 90%;

Disability group III - 50% of appropriate retirement pensions.

When determining the insurance period for calculating the retirement pension and then - the disability pension, in addition to the real insurance period the period of disability is calculated from the date of disability establishment to the statutory retirement age.

The unemployed disabled persons of disability groups II and III having required for retirement pensions insurance period (35 years – for men, 30 years – for women) get the disability pension in the amount of retirement pension.

The following additional assistances are paid in addition to the disability pension:

- for non-employed disabled persons –incremental allowance for the children under 18 years of age 150 UAH for each child per month;
- for disabled persons of disability group I, single disabled persons of disability group II tat needs constant care or reached the retirement age, single disabled persons of disability group III who have reached the retirement age – incremental allowance for care in the amount of 50 UAH per month;
- for persons that lost their workability - the state social assistance for care in the amount of 15%, 25% or 50% of the subsistence minimum , depending on the category of the persons.

Disability pension can not be less than the subsistence minimum for persons who have lost their ability to work.

At the same time, the national legislation envisages increased financial support to persons disabled from childhood and disabled children.

The Law of Ukraine "On State Social Assistance to Persons disabled from Childhood and disabled Children" envisages that persons disabled from childhood, who are entitled to have the state social assistance under the above Law, a pension, and the state social assistance pursuant to the Law of Ukraine “On State social Assistance to Persons not entitled to a Pension and to disabled Persons ”, may get at their choice only one type of the benefits or the pension.

However, if a person disabled from childhood or a disabled child is entitled to a survivors' pension and to the state social assistance under the Law, both these payments are granted simultaneously.

The state social assistance to persons disabled from childhood according to the Law of Ukraine "On State social Assistance to Persons disabled from childhood and disabled Children” is paid for all the period of disability established by the medical and social expert examination bodies and the assistance to children with disabilities is paid for the period specified in the medical report.

This type of assistance is granted and paid in full by the social protection bodies from the date of application for the assistance.

The state social assistance to persons disabled from childhood (disability group I, subgroups of A and B) is granted in the amount of 100% of subsistence minimum (SM) for the persons who lost their ability to work. Incremental allowance for caregiving persons disabled from childhood with Disability Group I, Subgroup A is determined as 75% of SM for persons who lost their ability to work; for the Subgroup B or without defined subgroups - 50% of SM for persons who lost their ability to work.

For persons disabled from childhood with Disability Group II and III the amount is 80% and 60% of SM for persons who lost their ability to work.

The single persons disabled from childhood with Disability Group II and III who according to certificates issued by medical consultative commissions of health care facilities need constant external care are entitled to incremental allowance for care of them (added to the state social assistance) in the amount of 15% of SM for the persons who lost their ability to work.

The state social assistance to disabled children under 18 years of age is granted in the amount of 70% of SM for persons who lost their ability to work. In addition, the incremental care allowance to the state social assistance to disabled children may be granted as well.

The incremental care allowance for a disabled child subgroup A under 6 years of age and from 6 to 18 years of age is 100% of SM for children of appropriate age; the incremental care allowance for disabled children is 50% of SM for children of appropriate age and is granted to one of his/her parents, adoptive parents, guardians, who do not work, are on leave to care for a child under the age of three, are on leave on pregnancy and childbirth, are on leave without pay, if the disabled child needs home care and they actually take care for the disabled child. Single mother (single father) may get the incremental allowance irrespective of the fact of employment, study, or service.

The amounts of the state social assistance are increased in connection with increase of subsistence minimum.

The Resolution of the Cabinet of Ministers of Ukraine dated 26.03.08 No. 265 "Some issues of pension support of citizens" (as last amended) envisages that in cases where the monthly pension payments, state social assistance to persons disabled from childhood and disabled children, persons not entitled to retired pension, and disabled people (taking into account all the increments, increases, additional pension, the targeted cash assistance, indexation sums, and other additional payments provided in the legislation, except for pensions for special merits before Ukraine) does not reach the subsistence minimum for the persons who lost their ability to work, the disabled persons with Disability Group I and II shall get monthly targeted assistance to their pension in the amount that compensate difference.

The other categories of disabled persons (disabled persons with group III, children with disabilities without incremental allowance for care) are provided with monthly state targeted assistance in the amount needed to achieve 949 UAH.

According to The Resolution of the Cabinet of Ministers of Ukraine dated 28.02.2011 No. 158 “On Approval of the Procedure for use of the state budget funds to provide one-off financial assistance to disabled persons and unemployed low-income persons”, the one-off financial assistance may be provided to disabled persons who receive pension and/or state social assistance pursuant to the Law of Ukraine “On State social Assistance to Persons disabled from Childhood and disabled Children” and “On State social Assistance to Persons not entitled to a Pension and disabled Persons” if their income in the month preceding the month of application does not exceed two subsistence minimums for persons who lost their ability to work.

The above assistance is provided by the regional or district bodies for labor and social protection once a year in the amount of 50 % of SM for the persons who lost their ability to work (at the time of the application is submitted).

Measures to overcome obstacles

Technical aids

In addition to financial support the state took responsibility to ensure persons with disabilities with technical and other means of rehabilitation.

The right of disabled persons to get technical and other means of rehabilitation is envisaged in the Laws of Ukraine and the specific procedure of their delivery is defined by the Cabinet of Ministers of Ukraine.

The expenditures for supply the technical and other means of rehabilitation to disabled persons are included in the list of protected items.

Pursuant to the Law of Ukraine “On the Rehabilitation of Disabled Persons in Ukraine” and the Procedure of delivery technical and other means of rehabilitation to disabled persons, disabled children and other specific groups of the population, approved by Resolution of the Cabinet of Ministers of Ukraine dated April 05, 2012 No. 321, the free provision of technical and other means of rehabilitation upon written request of a disabled person and post-warranty repair services for them are carried out in the form of monetary assistance to disabled persons to enable them payment for the products and services by means of transfer funds to enterprises that fulfill these requests and meet eligibility requirements defined by central government body in the field of labor and social policy.

