January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

UKRAINE

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Ukraine on 21 December 2006. The time limit for submitting the 15th report on the application of this treaty to the Council of Europe was 31 December 2024 and Ukraine submitted it on 13 March 2025. On 9 July 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 2§1, 3§1, 3§3, 5, 6§1, 6§2. The Government did not submit a reply.

The Committee notes the particular challenges faced by Ukraine as a result of the Russian war of aggression. The Committee recalls that in its statement on the crisis caused by the Russian Federation's military aggression against Ukraine on 24 March 2022, it stated that military aggression against another State Party is per se inconsistent with the spirit and purposes of the European Social Charter and with all the specific commitments undertaken by the States Parties under Part II of the Charter. The Committee recalls further that the current crisis caused by the Russian Federation's military aggression against Ukraine should not have as a consequence the reduction of the protection of the rights recognised by the Charter, both within Ukraine and beyond its borders, and that the States Parties to the Charter are bound to take all necessary steps to ensure that Charter rights are effectively guaranteed at all times, including, where necessary, through international assistance and cooperation.

The present chapter on Ukraine concerns 10 situations and contains:

– 1 conclusion of conformity: Article 2§1

– 9 conclusions of non-conformity: Articles 3§1, 3§2, 3§3, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Ukraine will be due on 31 December 2026.

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[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In reply, the report states that, according to the Ukrainian legislation, no occupation has regular working hours that exceed 60 hours per week. In case of unlawful involvement in overtime, out-of-court or judicial procedure comes into play. In the gig economy, 40 weekly working hours are previewed but the parties can agree on irregular hours if it is not possible to determine exact hours; a gig contract entitles the worker to plan their working time independently; work performance requires an increased level of initiative of a worker, which includes periodic overtime.

The report further states that after the start of Russia's full-scale aggression against Ukraine on 24 February 2022, a legal martial regime came into force and the Law on the Organisation of Labour Relations under Martial Law was adopted. It applies to civil servants, representatives of local governments, workers of enterprises, institutions and organisations in Ukraine and persons under an employment contract concluded with individuals. Regular working hours may be increased up to 60 per week for workers employed at critical infrastructure facilities (defence sector, population life support). However, for workers who have reduced working hours, maximum weekly working hours cannot exceed 40.

In its comments, the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) confirms this information and provides some information on labour dispute resolution procedures.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time). The Committee notes that 60 weekly working hours can be worked in Ukraine for workers employed at critical infrastructure facilities. This satisfies the conditions of the specific functions in certain sectors and in exceptional circumstances.

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

In reply, the report states that the working time and rest periods for maritime workers and inland waterways craft are governed by the Order No. 135 "On approval of regulations on working hours and rest periods for ship personnel of sea and river transport of Ukraine" of 20

February 2012, adopted following the Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Worker's Unions in the European Union (FST) – Annex: European Agreement on the organisation of working time of seafarers and Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports. The Order No. 135 establishes a five-day, 40-hour working week with Saturday and Sunday off. The working day is eight hours, on the eve of holidays and non-working days – seven hours. It is possible to establish work shifts lasting more than eight hours but not exceeding 12 hours per day. In river transport with 24/7 operations, each crew member's working hours should not exceed 12 per day. Overtime should not exceed 120 hours per year.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that on-call (active or passive) periods are not equivalent to rest periods. Letter of the Ministry of Labour and Social Policy No. 89/13/116-10 on on-call duty at enterprises and institution determines that the procedure of on-call should be provided for by the collective agreement. The Industry Agreement between the Ministry of Fuel and Energy and the Trade Union of Energy and Electrical Industry Workers mandates the organisation of on-call duty at home for managers, specialists and drivers and specifies that time spent on-call at home is compensated at a rate of ¼ of an hour of standard working time for each hour on-call. For home-based on-call duty, another day of rest is granted within one month from the date of on-call duty.

The report further states that Order No. 176 of 1 March 2017 on approval of instructions on the procedure and conditions for organising on-call duty of employees of the expert service of the Ministry of Internal Affairs provides that, if employees are on duty, a cumulative accounting of working hours is implemented with either a monthly or quarterly reference period. On-call duty at home is counted as working hours at a rate of one hour for each on-call duty for 0.25 working hour. After 24/7 home-based on-call duty, another day of rest is granted within one month from the date of the duty. If the worker is called while on duty, time taken to arrive at the institution is counted as part of working hours.

The report further states that on-call duty of healthcare workers is regulated separately. When the physician is involved in on-call duty at home, these hours are counted as half an hour for each hour of on-call duty. If there is no call to the institution, patient's home or the scene of an accident, the hours of on-call duty are compensated at 50% of hourly rate based on the official salary.

The report states that for a domestic worker, waiting periods are compensated by not less than the minimum wage established by law.

The report further provides some information on the right to disconnect.

In its comments, the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) states that the concept of on-call duty is not defined in the Labour Code and that the engagement of workers for on-call duty is regulated by the Resolution No. 1545 of 1954. On-

call duty refers to the exceptional assignment of a worker to duties not specified in their employment contract, which require them to remain at a workplace designated by the employer for the purposes of responding to urgent matters unrelated to their official responsibilities, as well as for the transfer of information. The duration of on-call duty may not exceed the normal working time. If on-call duty is assigned on a day off, the worker is entitled to compensation in the form of another day off. For specific categories of workers, legal and regulatory acts provide for inactive on-call periods, including workers of the Expert Service of the Ministry of Internal Affairs, healthcare institutions, social protection establishments, the Joint Stock Company "Ukrainian Railways", and domestic workers. For workers of Expert Service of the Ministry of Internal Affairs, on-call duty is divided into: on-call duty at the workplace and on-call duty at home. On-call duty at home is only allowed with the written consent of the worker. Home on-call duty is counted as working time at the rate of one hour of on-call=0.25 hours of working time. After a 24-hour on-call duty at home, the worker is granted another day off within one month from the date of the on-call duty. During the monitoring process, the Head of the Expert Service reported that on-call duty at home was not practised.

The Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) further states that doctors and healthcare professionals may be assigned to on-call duty at home if involved in providing medical care, including emergency care. Such on-call duty is counted at the rate of 0.5 hours for each hour of duty and is paid accordingly.

The Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) states that for railway workers, on-call duty at home with constant availability via communication channels is organised to ensure emergency repairs when necessary. Time spend on home on-call is tracked separately: one hour of on-call is remunerated as if the person has worked for 0.25 hours, which is paid based on the worker's official salary.

The Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) states that an employment contract with a domestic worker may include waiting periods, which are counted as working time during which the worker cannot freely use their time due to the need to be ready to work. The conditions and amount of compensation are determined in the employment contract, but such compensation may not exceed 10% of the working time specified in the contract.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer's premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer's premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer's premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker's duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

Conclusion

The Committee concludes that the situation in Ukraine is in conformity with Article 2§1 of the Charter.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments of the Ukrainian Parliament Commissioner for Human Rights.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2021), the Committee held that the situation in Ukraine was not in conformity with Article 3§1 of the Charter on the ground that, *inter alia*, it had not been established that Ukraine had carried out activities in terms of research, knowledge and communication relating to psychosocial risks. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The report notes that Ukraine has established legislative principles for the implementation of the national policy on preventing and addressing the consequences of psychosocial risks in the workplace. The report does not contain any information on the implementation of the National Programme on the Improvement of Occupational Safety and Health and the Working Environment 2014-2018 or the adoption of a new national programme.

The report notes that the Law on Labour Protection (No. 2694-XII, dated 14 October 1992, amended on 25 April 2024), which covers all categories of workers and employers, stipulates that the employer is obliged to provide adequate working conditions and ensure the rights of workers in accordance with occupational health and safety (OHS) regulations. The employer is directly responsible for any violation of these requirements. Furthermore, Articles 153 and 158 of the Labour Code (No. No. 322-VIII, dated 10 December 1971, amended on 4 June 2024) require all enterprises, institutions, and organisations to establish safe and secure working conditions, and take measures to ensure the safety and protection of workers' physical and mental health, prevent risks and stress in the workplace. They must also provide information, training and organisational measures to prevent and counteract mobbing (harassment).

The report notes that, on 7 October 2024, the Ministry of Economy published on its website the Guidelines for Introducing Psychosocial Support in the Workplace. The Guidelines are informational and advisory. They are intended to assist employers in developing measures to effectively implement a policy and programme for psychosocial support (PSS) in the workplace. The State Labour Service has dedicated a section of its information portal to psychosocial support at work (https://www.pratsia.in.ua).

