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## **EUROPEAN SOCIAL CHARTER**

12<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

## **THE GOVERNMENT OF UKRAINE**

Articles 1, 9, 10, 15, 18, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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21 January 2020

**CYCLE 2020**

**EUROPEAN SOCIAL CHARTER**  
**12th National Report**  
**on the implementation**  
**of the European Social Charter**  
**submitted by**

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**Articles 1, 9, 10, 15, 18, 20, 24**  
**for the period**  
**01/01/2015 – 31/12/2018**

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

All Ukrainian legal acts are available on the Internet at:  
[www.rada.gov.ua](http://www.rada.gov.ua).

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## **Article 1 – The right to work**

### *Paragraph 1 – Policy of full employment*

#### **1. General legal framework**

- Regulation of the Cabinet of Ministers of Ukraine No. 275 of 3 April 2017 “On approval of the Government Medium Term Priority Action Plan 2020”
- Decree of the Cabinet of Ministers of Ukraine No. 792 of 19 September 2018 “On approval of the procedure of registration, re-registration of the unemployed and accounting of persons who are looking for work”

The Cabinet of Ministers of Ukraine approved the Medium Term Priority Action Plan 2020 by Regulation No. 275 of 3 April 2017. One of the main strategic goals is to promote productive employment and labour market reform, which aims at pursuing an active employment policy to accelerate the return of unemployed to work, creating conditions for reducing informal employment, increasing the incomes of working persons, deregulation of relationship between employer and employee.

To improve the quality of services provided by employment centers, to accelerate the employment process and to increase the targeting of services to job seekers and unemployed for their return to labour market, the Government approved Decree No. 792 of 19 September 2018 “On approval of the Procedure for registration, re-registration of unemployed persons and registration of unemployed jobseekers (hereinafter referred to as “the Procedure”). The Procedure provides for, inter alia:

- implementation of the Institute of career counselor, who will provide an individual approach to each employment service client, quality career planning services tailored to the needs of employers and job seekers;
- profiling the unemployed and job seekers to evaluate their employment opportunities, taking into account skills, qualifications and delivery of targeted services to return such persons to the labour market;
- individual employment planning, which will constitute a joint action programme for career counselor and registered unemployed and include a joint commitment of both parties on job search and providing individual support and organization of service delivery.

## **2. Measures taken to implement the legal framework**

### *Additional questions and answers*

In 2018, the ILO technical assistance project “Inclusive Labour Markets for Job Creation in Ukraine” funded by the Government of Denmark had its official start, implementation period up to 2022 (hereinafter referred to as “the Project”).

The Project includes 3 components:

- capacity building of the selected regional employment service and the State Employment Service as well as implementation of the concept of local employment partnership;
- improving the level of entrepreneurship and skills development;
- capacity building of social partners and improving social dialogue at the national and selected regional levels.

## **3. Pertinent figures, statistics or any other relevant information**

In 2018, employed population aged 15-70 – 16, 360.9 thsd. persons. Employment rate (in percentage to the population of relevant age group) – 57,1%

Unemployed population – 1 578,6 thsd.persons. Unemployment rate (according to the ILO methodology) – 8,8%.

In 2017, employed population aged 15-70 – 16, 156.4 thsd. persons. Employment rate (in percentage to the population of relevant age group) – 56,1%

Unemployed population – 1 698,0 thsd. persons. Unemployment rate (according to the ILO methodology) – 9,5%.

In 2016, employed population aged 15-70 – 16, 276.9 thsd. persons. Employment rate (in percentage to the population of relevant age group) – 56,3%

Unemployed population – 1 678,2 thsd. persons. Unemployment rate (according to the ILO methodology) – 9,3%.

In 2015, employed population aged 15-70 – 16, 443.2 thsd. persons. Employment rate (in percentage to the population of relevant age group) – 56,7%

Unemployed population – 1 654,7 thsd. persons. Unemployment rate (according to the ILO methodology) – 9,1%.

## **Article 1 – The right to work**

*Paragraph 2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects*

### **1.General legal framework**

- Law of Ukraine No. 785-VIII of 12 November 2015 “On Amendment to the Labour Code of Ukraine Regarding Harmonization of Legislation in the Sphere of Prevention of and Combating Discrimination with the Law of the European Union”

In accordance with Law of Ukraine 785-VIII of 12 November 2015 “On Amendment to the Labour Code of Ukraine Regarding Harmonization of Legislation in the Sphere of Prevention of and Combating Discrimination with the Law of the European Union” Article 2-1 sets out that any discrimination in the sphere of labour in particular, violation of the principle of equality of rights and opportunities, direct or indirect restriction of rights of workers regarding the racial origin, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health status, disability, suspicion or presence of HIV / AIDS, marital and financial status, family responsibilities, place of residence, membership in a trade union or other association of citizens, participation in strikes, appeals or the intention to apply to the court or other authorities for the protection of their rights or to support other workers in the protection of their rights, on linguistic or other grounds not related to the nature of the work or the conditions of its performance is prohibited.

Pursuant to the Decree of the Cabinet of Ministers of Ukraine No. 359 of 1 June 2016, the position 130 of the Section II “The main issues raised in the appeal of citizens” of the Classifier of Citizens' Appeals approved by the Decree of the Cabinet of Ministers of Ukraine No. 858 of 24 September 2008, was supplemented on the initiative of the Ombudsman of Ukraine with the words “prevention of discrimination” and now has the following version “Ensuring law enforcement and maintaining law and order, the exercising the rights and freedoms of citizens, prevention of discrimination”.

The Classifier shall be applied to improve the efficiency of dealing with citizens' appeals.

## 2. Measures taken to implement the legal framework

### *Additional questions and answers*

#### ***Prohibition of discrimination in employment***

*Q.1. The Committee asks for information on the number of cases alleging discrimination brought before the courts; whether there is shift in the burden of proof; on the law and practice as how persons are protected against discrimination in employment on grounds of sexual orientation; on concrete positive measures/actions taken to promote equality in employment and to combat all forms of discrimination in employment.*

Answer: In Ukraine, the court considers cases arising from employment relationship, in particular, in civil proceedings. The order of civil proceedings is determined by the Civil Procedure Code of Ukraine (hereinafter referred to as “the CPC”). Article 12 of the CPC establishes that civil proceedings are conducted on the basis of the parties' competitiveness. The parties to the case have equal rights to exercise all procedural rights and obligations provided for by law. Each party shall prove the circumstances relevant to the case and to which it refers as the basis of its claims or objections, except as provided in this Code. Each party is at risk of having to suffer consequences with the act of committing or failing to act. At the same time, Article 81 of the CPC establishes a special procedure for proving discrimination in cases of discrimination, so that, in accordance with part two of the this Article on discrimination, the plaintiff is required to provide factual evidence that the discrimination took place. If such evidence is brought, the burden of proof its absence lies with the defendant. Thus, if the plaintiff presents factual evidence of discrimination (discrimination in employment), the presumption of guilt of the defendant is established, who is obliged to prove otherwise, that is, the absence of facts of discrimination on his/her part. Thus, the burden of proof is shifted.