The technical and other means of rehabilitation include:

- Prosthetic products;
- Means for moving (wheel chairs);
- Special tools for self-servicing and care;
- Aids for personal hygiene, rocking chairs;
- Aids for personal mobility, movement and lifting;
- Furniture and equipment;
- Special tools for orientation, communication and information exchange.

Communication

In accordance with the Article 23 of the Law of Ukraine No. 875-XII sign language as the language of hearing impaired persons is a mean of communication and studying and is protected by the state. Broadcasting organizations (irrespective of their ownership and subordination) provide subtitling or translation of official communications, films and video, broadcasts and programs in accordance with the procedure and on conditions determined by the Cabinet of Ministers of Ukraine

Mobility and transport

The enterprises, institutions and organizations are obliged to establish conditions for unhindered access for the disabled persons (including the disabled persons using vehicles and guide-dogs) to the physical environment sites. The vehicle owners and manufacturers, producers and customers of information (printed media, TV and radio broadcasting, etc.), telecommunications operators and providers shall ensure service delivery and products preparation tailored to the needs of the disabled persons. The physical environment sites and public transportation vehicles are equipped with signs used internationally to indicate their accessibility for disabled. In the physical environment sites the information published shall be duplicated in relief alphanumeric font or Braille. Numbering of floors, offices on physical environment sites shall be made in relief alphanumeric font.

In accordance with the Article 27 of the Law of Ukraine No. 875-XII planning and development of human settlements, formation of neighborhoods, design, construction, and reconstruction of the physical environment sites are not allowed without adaptation for use by disabled. The above activities shall take into account the views of NGOs for disabled persons. If the existing facilities can not be fully adapted to the needs of the disabled, they have in consultation with NGOs for disabled persons to be reasonably adapted using universal design.

In accordance with the Article 28 Of the Law of Ukraine No. 875-XII companies, organizations, and individual entrepreneurs engaged in transport servicing of the population are liable for delivery of special equipment for vehicles, stations, airports and other sites to enable freely use of their services by disabled persons.

In cases where existing vehicles can not be adapted for use by disabled persons, local government bodies shall establish other opportunities for their movement. The design and development of new vehicles, reconstruction and construction of airports, railway stations and bus stations, sea and river ports must envisage possibility of their use by disabled persons.

The public transport (rail, sea, river, road, air, and urban electric transport, including underground) to take into account limited capacity of the disabled persons shall be equipped with external sound informants of the route number and the end station of the route, text and sound system in the cabin for mandatory advertisement of stations.

At present the Ukrainian railways use 19 passenger carriages adapted for transportation of passengers with disability. In addition, high-speed trains also are equipped with seats adapted for transportation of disabled people.

The entrances and exits in airports are equipped with ramps.

Culture and leisure

The Order of the Ministry of Culture of Ukraine “On ensuring the right of vulnerable groups to visit cultural institutions subordinated to the Ministry of Culture of Ukraine, on favorable terms” dated 30.01.2013 No. 43 recommends the heads of enterprises, institutions and organizations subordinated to the central executive body to define a single day in last week of every month as a day of free access for certain categories of persons, including disabled persons with disability group I and II to concert organizations, theaters, circuses, museums and national parks/reserves upon presentation of documents certifying membership in this category.

At the same time, it should be noted that disabled persons have high creative, artistic and intellectual potential enabling them to take an active part in the cultural life.

The Order of the Ministry of Culture and Tourism of Ukraine dated 26.09.2009 No. 24 (registered with the Ministry of Justice of Ukraine on June 12, 2009 under No. 514/16530) approves the Regulation on the Ukrainian festival of creative arts for persons with disabilities “Colors of Life”. One of the main objectives of the festival is to involve people with disabilities to various kinds of art, literature, music and theater.

The festival participants can be persons with disabilities without any age restrictions. Participants of the festival may be both individual performers and groups. The festival is held annually in two phases: Phase I (regional) and Phase II (all-Ukrainian) - the final phase of the festival that includes a gala concert in the city of Kyiv and exhibition of art works.

The Law of Ukraine “On the Rehabilitation of the Disabled Persons in Ukraine” defines sport rehabilitation as a separate type of rehabilitation aimed to restore and compensate functionality of the body to improve physical and mental status of disabled persons, increase their physical activity and health status, to form compensatory functions and positive motivation for social adaptation.

The Regulation on Ukrainian Center for physical culture and sports for the disabled persons “Invasport” was approved by the Resolution of the Cabinet of Ministers of Ukraine dated 20.07.2011 No. 766. The system of institutions of physical culture and sports for the disabled persons includes:

- The Center;
- Regional and local centers of physical culture and sports for the disabled persons “Invasport”;
- Children's and youth's sport schools for the disabled;
- Specialized children's and youth's schools for disabled persons for Paralympic and Deaflympic Reserve, National, including registered team of national teams for various sports for disabled persons

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

Article 18§1

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No.5067-VI;
- Law of Ukraine “On the legal Status of Foreigners and Stateless Persons” dated 22.09.2011 No. 3773-VI;
- Resolution of the Cabinet of Ministers of Ukraine “Issues of Issuance, prolongation, and cancellation of the Permit for using Labor of Foreigners and Stateless Persons” dated 27.05.2013 No. 437

Measures for application of legal regulations

In accordance with the Article 3 of the Law of Ukraine “On the legal Status of Foreigners and Stateless Persons” dated 22.09.2011 No. 3773-VI (the Law No. 3773) foreigners and stateless persons legally resided in Ukraine have the same rights and freedoms as well as responsibilities as Ukrainian citizens except for situations provided in the Constitution, laws and international treaties of Ukraine.