The Committee takes note of the observations of the Ukrainian Parliament Commissioner for Human Rights, including the reference to the Gradus Research survey conducted in January 2024 under the All-Ukrainian Mental Health Programme. The survey revealed increased levels of stress and anxiety among the population following the full-scale invasion of Ukraine by the Russian Federation (77% of respondents reported stress and intense nervousness and 52% reported anxiety and tension).

The gig or platform economy

The report indicates that the labour protection of gig specialists who have concluded gig contracts with Diia City residents [a special legal regime for IT companies in Ukraine - https://digitalstate.gov.ua/projects/govtech/diia-city] is governed by the Law on Promoting the Development of Digital Economy in Ukraine. Pursuant to Article 20 of this Law, a gig contract or Diia City resident's internal documents may stipulate various conditions for the performance of work (provision of services), taking into account the provisions of this Law, including the regulations governing Diia City residents regarding labour protection in workplaces (services provision) and activities performed by Diia City residents, as well as liability for any violations.

However, the report did not provide adequate information in relation to the targeted question. Therefore, the Committee concludes that the situation in Ukraine is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Telework

The report notes that Article 60(2) on teleworking was added to the Labour Code of Ukraine in 2021, under which teleworkers organise their working hours at their own discretion and are not subject to the internal working regulations unless otherwise stipulated in the employment contract. However, the total duration of working hours may not exceed the limits provided for in the Code. While workers are responsible for ensuring safe and non-harmful working conditions in the workplace, it is the employer's responsibility to ensure the safety and proper technical condition of the equipment and tools provided to the worker for the performance of telework. The employer must provide the employee with guidance on the use of the equipment and facilities supplied by the owner or their authorised representative. Such guidance can be provided remotely using information and communication technology.

The report also states that, following the start of the full-scale war, the Ministry of Education and Science issued Letter No. 1/3463-22 on 15 March 2022, which provides that employees of educational institutions (including pedagogical, scientific-pedagogical and other staff) who work remotely must inform their employer of the location of their workplace on their own initiative and are responsible for ensuring safe and non-hazardous conditions in their chosen workplace (including outside the territory of Ukraine).

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Jobs requiring intense attention or high performance

The report refers to Order of the Ministry of Health No. 1759 of 15 October 2024 on Approval of Changes to the Procedure for Conducting Preliminary, Periodic, and Extraordinary Psychiatric Examinations, Including for the Use of Psychoactive Substances, which stipulates that preliminary, periodic, and extraordinary psychiatric examinations shall be conducted for persons performing certain types of work (following the special list of persons as approved by Order of the Ministry of Health No. 139 dated 26 January 2024).

The Committee notes that the list provided in Order No. 139 contains 21 professional categories, including rescue, emergency and medical services, aviation personnel subject to medical certification, railway and subway employees responsible for traffic safety, heads and deputy heads of central executive authorities, persons working in underground and open-pit mining, high-risk workers (those working at heights, on machines or in forestry), persons servicing electrical installations, as well as medical, educational and childcare professionals.

Jobs related to stress or traumatic situations at work

The report notes that the Law on Amendments to Certain Legislative Acts of Ukraine on Countering Violations of Labour Rights, which was adopted in 2022, ensures protection from various forms of mobbing and establishes administrative responsibility for such behaviour. The amendments introduced definitions of concepts such as “mobbing (harassment)”, “economic and psychological pressure,” and “creating a tense, hostile, offensive atmosphere” into the Labour Code and the Law on Collective Contracts and Agreements (No. 2937-IX, dated 23 February 2023), supplementing labour right guarantees with legal protection from mobbing, discrimination, biased treatment, and gender-based violence in the workplace, and providing workers with the right to file a suit with the court and obtain compensation for damages.

The report notes that the topic of Psychosocial Support and First Psychological Aid in the Workplace was added to the plan and training programme on labour protection for officials in 2024 (Appendix 4 to the Order of the State Committee of Ukraine for Labour Protection Supervision “On Approval of the Standard Regulation on the Procedure for Conducting Training and Testing Knowledge on Labour Protection Issues and the List of Works with Increased Hazard”).

Furthermore, the report indicates that the Law on the Mental Health System was adopted on 15 January 2025, with the objective of implementing the ISO 45003-2021 “Occupational Health and Safety Management – Psychological health and safety at work – Guidelines for managing psychosocial risks" and aligning Ukrainian legislation with EU standards on occupational health and safety. The law aims, *inter alia*, to prevent the occurrence of mental disorders, promote well-being and development, and eliminate factors that negatively impact mental health. It also defines the concept, tasks, and types of psychosocial assistance. Under the law, the state promotes the achievement and development of psychological well-being, including by creating and executing policies to support workers’ mental health. The law also requires employers to develop and approve a psychosocial support programme for employees. The National Commission on Mental Health was established following the adoption of this law.

The report further notes that in 2024 the State Labour Service conducted several training sessions and seminars on psychosocial assistance, along with workshops focused on first aid and psychosocial support in the workplace.

Jobs affected by climate change risks

The report notes that the Law on Labour Protection (No. 2694-XII, dated 14 October 1992), and the Sanitary Standards of the Microclimate of Industrial Premises (DSN 3.3.6.042-99), approved by Resolution No. 42 of the Chief State Sanitary Doctor of Ukraine on 1 December 1999, regulate the microclimate limits in working areas of industrial premises and institutions, irrespective of their ownership type and subordination. The maximum permitted temperature in permanent workplaces where employees spend more than half of their working hours or at least two consecutive hours is 28°C. Air temperature over 37°C is considered hazardous and outdoor work is not recommended at such temperatures. The state sanitary standards specify measures aimed at normalising microclimatic conditions, including the installation of blinds or reflective films on glass surfaces, maximising natural ventilation, implementing air conditioning systems, and utilising special clothing and protective equipment.

In accordance with Section 4 (paragraph 3, subparagraph 8) of Labour Protection Rules in Agricultural Production, as approved by Order No. 1240 of the Ministry of Social Policy of Ukraine on 29 August 2018, workers are permitted to rest in the field only in specially designated areas. It is recommended that recreational areas be equipped with containers for drinking water and special awnings for sun protection. Work at temperatures above 28°C should not exceed 4-5 hours per shift, and the work schedule should be adjusted as necessary.

Persons working in a hot microclimate must undergo a preliminary and periodic medical examination as per Order No. 246 of the Ministry of Health on Approval of the Procedure for Medical Examinations of Workers of Certain Categories of 21 May 2007.

Pursuant to Article 168 of the Labour Code, workers who perform tasks outdoors or in unheated indoor spaces during the cold season (e.g. loaders), shall be provided with special breaks for heating and rest. It is the employer's responsibility to equip the premises with heating, as well as to provide warm shelter and means for changing into dry clothes. The State Labour Service offers guidance on safe practices in cold conditions directly at the workplace and regularly publishes current information on official resources to raise awareness.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers’ and workers’ organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning the gig or platform economy.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee held that the situation in the Ukraine was not in conformity with Article 3§2 of the Charter on the grounds, among others, that it had not been established that temporary workers, interim workers and workers on fixed-term contracts enjoyed the same standard of protection as workers on contracts with indefinite duration; and that self-employed workers and domestic workers were covered by occupational health and safety regulations (Conclusions 2021). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The report notes that, according to amendments to the Labour Code adopted in 2021, teleworkers must be provided with a guaranteed period of free time for rest, referred to as a “disconnection period,” under on terms set out in the teleworking agreement. During this period, the employee is entitled to interrupt all communication with the employer, and such interruption may not be considered a breach of the employment agreement or of workplace discipline.

The Ukrainian Parliament Commissioner for Human Rights notes in its comments that the provisions on the disconnection period should be read in conjunction with other provisions of the Labour Code, such as the prohibition of discrimination in employment (Article 2-1); the prohibition on employers requiring an employee to perform work not specified in the employment contract, with refusal to perform such work not constituting grounds for disciplinary action (Article 31); the exhaustive list of disciplinary measures (i.e., reprimand and dismissal) that restricts an employer’s ability to impose other penalties for lawful refusal to perform work (Article 147); and the exhaustive list of grounds for termination of employment at the employer’s initiative (Articles 40 and 41).

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report does not provide the requested information. The Commissioner for Human Rights notes in its comments that occupational health and safety regulations apply to all workers, including self-employed workers, engaged in certain types of work, such as loading and unloading work, or working with certain tools or devices.

The Committee recalls that, under Article 3§2 of the Charter, all workers, including the self-employed, must be covered by occupational health and safety regulations on the ground that employed and self-employed workers are normally exposed to the same risks (Conclusions 2003, Romania). The Committee therefore reiterates its previous conclusion that the situation in Ukraine is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that self-employed workers are protected by occupational health and safety regulations.