According to the Unified State Register of Judgments, no decisions regarding discrimination in employment were registered in the reporting period.

*Q.2. The Committee asks to specify whether is a total ban on foreign nationals to be employed in civil service; or other only certain categories of positions such as the ones connected with the protection of the public interest or national security and involve the exercise of public authority are prohibited to foreign nationals.*

Answer: To protect state interests and national security, the legislation of Ukraine establishes restrictions on the possibility of occupying positions in the civil service by foreign citizens.

In accordance with Article 19 of the Law of Ukraine “On Civil Service” persons who are citizens of other states cannot enter into civil service.

Considering that in accordance with Article 1 of this Law, the public service is public, professional, politically activity related to the practical implementation of tasks and functions of the state, we consider that these restrictions are justified,

since this activity is directly related to the exercise of public authority in the interests of state and society.

### ***Prohibition of forced labour***

#### ***Work of prisoners***

*Q.3. The Committee asks for information on the arrangements governing the work of prisoners and on their social protection (covering employment injury, unemployment, health care and old age pensions.*

Answer: In addition to the information submitted in the fourth report on the work of prisoners, it should be noted that the principles of the legal status of prisoners, guarantees for the protection of their rights, legitimate interests and obligations are regulated by the Criminal Executive Code of Ukraine (hereinafter referred to as “the CEC”).

In accordance with Article 118 of the CEC the prisoners have the right to work. The work shall be carried out on a voluntary basis under civil law contract or employment contract concluded between the prisoner and the physical entity-entrepreneur or legal entity for which the prisoners carry out work or deliver services.

Such contracts are subject to be agreed by the administration of colony. The contracts shall specify the procedure for their implementation. The Administration is obliged to create conditions for work of prisoners under civil law contract or employment contract.

In accordance with Article 122 of the CEC prisoners who carry out work under civil law contract or employment contract are subject to compulsory state social insurance.

Law of Ukraine “On Compulsory State Social Insurance” provides for that persons who carry out work under civil law contract or employment contract or on other grounds in accordance with the law in the enterprises, institutions, organizations, regardless of ownership and economic activity, are subject to compulsory state social insurance. Therefore, if a person engaged in work exercises his/ her own right to work, then he/she acquires the right of the insured person in accordance with the law.

Prisoners have the right on general grounds to state pension insurance on old age, disability, survivor pensions and other cases provided for by the Law of Ukraine “On Compulsory State Pension Insurance”.

Pensions are assigned by the territorial bodies of the Pension Fund of Ukraine at the place of serving the sentence in case of acquisition of the right.

Persons who are assigned pension before serving a sentence, are subject to state pension insurance on general grounds. The assigned pension shall be transferred by the bodies of the Pension Fund of Ukraine to place of serving a sentence of the pensioner. From pension are reimbursed all expenses for his/her maintenance in the penal colony (food, real estate, communal services, etc.) and at least 50% of the pension shall be credited to the prisoner’s personal account.

The period of time working spent by prisoner serving a sentence shall be counted to the length of service with the purpose the assignment of labour pension after release, if the contributions have been paid to the Pension Fund of Ukraine in the procedure and in amounts as prescribed by law.

Prisoners who have lost their ability to work while serving their sentence are eligible for pension and compensation for damages in cases and in the procedure prescribed by law, subject to payment of contributions.

In accordance with Article 35 of Law of Ukraine “On Mandatory State Social Insurance” compulsory state social insurance against industrial accident is subject to persons who are kept in correctional institutions and engaged in work activity in the production of these institutions or in other enterprises under special contracts. Pursuant to Article 48 of this Law if the injured person serves a sentence, the sum due to him/her shall be transferred to a special account and paid to him/her upon his/her release, and dependents of the injured person shall receive benefits in the procedure prescribed by law.

With regard to unemployment benefits, it should be noted that Article 1 of the Law of Ukraine “On compulsory state social insurance against unemployment” establishes this kind of insurance as system of the rights, duties and guarantees which provides material maintenance against unemployment case under circumstances independent of insured person.

At the same time, those sentenced to imprisonment are persons who have been found guilty of offense. Thus, the very fact of committing an offense for which a person is deprived of liberty testifies to the direct dependence of his/her actions with the consequences that led to the imposition of this type of punishment. Accordingly, Article 31 of this Law stipulates that the unemployment benefit shall be suspended if a court verdict of sentencing an unemployed to imprisonment has taken legal effect.

### ***Domestic work***

*Q.4. The Committee asks to provide the information on combating forced labour in the domestic environment.*

Answer: In accordance with Article 3 of the Code of Labour Law (hereinafter referred to as “the CLL”), labour law shall regulate the employment relations of employees in all enterprises, institutions, organizations regardless of ownership, type of activity and sectoral affiliation, as well as persons working under an employment contract with natural person.

In accordance with Article 24 of the CLL the employment contract with natural person must be concluded in written form.

Additional information that is outside the reporting period.

The Procedure for state control over compliance with labour legislation was approved by the Decree of the Cabinet of Ministers of Ukraine No 823 of 21 August 2019 “Some Issues of State Control over Compliance with Labour Legislation”. This Procedure defines the order for state control over compliance

with labour legislation by legal entities (including their structural and separate subdivisions, which are not legal entities) and by natural persons who use hired labour.

In accordance with Article 265 of the Labour Code legal and natural persons-entrepreneurs shall bear liability for violation of employment law.

Currently, draft law “On Amendments to Certain Legislative Acts on the Regulation of the Work of Domestic Workers” is being developed.

Adoption of the law will allow to regulate employment of domestic workers, to legalize the work of this category from among informally employed persons and to provide social protection of domestic workers.

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

***Minimum periods of service in the Armed Forces***

*Q. 5. The Committee asks to provide information on:*

- *actual duration of compulsory military service/alternative service*
- *minimum period of service in the armed forces and the impact of studies or training courses followed by military personnel on the duration of their service in the armed forces and on the possible financial repercussions of early termination of service*

Answer: In accordance with Article 2 of the Law of Ukraine “On Military Duty and Military Service” No. 2232-XII of 25 March 1992 (hereinafter referred to as “Law No. 2232” in the revised version, military service is a special form (nature) of public service, which consists in the professional activity of the personnel suitable for it on the state of health and age of the citizens of Ukraine (except in cases stipulated by law), foreigners and stateless persons related to the defense of Ukraine, its independence and territorial integrity.

The periods of military service shall be counted to citizens of Ukraine to their insurance period, work experience, work experience in the specialty, as well as to civil service experience.