In accordance with the Article 4 of the Law No. 3773 foreigners and stateless persons that arrived to Ukraine in accordance with the law for employment and have a certificate of temporary staying are recognized as persons legally resided in Ukraine for the period of their work in Ukraine

Foreign population and migratory movements

In accordance with the reporting data regarding the number and composition of the foreigners who work temporarily in Ukraine, in 2014 there were 9.1 thousand foreign nationals with temporary employment permit in Ukraine (in 2013–11.2 thousand persons).

The regional distribution of foreign employees in Ukraine was as follows: the largest number of work permits was issued in city of Kyiv (51%), in Kyiv oblast (7%), in Donetsk and Lviv oblasts (per 6% respectively).

Of the total number of foreign citizens employed in Ukraine in 2014, the most were Turkishes (1.7 thousand persons), Russians (1.6 thousand persons), Poles (527 persons), Germans (364 persons), Franches (322 persons), Azerbaijanis (289 persons), the UK citizens (250), Italians (244 persons).

In 2014, permits for temporary employment in Ukraine were provided to 3.5 thousand foreign citizens (in 2013 - 5.8 thousand persons), of which two-thirds published in. Kiev. At the end of 2014, the number of the foreigners who have work permits in Ukraine and still were employed in Ukraine was 5.0 thousand persons (including those who have received their permits in the previous period),

the most of them were citizens of Russia (almost 1.0 thousand persons), Turkey (494 persons), Poland (328 persons), Germany (239 persons), France (226 people).

The vast majority of labor immigrants (98%) were employed. Most of them were men (80%) aged 28 years and older.

The most foreigners took office positions (their share varied from 75.7% in 2013 to 89.7% in 2014), the rest – were workers (24.3% - 10.3%).

As regards economic activity, the most numerous group of foreigners in 2014 were processing industry employees - 1.1 thousand persons (22%), wholesale and retail trade and repair employees - 1.1 thousand persons (21%), construction employees (468 persons) and real estate employees (440 persons) (per 9% respectively).

The most part of foreign nationals held positions of managers, professionals and officers, particularly at the end of 2014, in the wholesale and retail trade, repair and manufacturing industry - almost half of the total number of foreign employees were employed in these positions. Workers were employed mostly in construction (one-third of them), and in the processing industry (one in four).

Work permits

According to the Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI (the Law No. 5067) the enterprises, institutions and organizations are eligible for the employment of foreigners and stateless persons in Ukraine on the basis of a permit to be issued by the territorial bodies of the central government body that implements the state policy in the field of employment and labor migration. The permit is issued for a period not more than one year unless other is provided in international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine. The work permit allows employers to employ a foreigner or a stateless person and is provided under the condition that Ukraine (region) has no skilled workers who are able to perform the defined type of work, or if there is a sufficient grounds to use of their work, unless otherwise provided by international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

The permit may be issued also for use of labor:

- the foreigners sent by a foreign employer to Ukraine to perform a particular scope of works (services) pursuant to the contracts signed between domestic and foreign business entities, provided that the percentage of qualified foreigners, involved under the contract does not exceed a half of the total staff employed under contract;
- the foreigners that according to the schedule of specific commitments in services sector of the Protocol on Ukraine's accession to the WTO (Article II of the General Agreement on Trade in Services) belong to the category of "intra corporal cessionary";
- the persons in respect of which the decision to process documents for granting refugee status has been taken.

The following categories of foreigners may be employed without the permit referred to in this article:

- the foreigners, who are permanent residents of Ukraine;
- the foreigners, who have acquired the refugee status in accordance with the legislation of Ukraine or received permission to immigrate to Ukraine;
- the foreigners recognized as persons needing additional protection, or those whom temporary protection was granted in Ukraine;
- representatives of foreign marine (river) fleet and airlines servicing such companies in Ukraine;
- staff of the foreign media accredited to work in Ukraine;
- professional sportsmen, actors and artists to work in Ukraine under their profession;
- emergency service staff employed to do urgent works;
- staff of foreign representative offices registered in Ukrainian territory in accordance with the procedure established in Ukrainian law;
- the foreign clergy men that are foreigners and reside temporary in Ukraine at invitation of religious organizations to carry out canonic activity only in such organizations with official approval of such activity by the body that has registered the statute of the appropriate religious organization;
- the foreigners that arrived to Ukraine to participate in implementation of international technical assistance projects;
- the foreigners, that arrived to Ukraine to carry out lecturing and/or scientific activities in higher educational institutions and at their invitation.

The Resolution on the Procedure for issuance, extension and revocation of the permit for the employment of foreigners and stateless persons was approved by the Resolution of Cabinet of Ministers of Ukraine dated 27.05.2013 No. 437 (the Procedure).

The regional offices of the State Employment Service in the Autonomous Republic of Crimea, cities Kyiv and Sevastopol issue permits to employers (local companies, institutions, organizations) for temporary employment of foreigners and stateless persons in certain positions.

As for the validity period of the permit, the article 42 of the Law No. 5067 and the Procedure stipulates that the work permit employment for foreigners and stateless persons is valid for one year with the right to continue its validity for one year without limitation on the number of times of the prolongation.

However the foreigners that according to the schedule of specific commitments in services sector of the Protocol on Ukraine's accession to the WTO (Article II of the General Agreement on Trade in Services) belong to the category of “intra corporal cessionary” get their permissions for three years and they may be extended for two years unlimited number of times.

The Order of the Ministry of Internal Affairs of Ukraine dated 07.15.2013 No. 681 “On Approval of the temporary procedure for consideration of applications for registration of the permanent residence and temporary residence permit” (registered in the Ministry of Justice of Ukraine on August 6, 2013 under

No. 1335/23867) in particular, stipulates that the right to obtain a temporary residence permit are provided to foreigners and stateless persons, who according to the law arrived in Ukraine for employment.