Teleworkers

The report notes that teleworkers are protected by occupational health and safety regulations, which require employers to provide appropriate information and training, as well as suitable work equipment, among other measures.

Domestic workers

The report notes that, according to Article 173–3 of the Labour Code, domestic workers benefit from all labour rights and guarantees available to workers in general under relevant regulations, including those concerning occupational health and safety, with due regard to the unique aspects of domestic work. The report further states that, when employing domestic workers, the parties to the employment contract are responsible for ensuring appropriate, safe, and healthy working conditions. The employer must ensure that any work equipment provided to the domestic worker is in good working order. Domestic workers may decline heavy work or work in harmful or dangerous conditions.

The Ukrainian Parliament Commissioner for Human Rights refers in its comments to the results of a 2024 survey indicating very low take-up of mechanisms provided in domestic regulations to facilitate the formalisation of domestic work. In the Commissioner's view, this demonstrates the persistence of systemic barriers to domestic workers' access to labour and social protections.

Temporary workers

The report does not provide the requested information. The Committee therefore reiterates its previous conclusion that the situation in Ukraine is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that temporary workers, interim workers and workers on fixed-term contracts are protected by occupational health and safety regulations.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that:

- self-employed workers are protected by occupational health and safety regulations;
- temporary workers, interim workers and workers on fixed-term contracts are protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2021), the Committee concluded that the situation in Ukraine was not in conformity with Article 3§3 of the Charter on the grounds that:

- measures taken to reduce the number of fatal accidents at work were not sufficient;
- it had not established that the activities of the Labour Inspectorate were effective.

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report indicates that Article 13 of the Law on Labour Protection ("Labour Protection Management and Employer's Obligations") provides that employers are obliged to provide working conditions at a workplace in accordance with the OHS regulations. The report lists the employer's obligations in the field of OHS. It also indicates that Article 153 of the Labour Code provides that all enterprises, institutions, and organisations must establish safe and healthy working conditions.

The report notes that observance of the labour protection law is subject to control and supervision at all levels through administrative, operational, and departmental mechanisms, as well as public control and monitoring by the state regulatory and supervisory bodies. These mechanisms are governed by the Code of Civil Protection, the Labour Code, the Law on Labour Protection, and other relevant regulations.

However, the report notes that, under martial law, state control and supervision measures are limited. It states that inspections are permitted in cases involving threats to human rights, legitimate interests, life and health, environmental protection, and state security. Unscheduled inspections are still authorised under specific decisions by central authorities in order to fulfil Ukraine's international obligations during martial law, or under Law No. 2136-IX, at the request of workers or trade unions to ensure compliance with labour legislation.

Domestic workers

The report states that when employing domestic workers, employers must ensure safety and the proper functioning of the equipment and means of production provided to workers for the purpose of performing their work. Domestic workers may decline heavy work, or work in conditions that are detrimental to their health and safety.

The report notes that Article 173–3 of the Labour Code stipulates that, considering the unique aspects of domestic work and working conditions, domestic workers are entitled to all labour rights and guarantees provided by Ukrainian labour legislation, including safe and healthy working conditions. In accordance with Article 173-7 of the Labour Code, an official from the State Labour Service is authorised to undertake awareness-raising activities in households regarding the most efficient methods for complying with labour legislation and to monitor compliance with it, including the registration of labour relations.

The report also indicates that, upon request of the State Labour Service, an individual may be required to provide information about the domestic work performed in their household. In instances where there are reasonable grounds to believe that a household is employing the labour of third parties, a representative from the State Labour Service may have a confidential discussion with a person performing domestic work within that household.

The Commissioner for Human Rights of the Ukrainian Parliament notes in its comments that officials of the State Labour Service may carry out educational work and send information requests to households. It notes that, in accordance with the constitutional principle of the inviolability of the home, the State Labour Service is not authorised to carry out inspections of domestic workers' working conditions without the employer's consent. It also notes that Article 173-7 of the Labour Code does not provide for the possibility of conducting state supervision measures in households.

Digital platform workers

The report does not provide the requested information on the measures taken to ensure the supervision of the implementation of health and safety regulations concerning digital platform workers. It only provides information on the labour protection for gig specialists who have concluded gig contracts with Diia City, a tech business association. The Committee concludes that the situation in Ukraine is not in conformity with Article 3§3 on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning digital platform workers.

Teleworkers

The report states that, in general, teleworkers shall be entitled to the same labour rights as other employees, provided that the specific nature of telework is specified in the employment contract. The report indicates that employers are responsible for ensuring the safety and proper technical condition of the equipment and tools provided to teleworkers for the performance of their duties. Moreover, employers are required to systematically provide teleworkers or home-based workers with information and training on health and safety issues. Such guidance may be made available remotely using information and communication technology.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and

effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

The report does not provide the requested information concerning posted workers. The Committee concludes that the situation in Ukraine is not in conformity with Article 3§3 on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning posted workers.

Workers employed through subcontracting

The report does not provide the requested information concerning workers employed through subcontracting. The Committee concludes that the situation in Ukraine is not in conformity with Article 3§3 on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning workers employed through subcontracting.

Self-employed workers

The report does not provide the requested information concerning self-employed workers. The Committee concludes that the situation in Ukraine is not in conformity with Article 3§3 on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning self-employed workers.

Workers exposed to environment-related risks such as climate change and pollution

The report provides information on the regulations applicable to conditions of work in extreme temperatures. For example, Article 168 of the Labour Code stipulates that workers performing work outdoors or in unheated enclosed spaces during the cold season, such as loaders and other categories of workers, shall be provided with special breaks for heating and rest, included in their working hours. It is the employer's legal obligation to provide adequate heating and recreational facilities for workers.

The report states that the State Labour Service has clarified that employers should provide workers with warm shelters, organise work schedules to include breaks for heating and rest, and provide facilities for changing into dry clothes. The State Labour Service offers guidance on safe practices in cold conditions directly at the workplace and regularly publishes current information on official resources to raise awareness.

In its comments, the Commissioner for Human Rights has submitted that Ukraine lacks specific regulatory acts concerning the oversight of compliance with occupational safety and hygiene for workers exposed to environmental risks, such as climate change and pollution.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and

training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 3§3 of the Charter on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning the following categories of workers:

- digital platform workers;
- posted workers;
- workers employed through subcontracting;
- self-employed workers.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

The Committee notes from the report that Law No. 2866-IV of 2005 on Ensuring Equal Rights and Opportunities for Women and Men stipulates that women and men must enjoy equal rights and opportunities in employment, promotion, professional development, and retraining, and that employers must offer equal pay for women and men with the same qualifications and working conditions (Article 17). In addition, Article 18 of this Law states that collective agreements must aim at eliminating, among other things, pay inequalities between women and men in the various sectors of the economy and within individual industries.

According to Article 94 of Ukraine’s Labour Code, the salary depends on the complexity and conditions of the work performed, the professional and commercial qualities of the worker, the results of their work, and the economic activities of the enterprise, institution, or organisation.

The report also states that, as part of implementing the Operational Action Plan for 2023–2025 of the National Strategy, gender-neutral methods for evaluating work (including criteria for determining equal work and work of equal value) have been developed.

The Committee has previously (Conclusions on Article 20, 2020) asked for clarification on the legislation on equal pay for work of equal value, as it had noted the concerns expressed by ILO-CEACR that the principle set out in Section 17 of Ukraine's Law on Ensuring Equal Rights and Opportunities for Women and Men was more restrictive than the principle of equal remuneration for work of equal value.

The Committee notes from the Observation (CEACR) 2024 on Convention No. 100, that Section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men, which requires employers to pay women and men with the same qualifications and working conditions equally, does not fully reflect in legislation the principle of equal pay for men and women for work of equal value.

The Committee also notes from the Direct Request (CEACR) 2025 that the CEACR asked the Government to clarify whether any of the collective agreements in force, including the General Agreement, explicitly provide for equal pay for men and women for work of equal value and whether the Strategy for action for the period 2021–26 provides for the inclusion in collective agreements of an explicit clause referring to the principle of equal pay for men and women for work of equal value.

The Committee notes from the comments submitted by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) that the Government is taking steps to regulate this issue in legislation, in particular in the Draft Labour Code of Ukraine (as revised in December 2024), which includes a separate Article 142 according to which pay systems must be designed in such a way as to prevent any form of discrimination. It also stipulates that pay systems should be structured so that no discrimination occurs in their application. Men and women must receive equal pay for the same or equivalent work. Point 8 of this article also proposes to define equivalent work as the performance of work which, by objective criteria, is the same as or sufficiently similar to other work that the employees can be interchanged without significant cost to the employer. *Work of equal value* means work that, according to objective criteria, requires the same qualifications and is no less significant to the employer than other comparable work.