Pursuant to Article 22 of Law No. 2232, the age limit for military service shall be as follows:

- 1) for servicemen of ordinary, sergeant and sergeant personnel who are under contract military service - up to 45 years;
- 2) for junior officers of up to 45 years;
- 3) for senior military personnel: majors (captains of 3 rank), lieutenant colonels (captains of 2 rank) - up to 50 years; colonels (captains of 1 rank) - up to 55 years;
- 4) for senior officers - up to 60 years;
- 5) for servicemen and reservists who are conscripted for conscription

during special mobilization, and for military personnel who serve during a special period, until they reach the maximum age in the reserve and in the military reserve.

Pursuant to Article 23 of Law No. 2232 such periods of military service are prescribed:

- for soldiers and sailors, sergeants and sergeants undergoing conscripts in the Armed Forces of Ukraine and other military formations, up to 18 months;
- for persons who have a specialist or master's degree at the time of conscription, up to 12 months.

In accordance with Article 6 of the Law of Ukraine “On Alternative (Non-Military) Service”, the term of alternative service shall be 1.5 times longer compared to the term of military service set for soldiers and non-commissioned sergeants serving in the Armed Forces of Ukraine and other military units established in accordance with the laws of Ukraine. For those who have higher education with specialist or master’s degree, the term of alternative service shall be 1.5 times longer compared to the term of military service set for individuals who have a corresponding educational qualification level.

In accordance with Article 8 of the Law of Ukraine “On Social and Legal Protection of Servicemen and Members of Their Families” No. 2011-XII of 20 December 1991, the state shall provide social and professional adaptation of servicemen who are dismissed due to redundancies or organizational measures; due to health conditions, as well as conscripts who have not been employed before the conscription, if they make a request. If necessary, social and professional adaptation shall be also provided to members of the families of servicemen upon their request. Adaptation of the specified category of persons shall be carried out by the central executive authority realizing the state policy on employment and labour migration, working conditions, social protection of the population at the expense of the state budget.

***Requirements to accept the offer of a job or training or otherwise lose unemployment benefit***

*Q. 6. The Committee asks for information on the remedies available for the persons concerned to dispute decisions to suspend or withdraw unemployment benefit.*

Answer: In accordance with Law of Ukraine of July 5, 2012 No. 5067-VI “On Employment of the Population” (hereinafter referred to as “Law No.5067”), an unemployed person is a person aged 15 to 70 who, due to lack of work, has no earning or other income provided by law as a source of subsistence, is ready and available to take up employment.

In accordance with Article 3 of Law No. 5067 everyone has the right to pursue a freely chosen occupation and forcing to work in any form shall be

prohibited. Voluntary unemployment of a person may not be a ground for holding him or her liable.

Pursuant to Article 44 of Law No. 5067 the registered unemployed shall have the right to receive freely from employment services services on search for a suitable job and encouraging job placement.

In accordance with Article 46 of Law No. 5067 a suitable job shall mean a job corresponding to the person's education, occupation (specialty) and qualification with account of accessibility of transport services established by a decision of the local state administration or the executive authority of a respective council. The wage must be no less than the wage the person had at his/her previous job considering its average level for the last month in the region where the person is registered as unemployed.

When offering a suitable job, the person's period of employment in occupation (specialty), qualification, experience, duration of unemployment as well as labour market demand shall be taken in consideration.

A job requiring change in the place of residence may not be offered to a person without his/her consent.

Article 31 of the Law of Ukraine "On compulsory state social insurance against unemployment" No. 1533 of 2 March 2000 (hereafter referred to as "Law No. 1533) establishes that if unemployed turn down two offers of the most suitable job (which corresponds to the size of wages and other requirements) or two offers of vocational training, retraining, advanced training by guiding state employment service guidelines, including persons seeking a job for the first time and having no occupation (specialty), it is a reason for suspension of unemployment benefits.

The above mentioned norms correspond to the provisions of Article 1 of Law No. 1533, according to which the compulsory state social insurance against unemployment is a system of the rights, duties and guarantees which provides material maintenance against unemployment case under circumstances independent of insured person and delivery of social services at the expense of the Compulsory State Social Insurance Fund of Ukraine in case of unemployment; insurance risk it is necessary to understand an event through which the insured persons lost their wages (financial maintenance) or other income provided by law of Ukraine due to loss of work under circumstances independent if insured person. They must be registered as unemployed, ready and available to take up employment and actively seek for jobs.

These provisions are aimed at encouraging unemployed to actively seek for employment, forming of responsible attitude to their financial security and abuse prevention on unemployment dependency.

Registered unemployed have the right to appeal including to court, actions or omissions of state bodies, local self-government bodies, enterprises, institutions and organizations, their officials, which led to the violation of employment rights in accordance with Article 44 of Law No. 5067.

### ***Privacy at work***

*Q. 7. The Committee points out that the emergence of new technologies has made it possible for employees to work for their employers at all times and in all places, including at home, with the result that there is no longer a clear dividing line between work and private life. There is therefore an increased risk of work encroaching on employees' private lives, including outside working hours and the workplace. The ECSR considers that the right to earn one's living in an occupation freely entered upon includes the right to be protected against such interference. It asks for up-to-date information on this point.*

Answer: A natural person shall have the right to personal privacy. A natural person, on its own, shall determine his/her personal privacy and the possibility to familiarize other persons with it. A natural person shall be entitled to keep secret the circumstances of his/her personal privacy. Other persons may disclose circumstances of personal privacy of a natural person only in case they contain indications of an offence confirmed by the court decision as well as the natural person's consent.

At the same time, in accordance with Article 142 of the CLL, the work schedule at enterprises, institutions, organizations shall be determined by the Internal work schedule rules which shall be approved by labour collectives upon the submission of the owner or his authorized body and the elected body of the primary trade union organization (trade union representative) based on typical rules.

That is, the work schedule, the length of working time and rest time shall be set by the employer in the Internal work schedule rules or in the collective agreement in compliance with employment laws.

It should be noted that in accordance with Article 29 of the CLL prior to commencement of work under entered into labour contract the owner or authorized by him/her body shall be obliged to

1) clarify the employee his/her rights and obligations, as well as inform against receipt about working conditions, presence at workplace where he/she will work, dangerous and harmful industrial factors which are not removed yet, and possible consequences of their influence on health, his/her rights to benefits and compensations for the work in such conditions according to current legislation and collective contract;

2) acquaint the employee with internal regulations under collective contract;

3) allocate to the employee the workplace, provide him/her with tools required for work;

4) instruct the employee on safety measures, industrial health, occupational hygiene and fire protection.

In accordance with Article 2 of the Law of Ukraine "On Protection of Personal Data" No. 2297-VI of 1 June 2010 (hereafter referred to as "Law No. 2297) personal data shall mean information or aggregate information about a natural person who is identified or may be identified; base of personal data shall mean a named aggregate of organized personal data in electronic form and/or in a

form of a filing system; processing of personal data shall mean any operation or set of operations such as collection, registration, accumulation, storage, adaptation, alteration, updating, use and dissemination (distribution, sale, transfer), depersonalization or destruction of personal data which may involve the use of information (automated) systems.