The temporary residence permits are valid for one year with the possibility of extension each time for one year upon an application of a foreigner or stateless person and relevant documents (para. 10 of the Procedure for drawing up, preparation and issuance of the permanent residence and temporary residence permits and technical description of their forms, approved by Cabinet Ministers of Ukraine Resolution dated March 28, 2012 No. 251), submitted to the territorial authority or subdivision of the State migration service not later than 15 days before the expiry date of the permit.

It should be noted that the requirement to the length of stay depends on immigration permit and permit for permanent residence in Ukraine only for one category of people - namely – the persons who continuously resided in Ukraine for 3 years from the date of getting their status a “victim of human trafficking”.

According to the State Migration Service of Ukraine, a temporary employment of foreigners and stateless persons who arrived in Ukraine for employment in 2013 was provided to 11,733 persons and in 2014 – to 4008 persons.

Q. The Committee also asks whether there are any restrictions to the right to engage in a gainful occupation by nationals of other States Parties and if so, on what grounds.

Response: The Ukrainian legislation does not envisages any restrictions to the right to engage in a gainful occupation by nationals of other States Parties.

Q. The Committee also asks what rules govern the employment of the family members of a foreign worker

Response: The rules governing the employment of the family members of a foreign worker are similar to the above mentioned mechanism of foreigner's employment in Ukraine.

Statistics

Year	Number of work permits issued to employers for use the labor of foreigners and stateless persons
2011	6,8
2012	5,8
2013*	5,8
2014 *	3,5

*AR of Crimea and city of Sevastopol are not included

Year	Number of refusals in issuance of the work permits
2011	370
2012	203
2013*	807
2014 *	910

*AR of Crimea and city of Sevastopol are not included

Article 18§2

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Resolution of the Cabinet of Ministers of Ukraine “Issues of issuance, prolongation, and cancellation of the permit for using labor of foreigners and stateless persons” dated 27.05.2013 No. 437;
- Resolution of the Cabinet of Ministers of Ukraine „Some issues of business activity deregulation” dated 28.01.2015 No. 42;
- Resolution of the Cabinet of Ministers of Ukraine „On Approval of the Procedure for drawing up, preparation and issuance of the permanent residence and temporary residence permits, technical description of their forms and amendment to the Resolution of the Cabinet of Ministers of Ukraine dated December 26. 2002 No. 1983” dated March 28, 2012 No.251;
- Order of the Ministry of Internal Affairs of Ukraine “On Approval of the temporary procedure for consideration of applications for registration of the permanent residence and temporary residence permit” dated 07.15.2013 No. 681 (registered in the Ministry of Justice of Ukraine on August 6, 2013 under No. 1335/23867)

Measures for application of legal regulations

Waiting times

Q.1 The Committee asks how long it takes on average to deliver residence and work permits for foreign workers and whether there are any fees payable by the foreign worker him/herself for work permit.

Response: The procedure for issuance, prolongation, and cancellation of the permit for use of labor of foreigners and stateless persons” dated 27.05.2013 No. 437 (the Procedure), has simplified the procedure for getting the permit by employers as compared with the earlier Procedure described in the previous Report.

In particular as compared with the previous Procedure the number of required documents was reduced from 15 to 7, and the term of the documents consideration by the State Employment Service was decreased from 30 to 15 days. At the same time, the number of documents required to prolong the permit validity was reduced to 3 documents.

The fee for the work permit for foreigners and stateless persons is four minimum wages, which is paid to the budget of the Fund of obligatory state social insurance of Ukraine against unemployment. The official fee for the work permit is paid by the applicant employer. If the employer does not pay the fee within 10

days from received decision on granting the permit, the decision is automatically canceled.

In 2014, the minimum wage was 1218 UAH, and appropriately, the fee for the work permit amounted to 4872 UAH. That is about US\$250.

The fee for a permit for employment of foreigners and stateless persons is not paid for:

- persons in respect of which the decision to process documents for resolving the issue of granting the status of refugee or a person that need additional protection was taken;
- persons who have submitted documents for the extension of the work permit.

The Resolution of the Cabinet of Ministers of Ukraine dated 28.01.2015 No. 42 „Some issues of business activity deregulation” amended the Procedure for issuance, prolongation, and cancellation of the work permit for foreigners and stateless persons.

Thus, according to the amendments, the territorial body of the State Employment Service shall take a decision regarding issuance of the work permits for foreigners or stateless persons within 7 working days from the date of documents registration.

Article 18§3

General legal framework

- Constitution of Ukraine dated 28.06.1996 No. 254к/96-BP;
- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On the legal Status of Foreigners and Stateless Persons” dated 22.09.2011 No. 3773-VI;
- Law of Ukraine “On State Registration of Individual Entrepreneurs and Legal Persons” dated 15.05.2003 No. 755-IV;
- Civil Code of Ukraine dated 16.01.2003 No. 435- IV

Measures for application of legal regulations

In accordance with the Article 26 of the Constitution of Ukraine, legally resided in Ukraine have the same rights and freedoms as well as responsibilities as Ukrainian citizens except for situations provided in the Constitution, laws and international treaties of.

Access to the national labour market

Q. The Committee asks what are the rules governing self-employment of foreign workers.

Response: In accordance with the Article 50 of the Civil Code of Ukraine the right to carry out business activity not prohibited by law is provided to any person with full civil capacity. Restrictions of individual's right to carry out business activity may be established by the Constitution of Ukraine or the law. An individual may exercise his/her right to do own business provided that the business is registered by state in accordance with the procedure prescribed by law.

Any foreigner, who legally resides in Ukraine, has the right to do own business under the same conditions as any national of Ukraine.