According to the Ombudsperson, however, the proposed definitions require further clarification with regard to the criteria for assessing the value of work (e.g. skills, effort, responsibility, working conditions), and no longer to focus on the interchangeability of employees from the employer's cost perspective but on the assessment of the work itself (its scope, complexity, the responsibility involved, skills required, etc.).

The Ombudsperson underlines that an important stage should be the validation of the Methodology for Gender-Neutral Job Evaluation (criteria for defining equivalent work and work of equal value) developed with the participation of key stakeholders—namely the Government Commissioner for Gender Policy, the Ministry of Social Policy of Ukraine, the Ministry of Justice of Ukraine, the State Labour Service of Ukraine, employers' associations, trade unions, and civil society organisations working in the field of equal rights and opportunities for women and men.

The Committee further notes from the Ombudsperson's comments that Ukraine currently lacks a stable approach to monitoring compliance with the principle of equal pay for work of equal value. The existing system of state supervision does not contain an effective mechanism for identifying and analysing unjustified pay gaps between women and men, particularly in the private sector. This significantly limits the state's ability to detect and eliminate manifestations of discrimination in the field of remuneration.

As regards the case law on equal pay, the Committee observes that the report refers to the following case law of the Supreme Court:

1) Resolution of the Supreme Court of 5 June 2024 in case No. 202/5012/21 concerning discriminatory actions to increase pay to a lesser extent than those of other employees holding the same position;

2) Resolution of the Supreme Court of 11 September 2021 in case No. 465/149/19, concerning the discriminatory reduction of pay.

The Committee notes that in the first case, No. 202/5012/21, the Supreme Court applied the national provisions and explained the concept of direct and indirect discrimination, the principles of non-discriminatory calculation of the amount of remuneration, the burden of proof in cases on discrimination issues, etc. In addition, the Supreme Court referred to the principle of equal pay for equal work or work of equal value. However, the Committee notes that even if this case provides a good case law example of an effective judicial mechanism for protecting against discrimination in the area of remuneration, it does not concern discrimination on the basis of gender.

The Committee considers that, with the draft amendments to the Labour Code, the Government is making efforts to ensure that there is a more precise definition of work of equal value in the legislation. Moreover, there is Supreme Court jurisprudence concerning pay discrimination. The Committee considers that these efforts have not yet resulted in giving full legislative expression to the principle of equal remuneration for men and women for work of equal value. The situation is, therefore, not in conformity with the Charter.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the report, the rate-based remuneration system for work includes pay scales, pay rates, fixed salary schemes, occupational standards and qualification characteristics (where there are no occupational standards). The rate-based work remuneration system is used in assigning tasks based on their complexity, while in assigning employees, it is used based on skills and pay scale categories. It serves as a basis for training and wage differentiation.

Other labour remuneration systems may be introduced on the basis of collective agreements and, if such agreements have not been concluded, on the basis of an order of the owner, or an authorised body, issued after it has been approved by the elected body of the primary trade union organisation (trade union representative) and, if there is no operational primary trade union organisation, approved by freely elected and authorised worker representatives.

The report also indicates that forms and systems of labour remuneration, labour standards, rates, pay scales, fixed salary schemes, terms and conditions of allowances, surcharges,

bonuses, rewards and other incentive, compensation and guarantee payments and their amounts are set by companies in collective agreements, in accordance with the regulations and guarantees provided for by law, and framework and sectoral (territorial) agreements. If no collective agreement has been concluded within the company, institution or organisation, the employer must coordinate these matters with the elected body of the primary trade union organisation (union representative) representing the interests of the majority of workers, and, if no such body exists, with another representative body authorised by the workforce.

In addition, in Ukraine, the public and private sectors utilise the Ukraine National Classifier, known as the "Classifier of Professions", which is intended for use by the central executive authorities, local administrations, the Federation of Employers of Ukraine, and all commercial entities for the registration of jobs in workers' work records.

Certain measures have been taken to implement a structured approach to remuneration in the civil service sector. Thus, by Order No. 622-r of the Cabinet of Ministers of Ukraine, dated 27 May 2020, the concept of reforming the civil service remuneration system was approved, along with an action plan for its implementation. In accordance with the action plan, remuneration systems have been introduced on the basis of a classification of civil service positions, taking into account professional qualifications, performance, the degree of responsibility assigned, and the civil servant's personal contribution.

In addition, as part of the Public Administration Reform Strategy of Ukraine for 2022–2025, there are plans to compare salaries for typical civil service positions with salaries for positions of similar complexity and responsibility in Ukraine's private sector in order to determine a competitive level of remuneration.

On 11 March 2025, Law No. 4282 was adopted with the aim of introducing a transparent salary system for civil servants based on the classification of civil service positions, strengthening the role of the basic salary, eliminating excessive and unjustified payments, introducing an effective mechanism for optimising the staffing limits of government bodies, and implementing a rating system.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases is crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by

occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, the gender pay gap has decreased over the past decade, from 26% in 2015 to 16.7% in 2022. The Strategy to Address the Gender Pay Gap adopted in September 2023 reflects the Government's ongoing efforts to tackle the gender pay gap issue. The strategy aims to reduce the pay gap from 18.6% to 13.6% by 2030. The Strategy also envisages promoting ender audits and implementation of guidelines by employers regarding gender equality and non-discrimination in the workplace (the expected number of employers to conduct an audit in 2025 is five; by 2030, increase to 50 employers is expected); ensuring the efficacy of a system that encourages employers to adopt policies conducive to balancing professional and family responsibilities; developing a standard policy to help employees combine their professional and family responsibilities, and other measures.

In addition, special provisions are included in the Draft Labour Code of Ukraine, the adoption of which will enhance protection of women's rights, including promotion of equal pay for women and men for equal and equivalent work. The Draft Labour Code aims to establish, inter alia, the principle of equal pay for women and men for work of equal value, regulate the legal protection of working women solely through positive discrimination, which will enhance their competitiveness in the labour market.

To achieve the National Strategy's objective, the following strategic goals have been defined:

- improving the legislation on equal remuneration;
- creating favourable conditions for overcoming gender-based stereotypes and discrimination regarding professions;
- creating favourable conditions for a convenient combination of family and professional responsibilities, etc

The Committee further notes from the State Statistics Service that the gender pay gap in Ukraine amounted to 18.6% in 2023. The Committee considers that a significant progress has been achieved in reducing the gender pay gap since 2015 when the pay gap stood at 26%. The Committee also observes that the Strategy to Address the Gender Pay Gap aims to reduce the pay gap from 18.6% to 13.6% by 2030. Noting that measurable progress has been made in the years 2015-2023, the Committee considers that the situation is in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 4§3 of the Charter on the ground that the definition of work of equal value is not yet ensured in legislation or case law.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Ukraine as well as the comments submitted by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

In reply, the report provides detailed information on the right to freedom of association under the Constitution which guarantees this right of participation in political parties and public organisations to protect the rights and freedoms of their members and to satisfy their political, economic, social, cultural and other interests, with restrictions only permitted for reasons of national security, public order, health, or the rights and freedoms of others.

The report provides information on key decisions of the Constitutional Court of Ukraine affirming that freedom of association implies the voluntary, uncoerced formation and participation in associations without prior permission. In addition, the Law “On the Legal Status of Foreigners and Stateless Persons” provides that foreigners and stateless individuals permanently residing in Ukraine may join associations of citizens under the same conditions as Ukrainian nationals.

The report outlines, in line with obligations under the Association Agreement with the EU, legislative reforms including Law No. 2253-IX of 12 May 2022, which extends the right to conclude collective agreements to all workers, including those employed by natural persons (previously, the right to collective bargaining was granted exclusively to workers employed by legal entities).

Additionally, the report notes the adoption of Law No. 2937-IX “On Collective Contracts and Agreements” on 23 February 2023, drafted by a trilateral working group, which reinforces collective bargaining mechanisms and workers’ rights. According to this law, the parties to a collective agreement are: on the employer’s side: the employer and/or their authorised representatives, including units of the legal entity, among others. On the workers’ side: primary trade union organisations established at the enterprise, institution, or other units of a legal entity, which represent the workers of that employer — including those employed by individuals using hired labour. In the absence of such trade union organisations, workers may be represented by a representative (or representatives) freely elected by the employees for the purpose of collective bargaining.