In accordance with Article 6 of Law No. 2297 the purpose of processing of personal data must be clearly formulated in legal and other normative acts, regulations, constitutive or other documents that regulate activity of the controller of personal data and conform to legislation on personal data protection. Personal data shall be processed in an open and transparent manner using the means that are adequate for the established purpose of such processing.

The composition and content of personal data shall be relevant, adequate and non-excessive with regard to the purpose of their processing. Processing of personal data shall be conducted for concrete and legal purposes, determined by the consent of subject of personal data or, in certain cases prescribed by Law.

Processing of personal data about a natural person shall be prohibited without such person's consent, except for the cases stipulated by the law, and only in the interests of national safety, economic welfare and human rights.

Moreover, in accordance with paragraph 2.9 of the Standard Procedure for the Processing of Personal Data, approved by the Order of the Commissioner for Human Rights No. 1 / 02-14 of 1 January 2014, the controller of personal data, except for the cases stipulated by the law, shall inform subject of personal data about the composition and content of the collected personal data, his/her rights, established by Law No. 2297, the purpose of collection of personal data as well as third parties to whom his/her personal data are transferred:

- at the time of collection of personal data, if the personal data is collected from the data subject;
- in other cases, within thirty working days from the date of collection of personal data.

The Controller of personal data shall keep information (documents) confirming the provision of the above information to the applicant throughout the processing of personal data.

Thus, the abovementioned legislative provisions confirm the necessity to inform by employer the employee not only about the fact of personal data collection, but also about their composition, content, methods and purpose.

The Ministry of Social Policy has developed a draft law on amendments to the Code of Labour laws to regulate the employee's right to work outside the employer's premises. In accordance with provisions of this draft law the terms of the remote work, in particular as regards the aspects of confidentiality, shall be agreed in the employment contract.

## **Article 1 – The right to work**

### *Paragraph 3 – Free placement service*

#### **1. General legal framework**

The relevant legal framework has not changed during the reference period.

#### **2. Measures taken to implement the legal framework**

##### *Additional questions and answers*

*Q.1. The Committee asks to confirm that the services are provided free of charge for both job-seekers and employers. It asks for information on the number of vacancies notified to employment services, the number of placements made by these services and the average length of time in filling vacancies.*

Answer: in accordance with Article 5 of Law No. 5067 the State shall guarantee free assistance in job placement, in choice of suitable work and in obtaining information on the labour market situation and development prospects.

Everyone has the right to social security in the event of unemployment, which is realized through the provision of free social services, in particular, information and counseling, vocational training, retraining, upgrading skills in response to demand in the labor market, assistance in employment, in particular through financial support for self-employment and the implementation of entrepreneurial initiative in accordance with law.

Draft law on amendments to certain legislative acts of Ukraine has been currently developed in order to enhance efficiency of the state employment service by improving its structure, the system of social services, the procedure for their delivery ect. Free delivery of social services by state employment service in accordance with the provisions of the draft law shall remain unchanged.

#### **3. Pertinent figures, statistics or any other relevant information**

*Q.2. The Committee asks for information on performance indicators of agencies which are subject to licensing.*

#### **Number of citizens of Ukraine employed abroad by economic entities licensed by the Ministry of Social Policy for intermediation in employment abroad**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of economic entities	322	359	427	511
Number of employed persons	76 884	79 203	83 779	97 98

*Q.3. The Committee asks for information on the following points:*

- *number of job seekers and unemployed persons registered with SES*
- *number of vacancies notified to SES*
- *number of persons placed via SES*
- *placement rate (i.e. percentage of placements compared to the number of notified vacancies);*
- *average time taken by SES to fill a vacancy*
- *placements by SES as a percentage of total employment in the labour market;*
- *respective market shares of public and private services. Market share is measured as the number of placements effected as a proportion of total hirings in the labour market.*

**Please see Appendix 1**

*Q.4. The Committee asks to provide data on:*

- the number of persons working in SES (at central and local level)
- the number of counsellors involved in placement services
- the ratio of placement staff to registered job seekers

**Number of persons working in SES (at central and local level)**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of persons working in State Employment Service at central level	170	170	178	178
Number persons working in regional employment services	12575	12575	12567	12567
Total number of employees	12745	12745	12745	12745
Number of employees (counsellors) involved in placement service	4984	4824	4922	4656
Ratio of registered jobseekers to the placement staff	109.8	102	86,3	86,3

**Article 1 – The right to work**

*Paragraph 4 – Vocational guidance, training and rehabilitation*

**Please see Articles 9, 10 and 15**

## **Article 9 – The right to vocational guidance**

### **1. General legal framework**

- Resolution of the Cabinet of Ministers of Ukraine No. 469 of 4 July 2018 “On Approval of the Action plan for implementation of the Concept of the State System of Professional Guidance of the Population”
- Order of the Ministry of Education and Science of Ukraine No.509 of 22 May 2018 “On Regulation on Psychological Service” (registered at the Ministry of Justice of Ukraine on 31 July 2018 under No. 885/32337)

The Action plan for implementation of the Concept of the State System of Professional Guidance of the Population envisages updating the system of vocational guidance of the population, introduction of innovative vocational guidance services, provision of vocational guidance services taking into account the principle of gender equality, creation of conditions for intensification of work on vocational guidance of the population, including vocational reorientation and adaptation of servicemen who are to be dismissed or discharged from military service, and those who participated in the anti-terrorist operation in Donetsk and Luhansk regions.

### **R. Measures taken to implement the legal framework**

#### ***Additional questions and answers***

#### ***Vocational guidance within the educational system***

*Q.1. The Committee asks to clarify whether foreign nationals can free access to vocational guidance services not related to the unemployment status in particular within the education system.*

Answer: In accordance with Law of Ukraine “On Education” foreigners and stateless persons shall get an education in Ukraine prescribed by law and / or international treaties of Ukraine.

Pursuant to Law of Ukraine “On Legal Status of Foreigners and Stateless Persons” foreigners and stateless persons staying in Ukraine on legal grounds enjoy the same rights and freedoms and also bear the same responsibilities as the citizens of Ukraine, exceptions are established by the Constitution and the laws or international treaties of Ukraine.

Professional guidance work in the institutions of general secondary and vocational and technical education shall carried out by pedagogical workers, in particular practical psychologists, social pedagogues.

In accordance with the Regulation “On Psychological service” approved by the Order of the Ministry of Education and Science of Ukraine No.509 of 22 May 2018, the advisory assistance to all participants of the educational process on issues

of personal and professional development shall be carried out by practical psychologists of institutions and/or educational institutions.

As of the beginning of the 2018/19 academic year, the total number of pedagogical staff in the institutions of general secondary education of all forms of ownership was 44,0006 persons, of whom 8094 practical psychologists, 4403 social pedagogues.