The Law of Ukraine “On state registration of individual entrepreneurs and legal entities” provides the right to persons who have citizenship of another country than Ukraine, to register themselves as individual entrepreneurs. In this case, the income of the individual entrepreneurs will be taxed in accordance with the rules established by the Tax Code for residents of Ukraine.

According to information from the State Fiscal Service of Ukraine, in 2011 there were registered 17.3 thousand individual entrepreneurs who have citizenship of another country than Ukraine, in 2012 - 17.6 thousand, in 2013 - 18.1 thousand, in 2014 - 17.5 thousand entrepreneurs.

The Rules for taxation of income from activities in the territory of other Member Parties are established on the basis of the Double Taxation of Income and Property Avoidance Agreements.

As of 12.01.2015 Ukraine signed international treaties on double taxation avoidance with 69 countries.

Exercise of the right of employment / Consequences of job loss

Q. The Committee asks whether the residence permit will be withdrawn if its holder loses his or her job while such permit is still valid.

Response: Pursuant to the para. 25 of the above Procedure, the work permit shall be canceled in the event of appropriate employment contract termination with a foreigner or a stateless person. A territorial body of the State Employment Service shall notify on cancellation of the work permit the territorial body or subdivision of the State Migration Service and the State Border Service within three working days.

According to the para. 29 of the Procedure, the employer shall notify in writing the territorial authority that issued the work permit of termination of the employment contract with a foreigner or a stateless person within three working days from the date of the termination.

A temporary residence permit shall be canceled by the territorial body or the subdivision of the State Migration Service that issued it, in particular in the case of the release of the foreigner and stateless persons from the position (Resolution of the Cabinet of Ministers of Ukraine dated 28.03.2012 No. 251).

Article 18§4

General legal framework

- Constitution of Ukraine dated 28.06.1996 No. 254к/96-BP;
- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI

Measures for application of legal regulations

Q. The Committee notes from the report that a citizen of Ukraine may not be restricted the entry to Ukraine. Everyone lawfully staying in the territory is guaranteed the freedom of movement, free choice of the place of residence and the right to leave the territory of Ukraine. Nationals of Ukraine have the right to engage in labour activities abroad unless such activities are in conflict with existing laws of Ukraine. The Committee asks for more details regarding these laws.

Response. The information provided under this paragraph in the previous report is still relevant. In accordance with the Article 10 of the Law No. 5067, citizens of Ukraine have the right to engage in labor activity abroad, if the activity is not prohibited by the legislation of Ukraine and the host state.

The rights of citizens of Ukraine who are employed abroad are protected by laws of Ukraine and the host state, unless otherwise provided by international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

According to the report on the number and profiles of the citizens of Ukraine who are temporarily working abroad (formed on the basis of data from business entities: commercial bureaus, agencies and other organizations carrying out their activities related to employment of citizens of Ukraine abroad and having appropriate license) in 2014 there were 78.0 thousand citizens of Ukraine temporarily employed in the territory of foreign countries, in 2014 the number was 75.8 thousand. persons. In 2013-2014 the greatest flows of labor migration were to Cyprus, Great Britain, Germany, Greece, Marshall Islands, Poland, Netherlands, USA, Panama, and Liberia.

It should be noted that in 2014, as compared with 2013, there was nearly 8 times increase in the number of migrant workers who migrated to work in Turkey (201 persons in 2013, and 1.6 thousand persons in 2014). Almost all migrant workers signed contracts with foreign employers for the period less than 1 year, of them 75% - for the period less then 6 months.

As regards their economic activities, 90% of labor migrants from Ukraine worked in transport and communications (mainly in maritime activities of passenger and freight transport) and in temporary accommodation industry as well as in food services (4.2%) and in construction (2.5%).

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

General legal framework

- Law of Ukraine “On Employment of the Population” dated 05.07.2012 No. 5067-VI;
- Law of Ukraine “On Principles of Prevention and Combating Discrimination in Ukraine” dated 06.09.2012 No. 5207-VI;
- Resolution of Ministers of Ukraine “On Approval of the State Program to Ensure Equal Rights and Opportunities for Women and Men for the period till 2016” dated September 26, 2013 No. 717

Measures for application of legal regulations

In addition to the information on non-discrimination in the employment sphere that was provided in regard to the Article 1 (para. 2), it should be noted the following.

In accordance with the Article 24-1 “Advertising employment services” of the Law of Ukraine “On Advertising”, it is prohibited to prescribe (in jobs (employment) advertisements) the age of the candidates, to offer the job only to women or only to men, except for some specific jobs that can be performed only by persons of a particular sex, or make demands that prefer female or male employees, or to require persons employed to providing information on personal life.

Position of women in employment and training

Q. The Committee requests the next report to provide detailed information on the position of women in employment and training.

Response: According to statistical population (households) surveys carried out in 2010-2014, the number of employed population aged 15-70 years among women decreased by 1246.7 thousand. persons, among men - by 946 thousand persons appropriately, the employment rate among women during this period decreased by 2.5 percentage points and amounted in 2014, 51.9%; the appropriate rate for men decreased by 1.3 percent and amounted 61.8 %. Within the specified age group in 2014 women were 48.2 percent and men - 51.8 percent of the total number of employed persons.

For the reference period the number of unemployed population aged 15-70 years decreased by 19.8 thousand persons for women and increased by 81.8 thousand persons for men. In 2014 the unemployment rate among men and women

increased respectively by 0.7 and 1.5 percentage points and amounted 7.5 and 10.8 percent respectively.

In general, the percentage of women in the economically active population aged 15-70 years decreased from 48.5 % in 2010 to 47.3 % in 2014, the percentage of men, in contrast, increased from 51.5 % to 52.7 % respectively. The economic activity level for women in the mentioned period decreased by 2.3 percentage points, and for men - by 0.3 percent and amounted to (in 2014) 56.1 and 69.3 percent respectively.