The report explains that social and other relations between gig specialists and Diia City resident enterprises (platform) concerning the performance of works (provision of services) are governed by gig contracts concluded following the Law of Ukraine “On Promoting Development of the Digital Economy in Ukraine” (Law No. 1667-IX). According to the report, under the law no. 1667-IX, a gig specialist is defined as an individual engaged under a civil contract, also referred to as a gig contract, to perform work or provide services according to the assignments of a Platform enterprise, who in turn is obliged to remunerate the gig

specialist and offer the necessary working conditions and social guarantees as outlined in the Law on Promoting Development of the Digital Economy.

The report also provides information on guarantees provided under Law No. 1667-IX for platform workers: when concluding a gig contract, a resident of the Diia City platform is prohibited from demanding information from a temporary worker about their racial or ethnic origin, political, religious or ideological beliefs, membership of political parties and trade unions, information concerning health, sex life, biometric or genetic data. Moreover, any direct or indirect restriction of the rights of a gig specialist or the establishment of direct or indirect advantages in the conclusion, change and termination of a gig contract, based on racial or ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, gender, family life, is not allowed.

The Committee notes (on the basis of an unofficial translation of Law No. 1667-IX) that this law establishes a special legal regime to promote Ukraine's digital economy by offering a flexible regulatory environment for digital platforms. It introduces the concept of gig contracts, allowing companies to engage individuals (gig specialists) through civil contracts that provide some social protection, such as paid leave and disability benefits.

However, gig workers under this regime are not granted trade union rights or the ability to engage in collective bargaining. Firstly, the Committee notes that according to Article 3 of the Labour Code, the effect of the Code and labour legislation does not extend to relations between gig specialists and residents of Diia City, defined by the Law of Ukraine "on Stimulating the Development of the Digital Economy in Ukraine". Secondly, the Committee notes from outside sources (International Labour Organization, Decent Work Country Programme 2020-2024/Ukraine, 2020) that platform workers in Ukraine are not covered by collective bargaining agreements and less than 10% of survey respondents reported being covered for old age pension or retirement benefits (Danish Trade Union Development Agency, Ukraine Labour Market Profile – 2025/2026, 2025).

The Ombudsperson, in their third-party comments, states that as of 1 January 2025, the Federation of Trade Unions of Ukraine consists of 71 member organisations, but no trade unions representing gig workers were among these.

In light of the above, the Committee concludes that no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report states that employers' organisations are representative: at the local level: if they operate within a specific administrative unit (e.g. village, town, city district) and bring together at least ten employers from that unit, or at least two employers from a specific economic sector within the unit. At the regional level, Kyiv, or Sevastopol city status: if they operate within an entire region or these cities, uniting at least ten employers from most districts/cities or at least two employers from a defined sector present across those areas. With republican status: if they are organisations in the Autonomous Republic of Crimea that unite at least ten employers across most administrative units or two employers from a defined sector operating in multiple units. With all-Ukrainian status: if they unite either a majority of regional employers' organisations or a majority of regional organisations established on a sectoral basis, representing employers in specific economic sectors.

The report also states that only representative organisations can participate in collective bargaining and official dialogue structures. However, non-representative organisations may

authorise recognised organisations to act on their behalf or submit proposals for consideration during the decision-making process.

In their third-party comments, the Ombudsperson states that as of May 2025, there were 3 representative employers' organisations at the national level and 16 representative employers' organisations at the sectoral level.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected employee representatives (targeted question c)).

The report first provides an explanation of the different statutes that a trade union can hold: Primary status: assigned to trade unions operating at a single enterprise or uniting workers from multiple workplaces. Local status: requires uniting at least two primary trade union organisations within the same administrative unit. Regional status: requires presence in a majority of the administrative units within a region or city of Kyiv/Sevastopol. Territorial status: requires presence in most administrative units of two or more regions. Republican status applies to organisations in the Autonomous Republic of Crimea and mirrors all-Ukrainian criteria within its territory. All-Ukrainian status: requires presence in most administrative-territorial units of Ukraine (as per Article 133 of the Constitution), or presence in most units where a specific industry is located.

The report provides that trade unions that meet the following criteria are considered representative (Article 6 of the Law No. 2862-VI on Social Dialogue): - At the national-level, associations of trade unions must be legally registered; hold all-Ukrainian status with at least 150,000 members; be present in the majority of administrative units of Ukraine; include at least three all-Ukrainian trade unions.- At the sectoral-level, trade unions must be legally registered; hold all-Ukrainian status; represent at least 3% of all workers in the relevant industry.- At the territorial-level, trade unions must be legally registered; be regional or local unions established on a territorial basis; represent at least 2% of the workers in the relevant unit.- At the local level, representativeness is granted to primary trade union organisations (or freely elected worker representatives if absent), and the employer and/or authorised employer representatives.

Trade unions and their associations that do not meet representativeness criteria may authorise qualified organisations to represent them or submit proposals to the relevant dialogue bodies, which must consider such proposals during decision-making process.

In addition, according to Law No. 2862-VI (Article 4, part two) and Law No. 3356-XIV (Article 3), when no trade union is present, workers may be represented by freely elected representatives for the purposes of collective bargaining. These elected representatives are chosen by the labour collective and may engage in local-level social dialogue alongside employer representatives; and may engage in negotiations and conclusion of collective agreements, with the employer or their authorised representatives.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

According to the report, police officers may form professional associations and trade unions under the Law of Ukraine "on Trade Unions, Their Rights and Guarantees of Activity." The

Ombudsperson, in their third-party comments, states that there is a nationwide Trade Union of the National Police.

Military personnel must suspend their membership in political parties and professional unions for the duration of their military service. (Law “On the Armed Forces of Ukraine”, Article 17). Military personnel are allowed to form public associations (non-political) under general legislation (Article 5 of the Law on Social and Legal Protection of Military Personnel).

The Committee recalls that Article 5 of the Charter allows States Parties to impose restrictions on the right of members of the armed forces to organise and grants them a wide margin of appreciation in this regard, subject to the terms set out in Article G of the Charter. However, these restrictions may not go as far as to suppress entirely the right to organise, such as through the imposition of a blanket prohibition of professional associations of a trade union nature and prohibition of the affiliation of such associations to national federations/confederations (European Council of Trade Unions (CESP) v. France, Complaint No.101/2013, Decision on the merits of 27 January 2016, §§80 and 84).

The Committee takes note of Article 5 of the Law on Social and Legal Protection of Military Personnel which allows military personnel to form public associations. However, the Committee is not provided with any information as to whether military public associations mentioned in Article 5 of the Law on Social and Legal Protection of Military Personnel, have the capacity to negotiate employment conditions on behalf of their members.

In the absence of any information in this respect, the Committee concludes that the situation is not in conformity with Article 5 on the ground that it has not been established that military personnel are guaranteed the right to organise.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 5 of the Charter on the grounds that:

- no measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors,
- it has not been established that members of the armed forces are guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that the Government of Ukraine takes measures to promote joint consultations between state authorities, employers' and workers' organisations, and their efficient cooperation, at the national, sectoral and territorial levels on the basis of the law "On Collective Agreements and Contracts". Social dialogue takes place among the relevant parties at the appropriate level through information exchanges, consultations, conciliation procedures, and collective bargaining on entering into collective agreements and contracts.

The Cabinet of Ministers engages trade unions, their associations, and national associations of employers' organisations regarding the formation and implementation of state social and economic policy, and on governing the labour, social, and economic relations. The executive authority also organises and conducts consultations with the public following the procedure established by law.

Since the entry into force of the Law "On Collective Agreements and Contracts" dated 23 February 2023, the National Tripartite Socio-Economic Council (National Council) consists of 10 (previously 20) members each delegated by the three parties (representative associations of nation-wide trade unions; employers' organisations and executive authorities). The National Council performs advisory and conciliation functions by developing a common stance and providing recommendations and proposals to parties involved in social dialogue regarding, among other issues: state economic, labour and social policy, social standards and remuneration level; the main economic and social indicators of the draft State budget for the corresponding year; the ratification of ILO conventions, interstate treaties and EU regulations on the issues related to workers' and employers' rights; creating a supportive environment for fostering social dialogue, the efficient functioning of business entities, trade unions, and employers' organisations, and their interaction with other civil society institutions.

Proposals and recommendations made under the authority of and approved by the National Council must be considered by state authorities and local governments. Members of the National Council may be invited to engage in evaluating these decisions.

At the territorial level, 25 territorial trilateral socio-economic councils at the level of administrative and territorial units of higher level (Kyiv city and region) and 41 territorial tripartite socio-economic councils at the level of administrative and territorial units of the middle and lower levels (districts, territorial communities) have been established.

According to the comments submitted by the Ombudsperson, a monitoring of its activities for the period from 2015 to 2024 showed that the National Council did not hold quarterly meetings as defined by Law: over 9 years of work, only 8 meetings were held and 79 proposals and recommendations were submitted to the Parliament, the Government, and ministries. The monitoring could not determine the status of implementation of these recommendations.