There are 543 practical psychologists working in institutions of vocational and technical education as of 01.10.2019.

### ***Vocational guidance in the labour market***

*Q.2. The Committee asks to clarify whether vocational guidance services are only provided to workers, who seek guidance on how to develop their career (including by undertaking further studies or retraining) or wish to change career.*

Answer: everyone who applies to employment service have the right to vocational guidance free of charge on choice or change of an occupation or activity type, place of employment or work schedule without any discrimination.

The previous report stated that vocational guidance shall be provided to all persons who applied to the State Employment Service through delivery of professional information, professional counselling and vocational selection. At the request of the client professional counselling and vocational selection activities may be supplemented with psychological diagnostic tests.

In order to modernize the system of vocational guidance, to improve professional guidance of youth tailored to labour market needs and introduce the innovative activity the Board of the Compulsory State Social Insurance Fund of Ukraine against unemployment approved the Programme of the State Employment Service on vocational guidance for 2017-2020 by Order No. 145 of 7 September 2017.

The Programme provides for systematic vocational guidance services offered by the state employment service in schools, in the institutions of vocational and technical education and in higher education institutions as well as vocational guidance services tailored to labour market needs, to original residents of the united territorial communities. Moreover, the Programme provides introduction of the different types of innovative activity of the population, strengthening the interaction of social partners in the sphere of vocational guidance, improvement of legal framework for the organization of vocational guidance.

In 2018, the free Online Platform of the State Employment Service “Career Guidance and Development” and its mobile version ([www.profi.dcz.gov.ua](http://www.profi.dcz.gov.ua)) (hereinafter referred to as “the Platform”) was put into practice. The Platform provides to individuals the opportunity for psychological testing and to obtain results, and thus to make their own career guidance in the form of distance learning without visiting an employment service.

The Platform has a comprehensive vocational guidance test and 10 soft skills tests. In 2018, more than 20,000 people completed such vocational testing.

In October 2018, comprehensive vocational guidance testing for persons aged 14- 60 years on the psycho-diagnostic online platform “My Profession: Counseling Network” (www.myprofession.com.ua) has been launched. Free testing on this Platform shall be provided by the state employment service until the end of 2019 under license. About 9,000 people completed testing on the Platform in October-December 2018.

**1. Pertinent figures, statistics or any other relevant information**

*Q. 3. The Committee asks for information concerning the estimated expenditure devoted to vocational guidance services in the labour market and the number of beneficiaries of vocational guidance services.*

**Budget of the Compulsory State Social Insurance Fund of Ukraine against Unemployment for “Vocational guidance”**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Vocational guidance/ UAH	4 474,7	2 798,4	4 409,8	5 144,5

**Please see Appendix 2 on beneficiaries of vocational guidance.**

## **Article 10 – The right to vocational training**

*Paragraph 1 – Technical and vocational training; access to higher technical and university education*

### **1. General legal framework**

- Decree of the Cabinet of Ministers of Ukraine No. 373 of 31 May 2017 “On development and approval of professional standards”
- Order of the Ministry of Social Policy of Ukraine No. 74 of 22 January 2018 “On approval of the methodology for development of professional standards”

### **2. Measures taken to implement the legal framework**

#### *Additional questions and answers*

*Q.1. The Committee asks to provide information on mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general, technical and university higher education; on measures taken to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market; on total spending on education and training as a percentage of the GDP; the completion rate of young people enrolled in vocational training courses and of students enrolled in higher vocational education.*

Answer: in 2016, the regional councils of vocational education and training councils (hereafter referred to as “VET” were created in all regions of Ukraine in accordance with the Government's Priority Action Plan for 2016 (paragraph 11 “Modernization of Vocational (Vocational and Technical Education), approved by the Resolution of the Cabinet of Ministers of Ukraine No. 418 of 27 May 2016. As of 1 January 2019, there are 25 VET consisting of representatives of local executive bodies and local self-government bodies, employers' organizations, educational institutions. Activity of VET is aimed, first of all, at the formation of proposals regarding changes to the network of vocational institutions, their level of financing, directions and financing of skilled workers' education, as well as approval of the regional order for training of labour force through VET.

Resolution of the Cabinet of Ministers of Ukraine No. 994 of 14 December 2016 approved Methodological recommendations for the formation and placing of a regional order for training of specialists and skilled workers, according to which the regional order shall be formed by the departments for education and science of local authorities as agreed with VET.

Within the framework of the Torino Process - a participatory process leading to an evidence-based analysis of VET policies in a country - 25 regions of Ukraine prepared relevant regional reports in 2016 through analyzing programs of socio-economic development and development of VET in region concerned.

In 2018, the Board of the Ministry of Education and Science (Minutes No. 5 / 3-3 of May 22, 2018) approved the draft conceptual framework for the development of vocational education “Contemporary vocational education”.

In December 2018, the Agreement on the financing of the EU4Skills project was signed which will contribute to strengthen institutional capacity building for improved management of the vocational education at the regional level.

As regards the validation of knowledge and experience acquired in the context of training/working activity in order to achieve a qualification or to gain access to general, technical and university higher education it should be noted, that Article 34 of the Law of Ukraine “On Education” defines that the educational qualification is summation of learning outcomes (competencies), that are established by the educational standard and obtained by an individual, recognized by the institution of education or an authorized educational entity and certified by the relevant educational document.

The professional qualification is the standardized summation of competencies (learning outcomes) gained by the person, which allow to perform a certain type of work or professional activity, that is recognized by the qualification center, authorized educational entity and certified by the relevant educational document.

Learning outcomes and competencies necessary for awarding educational and/or professional qualifications may be achieved and gained through formal, non-formal or informal education.

Educational qualifications are awarded, recognized and validated by educational institutions or other entities.

Professional qualifications are awarded, recognized and validated by entities authorized by this legislation, in particular by educational entities.

Qualification Centers are entities empowered to evaluate and recognize the learning outcomes of persons (in particular, gained through -formal or informal education), assignment and / or confirmation of relevant professional qualifications.

Among the measures to improve the quality of vocational education in Ukraine, priority is given to updating the content of education by developing and implementing standards for vocational (vocational and technical) education based on a competency-based approach.

The Ministry of Education and Science of Ukraine issued Order No.946 of 30 June 2017 “About State standards for vocational education based on a competency-based approach”. The Order has approved Recommendations on development of standards, list of professions for drafting of standards and the composition of working group. In cooperation with employers and social partners 29 vocational standards were developed in 2016; in 2017 – 61 vocational standards and in 2018 – 17 vocational standards. These standards were approved by relevant orders of the Ministry of Education and Science of Ukraine.

In December 2016, the Code of Labour Laws and the Law of Ukraine “On Remuneration” were amended which established that the requirements for the qualification and special knowledge of employees, their tasks, duties and

specialization shall be determined by the vocational standards or professional qualifications.