In order to ensure observance of human rights in the field of vocational guidance and training for registered unemployed, including gender equality, the State Employment Service when developing regulations submits them for examination for compliance with the provisions of the European Convention on Human Rights and practice of the European Court of human rights.

In order to implement the state policy on equal constitutional rights, to overcome gender stereotypes, and to strengthen social protection of unemployed persons, the State Employment Service implements targeted activities to form adequate world view among both men and women.

Persons are involved in various programs of active engagement to employment; they get vocational guidance services and are directed to obtain training in order to acquire a new profession.

The purpose of these activities is to improve the legal culture and awareness of men and women to promote and protect their rights and the rights of their children in employment, to reduce pressure from employers. All employment centers have information sectors where there are materials on legal support of women and men in the field of employment; regarding opportunities of professional realization, opening own business, etc.

All local employment programs contain activities aimed to support women in the labor market. Their goal is to help women in professional self-determination and adaptation to the labor market, to assist in acquiring professional competence and in professional self realization.

There are conducted special seminars and meetings with lawyers, HR personnel, psychologists, teachers, as well as with successful women-entrepreneurs, etc.

Statistics

Employment of women through the State Employment Service

Year	Number of unemployed women having received services from the State Employment Service (SES), thousand persons	Of them got employment, thousand persons
2011	949,9	353,3
2012	940,0	362,6

Year	Number of registered unemployed women having received services from the State Employment Service (SES), thousand persons	Of them having got employment, thousand persons	<u><i>For information</i></u> Number of women having got employment but not registered as unemployed, thousand persons
2013*	760,0	240,4	122,7
2014*	761,8	227,3	115,9

Provision of vocational guidance services to women by the State Employment Service

Year	Number of persons whom the vocational guidance services were provided
2011	889,8
2012	885,8
2013*	721,9
2014 *	728,0

*(the AR of Crimea and city of Sevastopol are not included)
for 2011-2012 – unemployed citizens, for 2013-2014 – registered unemployed citizens

Number of unemployed women having received vocational training services

Year	Number of women having received vocational training services
2011	108,8
2012	112,5
2013*	97,7
2014 *	91,5

*(the AR of Crimea and city of Sevastopol are not included)

On September 26, 2013 the Cabinet of Ministers of Ukraine approved the State Program to Ensure Equal Rights and Opportunities for Women and Men for the period till 2016 (the Program) The goal of the Program is to implement gender equality approaches in all spheres of social life activities.

One of the Program's objectives is to establish conditions for realization of women's capacity in the professional sphere, to reduce the gender gap in wages between women and men. The emphasis is placed on employers to promote empowerment of employees with family responsibilities to combine successfully their professional work and family.

At the legislation level there was resolved issues how to include provisions ensuring equal rights and opportunities for women and men to the general, sectoral and regional agreements and collective agreements in the case of collective-contractual regulation of social and labor relations.

Ministry of Social Policy is the beneficiary of the project "Back to work: re-integration of parents to professional life after the maternity/parental leave" implemented by the All- Ukrainian NGO "League of Social Workers of Ukraine" under financial support from EU.

As a part of the project a model for re-integration of parents to professional life after the maternity/parental leave was developed. The elements of the model are delivery of opportunities to young mothers to get free training, retraining or training; encouraging employers (through subsidies) to hire the women after maternity leave who can not find a job through the employment service; strengthening employers' responsibility for discrimination in employment; ensuring possibility to use one of the three years of the leave at any time until the child reaches 8 years of age, for example, in the first year of elementary school; ensuring possibility of remote work for mothers who are on maternity leave.

Testing of the reintegration model was started at pilot enterprises.

There are plans to implement the model at the national level and to promote its use by enterprises of all forms of ownership as the standard of corporate social responsibility.

To respond to complaints and appeals in gender discrimination cases, an advisory body - the Expert Council for consideration of the facts of discrimination - was established at the Ministry of Social Policy, it was adopted Regulation on the Expert Council (MOSP's order dated 18.12.2012 No.# 768) and the Procedure for consideration of addresses to the Expert Committee.

The tasks of the Expert Council are as follows:

- to consider addresses on the facts of gender discrimination from the government bodies, local authorities, non-governmental organizations and individuals to provide expert opinion and take appropriate actions;
- to consider of issues of ensuring equal rights and opportunities for women and men in Ukraine;
- to prepare recommendations to central and local government bodies, local authorities, enterprises, institutions and organizations of all forms of ownership, public associations, organizations and other entities to eliminate violations related to gender discrimination;
- to prepare proposals for amendments to legislative acts for the purpose of compliance with the principle of equal rights and opportunities for women and men to prevent all forms of gender discrimination.

The Expert Council includes specialists and experts on gender issues, officials of central and local government bodies and local authorities, international experts, representatives of NGOs (10 of 23 members of the Expert Council are gender experts from among the representatives of international organizations and NGOs).

The main theme of requests to the Advisory Board is advertising that imposes or promotes negative stereotypes about social and gender roles of women and men.

In 2010-2013 the Expert Council received 26 requests for expert evaluation of the presence of discrimination, where 33 violations were recorded. Analysis shows that most complaints are related to advertisements promoting negative stereotypes about social and gender roles of women and men.

Upon confirmation of gender discrimination facts, advertising was from 17 objects, the State Inspectorate for Consumer Protection applied to the advertisers penalties under the legislation on advertising.

In 2014, to the Advisory Board received three addresses regarding the gender discrimination in the advertising production.

Q. The Committee asks whether the Commissioner for Human Rights may award compensation or whether it is the courts. It also asks whether a victim may take his/her case before the courts in addition to or alternatively to the Commissioner. It asks what is the procedure for taking a sex discrimination case before the courts, and whether there is a shift in the burden of proof. It further asks for information on the number of sex discrimination cases brought before the Human Rights Commissioner and the courts.