During this period, only two Chairpersons of the National Council were appointed (in accordance with Part One of Article 13 of Law No. 2862, the Chairperson of the National Council is appointed for a one-year term). Thus, the Ombudsperson considers that the National Council is not fully exercising its powers as provided by law.

The Ombudsperson submits that the Head of the Joint Representative Body of Representative All-Ukrainian Trade Unions (SPO) stated that the social dialogue on the formation and implementation of state social and economic policy, and the regulation of labour relations, is not being conducted in full. For example, in 2024, no full-fledged tripartite work was conducted for the joint preparation of proposals to the draft Budget Declaration for 2025–2027 and the State Budget for 2025, as provided by the mechanisms of the National Council. Although trade unions submitted their proposals to these drafts, they were not considered at a meeting of the National Council, as provided by law and past practice. As a result, last year's levels of the monthly minimum wage (8,000 UAH) , the subsistence minimum (in particular, for able-bodied persons 3,028 UAH), and the base salary (tariff rate) of an employee of the 1st tariff grade of the Unified Tariff Scale (3,195 UAH) were "frozen" for three years.

The Ombudsperson further submits that due to the unsatisfactory performance of the National Council, the importance of alternative platforms for ensuring effective social dialogue is growing. A special role in this context is played by the Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans' Rights, whose activities involve extensive interaction with interested parties, including the Secretariat of the Ombudsperson and social partners.

According to another source consulted by the Committee (Enhancing social dialogue for the implementation of social just and decent work policies across the Eastern Partnership countries, EaP Working Group 5 Policy paper, March 2025) the Law and regulations on Social Dialogue provide a comprehensive framework for stakeholder engagement, though implementation faces practical challenges, notably in rural areas and districts. The state of social dialogue in Ukraine is significantly impacted by Russia's war of aggression against Ukraine, which has created both legal and practical restrictions on the ability to negotiate effectively for workers' rights. Despite the challenging environment, some positive developments have emerged, such as the union's cooperation with the National Agency for Rebuilding Ukraine, and organisations developing strategies to overcome institutional barriers, including building networks and partnerships across regions.

The Committee concludes that joint consultations, particularly within the context of the National Tripartite Socio-Economic Council, have been significantly affected by Russia's war of aggression against Ukraine, resulting in its operation not being fully aligned with the national legal framework. This appears to have been only partially compensated by increased social dialogue within other frameworks.

The Committee concludes that it has not been established that joint consultations have been sufficiently promoted in Ukraine.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

According to the report, the general agreement on the regulation of fundamental principles and standards for the implementation of social and economic policy and labour relations in Ukraine for 2019–2021, which is currently in effect, includes shared commitments and responsibilities concerning a broad range of economic, social and policy issues. According to information submitted by the Ombudsperson, the General Agreement remains in effect as of

May 2025, with no amendments made over six years, despite the transformation of labour relations due to martial law.

The report states that the following joint consultations have taken place:

On 1 October 2020 a cooperation agreement was signed between the State Labour Service and the Federation of Trade Unions to strengthen dialogue and cooperation to ensure decent work, employment policies, safe and healthy working conditions, social dialogue, social protection, social inclusion, gender equality, and non-discrimination.

On 17 December 2020, within the framework of the National Council, the co-chairs of the National Council and the Country Director of the ILO Regional Office signed a memorandum of understanding regarding the implementation of the Decent Work Programme for Ukraine for 2020–2024. The key focus areas of this programme are enhanced social dialogue, inclusive and productive employment, better working conditions, and social protection.

In 2022, the Praesidium of the National Council approved its key areas of activity under martial law, considering the National Council's tasks for Ukraine's recovery from the war aftermath. In addition, the following key focus area was determined: "Modernisation of labour legislation, including remuneration, and occupational safety and health in the workplace, by adapting it to relevant international and European standards." It was decided to examine the state of social dialogue at the mid-level administrative and territorial units and, based on this work findings, prepare proposals for amendments to the relevant regulatory and legal acts of Ukraine.

In 2023 and 2024, meetings of the Joint Working Commission of authorised representatives from both parties were held to develop proposals for setting the minimum wage for respective following year.

On 22 June 2023 the Verkhovna Rada Committee on Social Policy and Protection of Veterans' Rights held public consultations regarding specific aspects of implementing and promoting social dialogue in Ukraine in view of European models and best practices and changing the approaches to determining the criteria for representativeness of the parties to social dialogue. The parties committed to fostering a robust, active social dialogue, practical collaboration in addressing wartime challenges, and the post-war reconstruction of Ukraine within the framework of European integration.

On 11 September 2024 the Ministry of Finance held an online working meeting with representatives of the joint representative body of trade union associations and of employers at the national level, with the participation of central executive authorities, within the social dialogue and to discuss the draft State Budget 2025 and explore how to incorporate the proposals from trade unions.

The Ombudsperson submits that the SPO indicated that the draft Labour Code (LC) had been developed without the participation of trade unions, and that the comments and proposals of trade unions had been ignored. Only after receiving negative comments from the ILO, the Ministry of Economy created a working group that included representatives of the social partners. The Head of the SPO reported that consultations were held in 2024 during the review of the draft LC, the draft Budget Declaration for 2025–2027, and the draft State Budget of Ukraine for 2025, but that the vast majority of trade union proposals were not taken into account.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

The report does not provide the requested information. The Committee reiterated its question without receiving a reply from the Government.

The Ombudsperson submitted that the issue of conducting joint consultations on the transition to digital technologies and an environmentally sustainable economy could not currently be considered adequately regulated or implemented in practice. The information received from social partners on this issue was either incomplete or absent. The Ombudsperson's office, along with social parties, participated in individual working groups, forums, and discussions dedicated to issues of transition to digital technologies and an environmentally sustainable economy such as the interagency working group on achieving the Sustainable Development Goals under the Cabinet of Ministers of Ukraine (14 August 2024). However, these events were isolated in nature and did not have a systemic status.

The Committee concludes that, although elements of social dialogue on digitalisation and the green transition have taken place, no formal joint consultations have yet been held on these issues.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 6§1 of the Charter ground that it has not been established that:

- joint consultations have been sufficiently promoted;
- joint consultations have been held on issues relating to the digital and the green transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Ukraine and of the comments submitted by the Ukrainian Parliament Commissioner for Human Rights.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

The report notes that collective bargaining in Ukraine takes place at three main levels - national (general), sectoral (branch or territorial), and enterprise (local), as defined by Law on Collective Contracts and Agreements No. 3356-XIV. Enterprise collective agreements are binding and apply to all employees regardless of trade union membership. There is no extension mechanism at national or sectoral level.

The report further notes that collective agreements may offer additional social and household benefits beyond those established by legislation and agreements in force, concerning, *inter alia*, children's health and the procurement of New Year's gifts for workers' children, among other measures (Article 7 of Law No. 3356-XIV). A sectoral agreement may not worsen the workers' situation in comparison with the national agreement. Collective agreements concluded at the territorial level, covering issues related to workers' social protection, may provide greater social guarantees, compensations and benefits than those outlined in the national agreement (Article 8 of Law No. 3356-XIV).

The Committee notes that that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report refers to collective bargaining at the territorial level as being particularly challenging, owing to the complexity of determining the composition of the parties involved, given the differing structures of employers' organisations and trade unions. The report also refers to the adoption, on 23 February 2023, of the Law on Collective Bargaining Agreements and Contracts No. 2937-IX, which will come into force six months after the date of termination or lifting of martial law and provides information about its contents. Notably, the law defines the mechanism for concluding a collective agreement; provides protection against discrimination and anti-union interference; defines new criteria on the representatives of social partners; and defines rules for the extension of sectoral agreements.

The Ukrainian Parliament Commissioner for Human Rights refers to information from a monitoring exercise carried out by the Federation of Trade Unions of Ukraine on the main obstacles to collective bargaining in practice. The Commissioner notes that negotiations are often devoid of real substance, the lack of implementation of jointly adopted decisions, the failure to share essential information and the absence of specific negotiation skills. Additional constrains include the use the use of discretionary decision-making justified by the ongoing conditions of martial law, lack of pre-existing procedures, and the inability of the parties to reach a compromise.