The Procedure for development and approval of vocational standards was approved by the Decree of the Cabinet of Ministers of Ukraine No. 373 of 231 May 2017.

Professional standards drafts can be developed by employers, their organizations and associations, industry (inter-sectoral) councils, central executive bodies, scientific institutions and other interested entities.

Professional standards drafts shall be developed in accordance with the Professional Standards Development Methodology, approved by the Order of the Ministry of Social Policy Order No. 74 of 22 January 2018 (registered at the Ministry of Justice of Ukraine on 13 February 2018 under No. 165/31617).

As of 01.09.2019, 12 professional standards were approved. 154 applications for the development of professional standards were received from project developers and placed on the Ministry of Social Policy's website.

### 3. Pertinent figures, statistics or any other relevant information

#### Expenditure “Education”

	Actual expenses, 2015	Actual expenses, 2016	Actual expenses, 2017	Actual expenses, 2018
Consolidated budget, MM UAH	114,2	129,4	178,6	210,7
As a percentage of GDP	5,7	5,43	5,99	5,92
GDP, MM UAH	1988,5	2383,2	2982,9	3558,7

#### Vocational training institutions

	Number of vocational institutions	Number learners, students enrolled in vocational education, thousands
2015	798	304,1
2016	787	285,8
2017	756	269,4
2018	736	255,0

*Data are given without taking into account the temporarily occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol, and the temporarily occupied territories in Donetsk and Luhansk regions*

### Institutions of higher education

	<b>Colleges, technical schools</b>	<b>Universities Academies Institutes</b>	<b>Graduated, thsd. colleges, technical schools</b>	<b>Graduated, thsd.(Universities, Academies, Institutes)</b>
2015/16	371	288	73,4	374,0
2016/17	370	287	68,0	318,7
2017/18	372	289	61,2	359,9
2018/19	370	282	55,5	357,4

*Data are given without taking into account the temporarily occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol, and the temporarily occupied territories in Donetsk and Luhansk regions*

## **Article 10 – The right to vocational training**

### ***Paragraph 2 – Apprenticeship***

#### **1. General legal framework**

- Resolution of the Cabinet of Ministers of Ukraine No. 660 of 19 September 2018 “On Approval of the Concept of Expert Training based on Dual Education System”

#### **2. Measures taken to implement the legal framework**

##### ***Additional questions and answers***

*Q.1. The Committee asks in particular whether an apprenticeship is based on a contract of employment between the employer and the apprentice and what is the division of time between practical and theoretical learning. It also wishes to be informed of the total spending, both public and private.*

Answer: during 2015-2017 an experiment was conducted on the organization of educational and production process with elements of dual education Resolution of the Cabinet of Ministers of Ukraine No. 660 of 19 September 2019 approved the Concept of Expert Training based on Dual Education System, which defined that the dual education shall be a way to get an education and shall combine vocational education in vocational training institution and apprenticeship in enterprises, institutions and organizations for the acquisition of certain qualifications, as a rule, based on a training contract with the company.

The introduction of elements of the dual education in vocational educational institutions changed the ratio of learning time: theoretical learning 30% and practical learning -70%.

Each year, the number of vocational training institutions, students/learners, occupations and employers involved in the vocational training in the dual education is growing.

Introduction of elements of dual education:

- 2015 – 3 vocational training institutions/3 occupations/97 learnings and students/25 employers;
- 2017 – 46 vocational training institutions/54 occupations/300 learning and students/300 employers;
- 2018 – 198 institutions/114 occupations/7,000 learnings and students/800 employers

The national budget funded the creation of 100 sector-specific learning and practice centers based on vocational training institutions of existing institutions during 2016–2018:

- “Tractor driver of agricultural production” - 5 centers;
- “Sanitary and Equipment Installer” – 19 centers;

- “Seamstress. Tailor. Cutter - 27 centers;
- “Turner. Wide-rider operative. Miller. Grinder. Driller” - 9 centers;
- “Manual welder. Electric welder on automatic and semi-automatic machines. Welder” - 25 centers;
- “Electrician for lighting and lighting networks. Electrician for repair and maintenance of electrical equipment. Power Network and Electrical Installer” - 15 centers.

9 memorandums on cooperation concerning training of skilled workers between the Ministry of education and Science of Ukraine and social partners have been signed within the framework of the public-private partnership.

19 sector-specific learning and practice centers have been created through attracting social partners’ investments.

In 2016, vocational training institutions with sector-specific learning and practice centers were included in the List of vocational training institutions, on the basis of which training of providers can be carried out (Order of the Ministry of Education and Science No. 1066 of 14 July 2017).

## **Article 10 – The right to vocational training**

### ***Paragraph 3 – Vocational training and retraining of adult workers***

#### **1. General legal framework**

- Law of Ukraine “On Education” No. 2145-VIII of 5 September 2017
- Order of the Ministry of Social Policy of Ukraine No. 1611 of 11 October 2017 “On approval of methodological recommendations for introducing mentoring”

Article 18 of the Law of Ukraine “On Education”, adopted in September 2017, established that adult education is a component of the life-long education aimed at exercising a right to continuous education by each person that achieved legal age, based on their personal needs, social development priorities and needs of economy.

In 2017, methodological recommendations have been developed to facilitate mentoring in companies of various organizational types of business and forms of ownership for professional adaptation and to promote professional development for employees.

Mentoring involves training in the workplace where a more experienced employee passing on his/her experience to support the development of a less experienced employee.

Mentorship can be applied to the training of employees who are first hired based on employment contract, transferred to a different job or other position and who need to gain practical experience, develop additional professional knowledge and skills.

#### **2. Measures taken to implement the legal framework**

##### ***Additional questions and answers***

##### ***Employed persons***

*Q.1. The Committee asks for information about the existence of the legislation on individual leave for training and its characteristics, in particular the length, the remuneration, and the initiative to take it. It also asks what percentage of employees have undertaken training.*

Answer: in accordance with Article 62 of the Law of Ukraine “On Education” persons who attend higher education institutions have the right to work after hours, additional paid leave (study leave), reduced working hours and other benefits.

Pursuant to Article 202 of the CLL, the employer or authorized by him/her body the employer or authorized by him/her body must create necessary

conditions for combining work and study for employees undergoing vocational training or studying in educational institutions without interruption of work.

Article 216 of the CLL and Article 15 of the Law of Ukraine “On Leave” provides for the right to additional paid study leave in connection with study at higher education institutions, postgraduate educational institutions and postgraduate studies.

The duration shall be determined depending on the form of education, the level of accreditation of the educational institution and the course at which the employee studies (10, 20, 30, 40 days). For employees studying in higher education institutions with evening and extramural forms of education, where the educational process has its peculiarities, legislation may specify other length of study leave.