Response: In accordance with the Article 124 of the Constitution of Ukraine justice in Ukraine is administered exclusively by the courts. Delegation of court functions as well as their assuming by other agencies or officials are not allowed.

According to the first paragraph of Article 3 of the Civil Procedure Code of Ukraine (CPCU), each person is entitled to apply to the court to protect their violated, unrecognized or disputed rights, freedoms and interests in the way prescribed by the Code.

In accordance with the Article 14 Of the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine" every person who believes that she/he is a victim of sexual discrimination or became an object of sexual harassment has the right to submit a complaint to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine and/ or to court.

In accordance with the Article 118 of the Civil Code of Ukraine (CCoU) the claim shall be filed through submitting a statement of claim to the trial court in accordance with the requirements to its form and content provided in the article 119 of CCoU.

The judge can open a proceeding in a civil case only on the basis of the application submitted and formalized in the way prescribed by this Code (Article 122 CCoU).

In accordance with the Article 60 Of the Civil Code of Ukraine for cases of discrimination the claimant must provide evidences proving that discrimination took place. If such evidences are provided, proving their absence relies on the defendant.

In accordance with the Article 16 of CCoU liquidated material and moral (non-material) damages are included into list of civil rights protection methods that are used by the court.

There is no special procedure for filing complaints to the Commissioner for Human Rights for discrimination in employment related cases. The applications are considered in accordance with the general procedure provided in the Law of Ukraine "On citizens' addresses". In accordance with the Article 17 of the Law of Ukraine "On the Verkhovna Rada of Ukraine Commissioner for Human Rights" address to the Commissioner shall be submitted in writing within the year after the violations of the rights and freedoms of man and citizen are revealed. In exceptional cases, this period may be extended by the Commissioner, but no more than to two years.

According to information provided by the Secretariat of the Verkhovna Rada of Ukraine, in 2011-2014 there were a series of reports on violation of equal rights and freedoms irrespective of sex sent to the Commissioner: in 2011 - 11 reports; in 2012 - 39 reports; in 2013 - 37, 2014 – 6 reports. However, it should be noted that the Classifier of the issues raised does not envisage detailization of the paragraph "Violation of equal rights and freedoms irrespective of sex", including the gender discrimination in labor sphere.

In accordance with the Article 13 of the above Law it is established that the Commissioner for Human Rights has the right to file (in person or through his/her representative) cases to court to protect the rights and freedoms of persons who, because of their physical condition, young age, old age, disability or restricted abilities are unable to protect their rights and freedoms for themselves or participate in court proceedings, opened on the basis of their claims (applications, petitions).

It should be noted that in 2011-2014 the Commissioner did not apply to court for gender discrimination cases related to employment because of the absence of grounds.

The current legislation does not provide possibility for the Commissioner for Human Rights to use a mechanism of awarding compensation to the victim of gender discrimination related to employment. Accordingly, only a court decision may establish an obligation to pay compensation to victims of discrimination.

Article 24 – Right of workers to protection in cases of termination of employment

General legal framework

There were no changes in the national legislation within the reporting period. The list of legal acts provided in the previous report under the thematic group “Employment, training and equal opportunities” is still valid

Measures for application of legal regulations

Q. The Committee asks whether any categories of workers can be excluded from protection against dismissal.

Response: The Labor Code of Ukraine (LCoU) contains an exhaustive list of grounds for termination of the employment contract at the initiative of the employer.

In accordance with the Article 26 of the Labor Code an employment contract may include an agreement based probation period to verify that the employee can do the intended work. The condition of the probation period shall be included in the order (resolution) of hiring.

During the probation period workers are protected in accordance with the labor legislation.

Duration of the probation period shall not exceed three months, or in some cases, in consultation with the appropriate elected body of primary trade union organization - six months unless otherwise provided by law Ukraine.

If during the probation period mismatch is revealed between the employee and his/her intended work, the owner or his/her authorized authority within this period may terminate the employment contract. Termination of employment contract on the above grounds may be challenged by the employee in accordance with the procedure established for consideration of labor disputes regarding dismissal.

The dismissal, even on the basis of the probation period must be reasoned. That is, if during the probation period the employer determines that the worker skills do not correspond to the position he/she was hired, he/she may fire the employee as having failed the probation period.

According to paragraph 6 of the part 1 of Article 41 of the Labor Code, termination of powers of officials is one of grounds for termination of employment contract at the employer's initiative.

The said provision of the Labor Code is aimed primarily at dismissals by the employer of officials at management positions of business partnerships, aimed, in particular to improve the investment climate in Ukraine.

The dismissal on this ground requires from the employer to pay the employee a dismissal pay in the amount of at least six months average earnings.

The groundless dismissal of other categories of employees is not envisaged by the LCoU.

Obligation to provide a valid reason for termination of employment

Q. The Committee wishes to know the national courts' interpretation of the law and their leading decisions and judgments as regards the extent to which reasons are regarded in practice as justifying dismissal. It asks whether the courts have the competence to review a dismissal case on its facts and not only on points of law.

Response: In accordance with the Article 232 of LCoU labor disputes on restoring workers employment irrespective of grounds for termination, modification date and the wording of the reasons for dismissal, pay during the forced absence, or performance of lower paid work are considered immediately by the courts on the basis of applications from laid-off workers

When deciding disputes related to illegal dismissal of employees, the courts are guided by the resolution of the Supreme Court of Ukraine "On the practice of labor disputes consideration by courts" dated 11/06/92 # 9

According to paragraph 18 of the said resolution, when considering cases on employees' reinstatement the courts have to find out reasons for dismissal in accordance with the dismissal order (resolution) and to verify their compliance with the law. The court has no right to recognize the dismissal as correct based on circumstances that the owner or authorized body do not link with the dismissal. If the circumstances used as a ground for dismissal have incorrect legal qualification in the dismissal order (resolution), the court may amend causes of dismissal and bring it into compliance with current labor laws.