The Committee notes that the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has recently expressed a range of concerns in relation to the implementation of Convention no. 98 in Ukraine (*International Labour Organization.* (2025). *Direct Request (CEACR) – adopted 2023, published 112nd ILC session (2024). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Ukraine (Ratification: 1956).* NORMLEX). First, the CEACR noted that the Law No. 2434-IX on Amendments to Some Legislative Acts Regarding Simplification of Regulation of Labour Relations in the Sphere of Small and Medium-Sized Enterprises and Reduction of Administrative Burden on Businesses, which amended the Labour Code and entered into force on 19 August 2022, allowed individual contracts to prevail over collective agreements in enterprises employing less than 250 persons, with the effect of undermining the rights of workers in such enterprises. Second, the Law No. 2136-IX on Organisation of Labour Relations Under Martial Law, which suspended certain collective agreement provisions for the period of martial law, was adopted without consultation and restricted the rights of workers in a manner that was disproportionate to the aims pursued. The Committee notes further that vast majority of issues traditionally referred to in collective agreements (wages and working time) in Ukraine are regulated through the legislation, leaving collective agreement-level regulation with a mostly explanatory and duplicating role (Eurofound (2022), *Working life in Ukraine*).

The Committee considers that the report lacks adequate information on the operation of collective bargaining in practice, which would enable an assessment of the situation in Ukraine with regard to Article 6§2. This concerns*, inter alia*, the extent and subject matter of bargaining taking place at different levels as evidenced by the number of collective agreements concluded and in force; the number of workers covered by such agreements; the restrictions on collective bargaining rights justified on the basis of martial law; or the obstacles hindering collective bargaining at all levels and in all sectors of the economy. The Committee therefore concludes that the situation in Ukraine is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that the promotion of collective bargaining is sufficient.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to employees, to bargain collectively.

The report refers to several legal provisions from Law No. 3356-XIV, the Tax Code and the Commercial Code, none of which clearly extend collective bargaining rights to economically dependent self-employed persons displaying characteristics similar to those of workers.

The Ukrainian Parliament Commissioner for Human Rights notes in its comments that Ukraine does not currently have a legal mechanism that would enable economically dependent self-employed persons displaying characteristics similar to those of workers to engage in collective bargaining.

The Committee recalls that rapid and fundamental changes in the world of work have led to a proliferation of contractual arrangements designed to avoid the formation of employment relationships and to shift risk onto the labour provider. As a result, an increasing number of workers who are de facto dependent on one or more labour engagers fall outside the traditional definition of an employee (*Irish Congress of Trade Unions (ICTU) v. Ireland*, Complaint No. 123/2016, decision on the merits of 12 September 2018, §37). In establishing the type of collective bargaining protected by the Charter, it is not sufficient to rely solely on distinctions between workers and the self-employed; the decisive criterion is whether an imbalance of power exists between providers and engagers of labour. Where providers of labour have no substantial influence on the content of contractual conditions, they must be given the possibility of improving that imbalance through collective bargaining (*ICTU v. Ireland*, §38).

The Committee concludes that the situation in the Ukraine is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that sufficient measures have been taken to promote the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to employees.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 6§2 of the Charter on the ground that it has not been established that:

- the promotion of collective bargaining is sufficient;
- sufficient measures have been taken to promote the right to collective bargaining in respect of self-employed workers, particularly those who are economically dependent or in a similar situation to employees.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Ukraine and in the comments by the Ukrainian Parliament Commissioner for Human Rights (Ombudsperson).

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law.

According to Article 44 of the Constitution of Ukraine workers have the right to strike to protect their economic and social interests. The exercise of this right is regulated by law to ensure national security, healthcare, and the rights and freedoms of others. A prohibition on the right to strike can only be imposed by law.

Strikes are prohibited at the following facilities under specific conditions:

(i) Electric power enterprises – when a strike may disrupt the stability of Ukraine’s unified energy system.

(ii) Heat supply facilities – when a strike may lead to a disruption of heat supply during the heating season.

According to the report, Article 24 of Law on the Procedure for Resolving Collective Labour Disputes defines the circumstances under which strikes are prohibited. Specifically, strikes are prohibited for employees (excluding technical and service personnel) of the prosecutor's office, courts, Armed Forces of Ukraine, state authorities, security services, and law enforcement agencies.

The personnel of electronic communications service providers are prohibited from participating in strikes if such actions disrupt the operation of electronic communications networks or provision of electronic communications services, thereby creating obstacles to national security, healthcare, or human rights and freedoms.

Strikes may be prohibited during a state of emergency and under martial law.

The Committee recalls that under Article G of the revised Charter, the right to strike of certain categories of public servants may be restricted, including members of the police and armed forces, judges and senior civil servants (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4).

Restrictions to the right to strike of certain categories of civil servants, for example those whose duties and functions, given their nature or level of responsibility, are directly affecting the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour “*Podkrepa*” and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45). The Committee takes the view, however, that a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European

Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969)), Statement of Interpretation on Article 6§4. Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

Moreover, the imposition of an absolute prohibition of strikes to categories of public servants, such as prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative.

Restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedom of others or to the public interest, national security and/or public health (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4).

However, a comprehensive ban of strikes even in essential sectors – particularly when they are extensively defined, such as "energy", "health" or "law enforcement" – is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114). Simply prohibiting these workers from striking, without distinguishing between their particular functions, cannot be considered proportionate to the aim of protecting the rights and freedom of others or for the protection of public interest, national security, public health, or morals, and thus necessary in a democratic society (Conclusions XVII-1 (2006), Czech Republic). At most, the introduction of a minimum service requirement in these sectors might be considered to be in conformity with Article 6§4, taking into account article G of the Charter (*Matica Hrvatskih Sindikata* v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic).

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying why such an absolute prohibition on the right to strike is justified in the specific national context in question, and why the imposition of restrictions as to the mode and form of such strike action is not sufficient to achieve the legitimate aim pursued (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so excessive as to render the right to strike ineffective, such restrictions will be considered to have gone beyond those permitted by Article G of the Charter. (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211), This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, including the prevention, detection and documentation of criminal offences; arrests; regulation and control of road traffic; protection of people and property; border control and; prevention and handling of incidents at borders.(Conclusions 2022, North Macedonia).

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G, i.e. if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; *Confederazione Generale Italiana del Lavoro (CGIL) v. Italy*, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

The report states that under martial law in Ukraine strikes are prohibited. Specifically, Article 1 of the Law on the Organisation of Labour Relations under Martial Law restricts constitutional rights and freedom including the right to strike guaranteed by Article 44 of the Constitution of Ukraine.

The Committee notes that Ukraine did not make a declaration under Article F of the Charter (derogations in time of war or public emergency). It considers that the right to strike may be restricted under Article G (restrictions which are necessary for the protection of the rights and interest of others, for the protection of public interest, national security, public health or morals) however an absolute prohibition on all strikes in all sectors , even those not affected by the war effort cannot be regarded as proportionate and therefore that the situation is not in conformity with Article 6§4 of the Charter.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is restricted and where there is a requirement of a minimum service to be upheld, as well as to provide the details on the relevant rules and their application in practice, including the relevant case law.

The report states that under the Law on the Procedure for Resolving Collective Labour Disputes the employer, the local executive body or local self-government body and the body leading the strike have the obligation to undertake necessary measures to ensure maintenance of the enterprise’s operation, protection of property, observance of law and public order and to ensure that there is no danger to the life, health and environment during a strike.

The report states that under martial law in Ukraine, strikes are prohibited. The Committee refers to its conclusion above in this respect.

Prohibition of the strike by seeking injunctive or other relief

The Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

In its report, the Government has indicated that under the Law on the Procedure for Resolving Collective Labour Disputes in cases where strikes are prohibited and when the recommendations of the National Mediation and Reconciliation Service regarding the resolution of a collective labour dispute are not taken into account by the parties, the National Mediation and Reconciliation Service may submit a claim for the resolution of the collective labour dispute to the Supreme Court of the Autonomous Republic of Crimea and the regional Kyiv and Sevastopol city courts.

The report states that under martial law in Ukraine, strikes are prohibited. The report states that under martial law in Ukraine, strikes are prohibited. The Committee refers to its conclusion above in this respect.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that an absolute prohibition on all strikes in all sectors, even those not affected by the war effort cannot be regarded as proportionate.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Ukraine and of the comments submitted by the Ukrainian Parliament Commissioner of Human Rights.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

The Committee notes from the report that Ukraine has made significant progress in implementing policies that ensure equal rights and opportunities for women and men. A gender-sensitive approach has been integrated into national, regional, and local strategies, aiming to enhance gender equality.

Furthermore, reference is made to Law of Ukraine No. 2866-IV "On Ensuring Equal Rights and Opportunities for Women and Men" that seeks to establish gender equality in all sectors of public life by guaranteeing equal rights and opportunities, eliminating gender-based discrimination, and introducing special temporary measures to correct imbalances in how men and women exercise their constitutional rights.