Article 217 of the CLL stipulates that, that the average wage of an employees shall be maintained for the duration of study leave.

### ***Unemployed persons***

*Q.2. The Committee asks to provide figures on the total number of employed persons having participating in a training and in proportion to the total number of unemployed, as well as the percentage those who found a job afterwards.*

<b>Indicator</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of unemployed/thsd.	1 435,2	1 270,4	1 138,4	1 064,2
Number of unemployed benefited from the vocational training/ thsd.	178,9	166,6	163,0	147,3
Proportion of persons who have been trained in the total number of unemployed, %	12,5	13,1	14,3	13,8
Level of employment after the vocational training, %	94,0	95,8	95,6	96,1

Number of unemployed having participated in a training in Vocational training centers, thsd.	33,3	36,7	43,1	47,6
Level of employment after the training in Vocational training centers, %	93,2	95,1	95,3	95,6
Number of unemployed who got their vouchers for education, thsd.	2,7	1,4	0,8	1,2
Number of unemployed who confirmed of the results of informal vocational training		13	61	85

**Article 10 – The right to vocational training**  
**Paragraph 4 – Long term unemployed persons**

**1. General legal framework**

- Order of the Ministry of Social Policy of Ukraine No. 1044 of 21 September 2016 “State standard of social assistance service (maintaining in the process) in job placement” (registered at the Ministry of Justice of Ukraine on 17 October 2016 under No. 1359/29489)

**2. Measures taken to implement the legal framework**  
***Additional questions and answers***

*Q.1. The Committee asks to provide information on the types of training and retraining measures available on the labour market for long-term unemployed individuals; the number of persons in this type of training; the special attention given to young long-term unemployed; the impact of the measures on reducing long-term unemployment*  
*ЕКСП звертається з проханням надати інформацію щодо:*

Answer: Order of the Ministry of Social Policy No. 1044 of 21 September 2016 (registered at the Ministry of Justice of Ukraine on 17 October 2016 under No. 1359/29489) approved the State Standard of Social assistance service (maintaining in the process) in job placement.

The State standard shall be applied for:

- providing social service of social assistance (maintaining in the process) in job placement for persons who are not able to compete on an equal footing in the labor market, are in difficult circumstances, want to find a job and need social assistance;
- monitoring the quality of social service provision (maintaining in the process) in the job placement
- determination of the tariff for social service of social assistance in job placement

Social assistance (maintaining in the process) in job placement is a set of activities that shall be carried out on a regular basis for a fixed period and aimed at supporting the client of social service in the process of overcoming life difficult circumstances, restoration and improvement of social status, which provides the provision of social service through individual way and fulfill the role of mediation (consultations of other specialists, support and representation of interests of the client, assistance with documents, etc.);

The entities providing social services of social assistance (maintaining in the process) in job placement are enterprises, institutions, organizations, companies irrespective of ownership, individuals - entrepreneurs providing social service and meeting the criteria of activity of entities providing social services.

The ground for delivering a social service is a written request (application) of a potential recipient of a social service or his/her legal representative to the relevant executive authority on social protection of the population at the place of residence / stay of a person. The application shall be transferred within 3 working days after receiving directly to entities providing social services.

An agreement on delivering social service, taking into account certain individual needs and completed individual plan shall be concluded with the recipient within 7 working days from the date of the decision on providing the social service.

In order to prevent long-term unemployment, the Employment Service has implemented qualitatively new approaches to improving the delivery of social services to the recipients. In particular, since the beginning of 2018, employment centers have been providing job profiles and case management approach for unemployed.

### **Please see information/Article 1, Paragraph 1**

Profiling is a procedure for dividing the unemployed into individual profile groups depending on the risk of their long-term unemployment, which shall be determined on the basis of individual characteristics, work experience, potential, and the level of motivation for employment.

The case management process involves organizing the work of a specialist employment center with an unemployed person in clearly defined stages. The case management process consists of 8 steps: establish of contact, assessment, planning, activities, monitoring, measuring outcomes, completion, follow-up support after employment.

At the end of the term of providing this social service and if the unemployed gives his/her consent for post-employment support, the personal employment counselor continues to maintain working contact with the client for a certain period of time (up to 6 months after employment).

In order to provide follow-up support after employment, the personal employment counselor from employment center may involve experts from partner organizations to provide the necessary supportive services:

- adaptation to working conditions in the new workforce
- adapting to new work environment
- negotiating workplace conflicts
- adjusting to a new workplace
- psychological counseling
- etc.

*Q.2. The Committee asks to provide clarification, specifying whether equal treatment with respect to access to training and retraining for long-term unemployed persons is guaranteed to nationals of other State party lawfully resident in the national territory.*

Answer: previous reports stated that enterprises, institutions and organizations have the right to use the work of foreigners in the territory of Ukraine on the basis of a work permit. The work permit is issued to an employer for a foreign employee.

### **3. Pertinent figures, statistics or any other relevant information**

**Please see Appendix 3 unemployed population by duration of job searching.**

**Article 10 – The right to vocational training**  
***Paragraph 5 – Full use of facilities available***

**1. General legal framework**

- Law of Ukraine No. 2145-VIII of 5 September, 2017 “On Education”
- Decree of Cabinet of Ministers of Ukraine No. 729 of 12 September 2018 “Higher Education Issues for some categories of persons” No. 729 of 12 September 2018

**2. Measures taken to implement the legal framework**  
***Additional questions and answers***

***Fees and financial assistance***

*Q.1. The Committee asked whether the system of financial assistance for vocational education for those in need was in place*

Answer: in accordance with the Law of Ukraine No.2145 of 5 September 2017 “On Education” (hereafter referred to as Law No. 2145) educational service is a complex of actions of the educational agent, which are established by the legislation, educational programme and/or an agreement, have an established price and are aimed at achievement of expected learning outcomes by the education seeker;

The educational institution as an economic agent may operate in one of the following statuses:

- state-funded institution;
- non-commercial educational institution;
- commercial educational institution.

In accordance with Article 1 of Law No. 2145 the State shall ensure social protection of education seekers in cases established by legislation, and equal access to education for persons from socially vulnerable groups.

Pursuant to Article 56 of Law No. 2145 in order to obtain education, seekers of vocational education and training, pre-tertiary vocational education and higher education may be provided with the state financial support, soft loans, guarantees for receiving loans, partial reimbursement of credit interest rate, etc.

It should be noted, that the Decree of the Cabinet of Ministers of Ukraine No. 882 of 12 July 2004 in version of the Decree of Cabinet of Ministers of Ukraine No. 1050 of 28 December 2016 approved the Procedure for assigning and paying scholarships to students in education or scientific institutions by state (regional) order at the expense of the general fund of the state (relevant local) budget.

The Decree of the Cabinet of Ministers of Ukraine No. 1047 of 28 December, 2016, in version of the Decree of the Cabinet of Ministers of Ukraine No. 918 of 8 December 2017 approved the scholarships for students of vocational schools, students of higher education institutions, scientific institutions of state and communal ownership, as well as winners and participants in intellectual competitions.