In the event that an employee was dismissed without legal grounds or in violation of the established procedure but his/her reinstatement is impossible because of liquidation of the enterprise, institution, or organization, the court shall recognize the dismissal wrong and require the liquidation commission or the owner (the authority empowered to manage assets of the liquidated company, institution, organization, and where appropriate - the successor) to pay this employee his/her wages for the period of forced absence. At the same time the court shall determine the employee dismissed in accordance with the clause 1 of Article 40 of LCoU in connection with the liquidation of the company, institution, or organization.

According to the first paragraph of Article 11 of the Civil Procedure Code the court shall hear civil cases only upon address from individuals or legal entities, submitted pursuant to this Code, within the stated requirements and based on the evidences provided by the parties and other persons involved in the case. A person who is involved in the case may use his/her rights on the subject of the dispute on his/her own. This right is provided also to persons (except for those who do not have civil procedural capacity) who benefit from the claimed requirements.

The Labor Code does not contain provisions providing the employer with right to dismiss an employee on the grounds of reaching the retirement age.

Prohibited dismissals

In accordance with the Article 2(1) of the Labor Code, Ukraine provides equal employment rights for all citizens irrespective of their origin, social status, race,

nationality, sex, language, political opinion, religion, occupation, place of residence and other circumstances.

Moreover the Labor Code of Ukraine contains an exhaustive list of grounds for dismissal.

The dismissal of the employee at the employer's initiative on the grounds not envisaged by labor laws is a violation of employee's rights guaranteed by the Constitution of Ukraine.

The employers found guilty in violated labor legislation, are responsible in accordance with the current law.

In case of failure to attend work for more than four consecutive months due to temporary disability, not taking into account the leave on pregnancy and childbirth, the employer may dismiss the employee in accordance with the paragraph 5 of Article 40 of the Labor Code.

The presence at work for at least one day interrupts that period. And new four months period shall be calculated again. There is such court practice in Ukraine that allows dismissal on the basis of item. 5, Art. 40 LCoU only if the owner has production need for the release.

The employees who have lost their work capacity due to job injury or occupational disease can not be dismissed under the clause 5, Art. 40 of LCoU.

Remedies and sanctions

In accordance with the Article 11 of the Code of Administrative Court Procedure of Ukraine, consideration and resolution of cases in administrative courts are made on the adversarial principle competition and freedom to provide evidences to the court and to prove their credibility.

Every person who asked for judicial protection manages their requirements at their discretion, except for cases established by this Code. The right is provided also to persons in whose interests the administrative action was filed, except for those who have no administrative procedural capacity.

According to Article 10 of the Civil Procedure Code of Ukraine, civil proceedings shall be based on the adversarial principle.

The parties and other persons involved in the case have equal rights in submitting evidences, their consideration, and proving their credibility in the court.

Each party has to prove the circumstances to which it refers as the basis of their claims or objections, except for cases established by this Code.

In accordance with the Article 9 International Labor Organization Convention No. 158 "On termination of the employment at the initiative of the employer" (1982) (Ratified on 15.05.1994) the burden of proving the presence of legitimate grounds for dismissal rests on the employer. Provisions of the Civil Code of Ukraine and the Code of Administrative Procedure of Ukraine stipulates that if an international treaty ratified by the Verkhovna Rada of Ukraine, provides other rules than those established by the codes, rules of international treaty shall govern.

The compensation of other financial expenses is not subject of regulation by the Labor Code of Ukraine.

Additional information (Conclusions 2014)

Article 2 – All workers have the right to just conditions of work Article 2§7

The information provided in the previous report (2013) is still valid:

Measures for application of legal regulations. Responses to the additional questions of the European Committee of Social Rights

1. The Committee asks whether it is possible for night workers to be transferred to day work.

Response: During shift work, which includes night work, employees shall change shifts evenly in the manner prescribed by internal labour regulations. The transition from one shift to another, in general, shall be performed in each workweek in hours specified in the shift schedule. That is, under the shift schedule the employees shall work in both night and day shifts.

The shift schedules (work schedules) shall be approved by the employer in consultation with the trade union of the enterprise.

2. The Committee also asks whether there is regular consultation with workers' representatives on the use of night work, the conditions in which it is performed and measures taken to reconcile workers' needs and the special nature of night work.

Response: National legislation does not envisage definition of a separate category of employees as those that work at night.

At the same time it should be noted that in 2015 the Government of Ukraine adopted the Action Plan for the implementation of the European Social Charter (revised) for the period 2015-2019. It is foreseen to prepare for ratification the Night Work Convention No. 171.

Article 5 – The right to organise

Fee for state registration of employers' organizations

According to the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations” (entered into force on 1 January 2016) an administrative fee is charged for the state registration in the amount of 0.06 minimum wage for state registration of political party symbols, employers' organizations, associations of employers (Article 36).

Article 26 – The right to dignity at work

§§ 1-2

The information provided in the previous report (2013) is still valid.

At the same time it should be noted that the Parliament adopted the draft Labour Code in the first reading on 5 November 2015. It is now being prepared for the second reading in the Parliament. The draft Labour Code provides provisions concerning the protection of dignity at work.

The updated information will be submitted in the next report.

Article 28 – The right of workers' representative to protection in the undertaking and facilities to be accorded to the undertaking

The information provided in the previous report (2013) is still valid.

At the same time it should be noted that the Parliament adopted the draft Labour Code in the first reading on 5 November 2015. The ILO experts submitted some comments to the abovementioned draft law in April 2016

The updated information will be provided in the next report.