The Committee notes that while the law prohibits gender-based discrimination, it also explicitly allows positive actions (affirmative measures) to promote a balanced gender ratio in various sectors and job categories. These measures are intended to correct existing imbalances and promote substantive equality.

To coordinate the implementation of national gender policy, Ukraine established the Government Commissioner for Gender Policy. The government also formed the Commission for Coordination of Executive Bodies to Ensure Equal Rights and Opportunities for Women and Men.

Also, during the war of aggression, women strengthened their financial capacity to provide for families. The proportion of women who are the main breadwinners have tripled - from 7% to 23%. 39% of women manage family finances, 46% plan family life.

The number of women who conduct their own business is growing. The share of entrepreneurs increased from 46.4% (in 2021) to 47.5% in 2024. It is noted that the newly created businesses prevail in the traditionally "female" areas. However, 67.3% of women indicate their readiness to retrain. In 2024, 72% of training vouchers from the state were used by women.

The Committee notes that Ukraine has undertaken significant legal reforms to promote equality, prevent discrimination, and enhance protection of human rights in the labour market. According to the report in 2022, amendments were made to several legislative acts, including the adoption of the Law of Ukraine No. 2253-IX, which aims at strengthening the protection of employees' rights. This law explicitly prohibits all forms of discrimination in the field of labour, affirming the principle of equality of rights and opportunities. Violations of these provisions are subject to administrative sanctions, including a fine equal to ten minimum wages as established at the time of the violation.

Another important legislative development was the adoption of the Law No. 2421-IX of 18 July 2022, which amended several legislative acts to regulate labour relations involving non-fixed working hours. Further progress was marked by the adoption of the Law No. 2849-IX "On Media", enacted on 13 December 2022 and subsequently amended by Law No. 3136-IX on 30 May 2023. This law prohibits the dissemination of content that incites discrimination or harassment, particularly on grounds such as ethnic or social origin, citizenship, race, religion or beliefs, age, sex, sexual orientation, gender identity, and disability.

To advance gender equality specifically, Ukraine has enacted a number of strategic legal instruments. The Strategy for Reforming the Public Finance Management System for 2022–2025 (Cabinet Resolution No. 1805-r of 29 December 2021) includes provisions to integrate gender-oriented approaches into the national budget process. A cornerstone of these efforts is the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men by 2030, along with its operational implementation plan for 2022–2024 (Resolution No. 752-r of 2 August 2022). This strategy is closely aligned with the Sustainable Development Goals (SDGs), in particular Ukraine’s Development Goals set out in Presidential Decree No. 722/2019 of 30 September 2019.

Gender equality in education is also a priority, addressed through the Strategy for the Implementation of Gender Equality in Education until 2030 (Cabinet Order No. 1163-r of 20 December 2022). To further support these policies, the Cabinet of Ministers adopted an Action Plan for the Implementation of the Concept of Communication in the Field of Gender Equality (Order No. 79-r of 27 January 2023).

In 2024, a gender audit was conducted by the Office of the Prosecutor General, supported by UN Women in Ukraine. This initiative assessed the status of gender equality within the prosecutors' offices and aimed to raise staff awareness about applying a comprehensive gender perspective in their work.

Furthermore, the National Action Plan aims to expand opportunities for women's self-employment and entrepreneurship, particularly for internally displaced women, veterans, and those affected by war. It sets out measures such as employment programs, regional employment analysis, and providing business information via the "*Diia.Business*" platform. Ukraine is advancing projects to increase women’s professional representation and support their education, especially in IT, with backing from organizations like ACTED Ukraine and the Canadian Embassy. According to the State Employment Centre, in early 2024, over 264.000

women accessed employment services, 85.500 were employed, and thousands participated in community service, training, or received business start-up grants.

According to the Ukrainian Parliament Commissioner of Human Rights, since early 2022, Ukraine has seen a decrease in officially registered unemployed people, largely due to men joining national defence, while the share of women among the unemployed has increased, highlighting their growing vulnerability in the labour market. Employment growth has been faster for men (20%) than women (10%). However, the Ukrainian Parliament Commissioner of Human Rights, emphasises that state oversight on discrimination and unequal pay has been limited during martial law, with unscheduled inspections for issues like mobbing and illegal employment pending legislative approval.

The Committee considers that that Ukraine has made a progress in promoting gender equality and increasing women's participation in the labour market. Notably, during the war of aggression, the share of women acting as primary breadwinners has tripled, and women's economic activity has significantly increased, with higher rates of entrepreneurship, participation in training programs, and engagement with employment services.

As regards the female employment rate and gender employment gap, the Committee notes that according to the Gender equality index in Ukraine (publication produced with the financial support of the European Union) in 2021, for the population aged 15+, the employment rate in full-time equivalents was 42.9% for women compared to 56.9% for men. The average for EU Member States was 42.5% for women and 57.4% for men.

The Committee notes that no information is provided concerning the female employment rates and employment gap in the years 2022-2025 that would demonstrate whether there has been a measurable progress in promoting the participation of women in the labour market and in reducing the gender employment gap. Therefore, the situation in Ukraine is not in conformity with Article 20 of Charter.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The report states that Ukraine has significantly strengthened its legal and institutional framework to promote gender equality, even amid the challenges posed by the ongoing war. Key reforms have been introduced to ensure effective parity in decision- making positions.

The Committee notes that one of the most notable advancements is the amendment of the Electoral Code, which, since 2023, mandates a 40% gender quota in party electoral lists at the national and regional levels. Specifically, for every group of five candidates, at least two must be of each gender. This builds on earlier quota provisions that were limited to local elections and linked to increased public funding for inclusive political parties.

According to the report, as a result of the implementation of the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men (2018–2021) women's participation in politics and governance has steadily increased. In 2019, female representation in the Verkhovna Rada surpassed 20% for the first time, and by 2024, women made up 21% of its members and 24% of the Government. Representation is even higher at the local level, ranging from 30% to 35%, and reaching over 41% in smaller communities. Women currently hold 5 out of 21 ministerial positions and head 22% of Ukraine's diplomatic missions.

The report states that in the judiciary, women constitute 55% of all judges and 77% of court staff, holding 75% of senior roles in courts of appeal. Their presence in public sector management is also strong, though they remain underrepresented in leadership roles within private and state-owned enterprises. Women dominate the leadership positions in municipal organizations and are well represented in the legal profession and trade unions, although they are underrepresented in religious institutions and large corporate bodies. Recent studies show steady increases in women's leadership roles, including in parliament (21%), government (24%), and local councils (30–35%).

Despite the ongoing war, women's involvement in the security and defence sectors has expanded considerably. As of 2024, women account for 27% of personnel in the National Police, with over 16% in leadership roles. Approximately 67,000 women serve in the Armed Forces of Ukraine, including over 10,000 on the front lines, and nearly 20% of new applicants to military draft points are women. In the public sector, the proportion of women in management roles is significantly higher than in the private sector, where men occupy nearly 70% of management positions. The presence of women in the security and defence sectors has also grown significantly.

According to the Ukrainian Parliament Commissioner of Human Rights women hold 20.5% of parliamentary seats, 37.2% of local councils, and 21.3% of boards in the largest listed companies, with even lower representation in the National Bank (14.8%) and research financing organizations (17.2%). The 2024 Gender Equality Index for Ukraine scored 71.0 overall, with the "Power" domain at 38.7, below the EU average. The media regulator's 2024-2026 strategy aims to ensure gender balance in media through analysis, awareness, and education initiatives.

The Committee notes from UN Women that 20% parliamentarians are women and 21% of ministers are women. According to the Gender Equality Index in Ukraine, the representation of women and men at the level of ministers in Ukraine is rather unbalanced – 18.8% of women and 81.2% of men. The Committee considers that there is insufficient measurable progress in achieving effective parity in decision-making positions. Therefore, the situation is not in conformity with the Charter.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). The States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report, companies in Ukraine have launched various initiatives to promote gender equality and leadership among women, offering training programs, leadership development, family support, and employment initiatives for vulnerable women.

According to the Ukrainian Parliament's Commissioner for Human Rights, gender representation in leadership remains uneven across Ukraine. While women account for 31% of seats on supervisory boards, only 28% hold chair positions, and their presence on mandatory committees is limited.

The Committee considers that the information contained in the report does not establish that a measurable progress has been made in promoting the participation of women on management boards of the largest listed companies.

Conclusion

The Committee concludes that the situation in Ukraine is not in conformity with Article 20 of the Charter on the grounds that:

- it has not been established that measurable progress has been made in reducing the gender employment gap;
- there is insufficient measurable progress in achieving effective parity in decision-making positions;
- it has not been established that measurable progress has been made in promoting the representation of women on management boards of the largest listed companies