The Decree of the Cabinet of Ministers of Ukraine No. 436 of 8 June, 2005 determined the amounts of annual scholarships and grants of the President of Ukraine to prize-winners and participants of all-Ukrainian competitions of professional skills among students of vocational schools and their graduates.

The Decree of the Cabinet of Ministers of Ukraine No. 673 of 29 August 2018 73 approved the Procedure of preferential crediting for vocational, technical and higher education.

The Decree of the Cabinet of Ministers of Ukraine No. 975 of 23 November 2016 in the version of the Decree of the Cabinet of Ministers of Ukraine No. 686 of 17 July 2019 approved the Procedure and conditions for granting state targeted support to certain categories of citizens for vocational education (vocational-technical), professional pre-higher education and higher education, who study in state or communal institutions of vocational (vocational-technical), professional pre-higher and higher education.

*Q.2. The Committee asks whether equal treatment also covers financial assistance for vocational education*

Answer: foreigners and stateless persons shall obtain education in Ukraine in accordance with the law and / or international treaties of Ukraine.

In accordance with the Order of the Ministry of Education and Science of Ukraine No. 1541 of 1 November 2013 (registered at the Ministry of Justice of Ukraine on November 25, 2013 under No. 2004/24356) “Some issues of organizing recruitment and training (internship) of foreigners and stateless persons” payment for educational services, which provided by educational institutions to foreigners, carried out under contracts (contracts) at the expense of natural or legal persons, unless otherwise provided by international treaties of Ukraine or agreements between higher education institutions on international academic mobility.

In accordance with the Decree of the Cabinet of Ministers of Ukraine No. 729 of 12 September 2018 “Issues of higher education for some categories of persons” the Government has set quotas for higher education for certain categories of foreigners and stateless persons at the expense of the state budget. One thousand public procurement places are allocated, within which quotas are set for foreigners and stateless persons who come to study in accordance with international treaties of Ukraine and for persons who have been granted the status of foreign Ukrainian.

There are one hundred and fifty public procurement places within which quotas are set for foreigners and stateless persons residing in Ukraine; persons

granted refugee status in Ukraine; persons in need of additional or temporary protection.

Persons enrolled in higher education institution within the established quotas shall be provided with scholarship in the manner and amount established for citizens of Ukraine and with the dormitories with payment for accommodation in the amount set for citizens of Ukraine, unless otherwise provided by international treaties of Ukraine. .

### ***Training during working hours***

*Q.3. The Committee asks to indicate whether time spent on supplementary training at the request of the employer is included in the normal working hours.*

Answer: The Decree of the Cabinet of Ministers of Ukraine No. 700 of 28 June 1997 “Remuneration for the duration of industrial training, retraining or training of other professions” established the procedure for remuneration of pupils during their training and workers during their retraining or training other professions pursued by the enterprise, institution and organization directly in production.

The Procedure shall extend to enterprises, institutions and organizations of all forms of ownership.

### ***Efficiency of training***

*Q. 4. The Committee asks what measures are taken to evaluate vocational training programmes for young workers, including the apprenticeships.*

Answer: Traditional approaches to evaluating the effectiveness of curriculum interventions are that after graduation, trainees, as a rule, give their assessment in the form of interviews or questionnaires, answering questions and choosing one of the suggested assessment options (points).

## **Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community**

### *Paragraph 1 - Vocational training for persons with disabilities*

#### **1. General legal framework**

- Law of Ukraine No. 2145-VIII of 5 September, 2017 “On Education”
- Decree of the Cabinet of Ministers of Ukraine No. 545 of 12 July, 2017 “On approval of the Inclusive Resource Center Regulation”.

On 5 September 2017, Verkhovna Rada of Ukraine adopted Law of Ukraine № 2145-VIII “On Education”. In accordance with Articles 19 and 20 of the Law No. 2145 the state authorities and bodies of local self-government create conditions to ensure rights and opportunities of persons with special educational needs to gain education at all its levels based on their individual needs, capabilities and interests.

The state shall ensure training of professionals for work with persons with special educational needs at all levels of education.

Education shall be provided to persons with special educational needs on a par with other persons, including by means of creation of the independent financial, staffing, infrastructure and provision of reasonable adjustment based on the individual needs of such persons identified in the individual development programme.

Types and forms of education that are used for education, professional training or retraining of persons with special educational needs, are based on their needs and individual capabilities.

State authorities, bodies of local self-government and institutions of education shall create conditions for gaining education by persons with special educational needs by providing reasonable adjustment and universal design.

If needed, institutions of education create inclusive and/or special groups and classes for education of persons with special educational needs. In case of application of the person with special educational needs or their parents, establishment of such group and class is mandatory.

Institutions of education with special and inclusive groups and classes shall create conditions for study of persons with special educational needs in accordance with the individual development programme and based on their individual needs and capacities.

Persons with physical, mental, intellectual developmental disorders and sensor impairments shall be provided with auxiliary aids for study at institutions of education.

Persons with special educational needs are provided with psychological and pedagogic, as well as correctional and developmental services according to the procedure stipulated by the central executive authority in the area of education and science.

State authorities and bodies of local self-government shall create inclusion resource centres with a goal to ensure exercising the right to education and psychological and pedagogical follow-up of children with special educational needs.

Buildings, facilities and premises of institutions of education should meet accessibility requirements in accordance with construction norms and standards.

Design, construction and reconstruction of buildings, facilities and premises of institutions of education are performed based on principles of universal design and/or reasonable accommodation.

## **2. Measures taken to implement the legal framework** *Additional questions and answers*

### ***Anti-discrimination legislation***

*Q.1. The Committee asks for information on the measures taken to ensure effective remedies against alleged discrimination in education and training on grounds of disability (including examples of relevant case law and its follow up).*

Answer: According to the Unified State Register of Judgments, no decisions regarding discrimination in education and training on grounds of disability were registered in the reporting period.

### ***Education***

*Q.2. The Committee asks for information on the measures taken to reduce the institutionalisation of children.*

Answer: Mental Health Development Concept in Ukraine up to 2030 was approved by the Resolution of the Cabinet of ministers of Ukraine No. 1018 of 27 December 2017. The Concept stipulates, in particular, that overcoming social exclusion of persons with mental and intellectual disabilities shall be implemented through inclusion of these people into social communities, ensuring their supported living at territorial community level, social support during employment, improving the system of rehabilitation and social services provision.

*Q.3. The Committee also asks for information how many children have dropped out of school, how many have no experience of school and the percentage of students with disabilities entering the labour market following mainstream or special education or/and training.*

Answer: In order to ensure equal access, the relevant changes have been made to the laws of Ukraine “On Vocational Education”, “On General Secondary Education”, “On Preschool Education”.

In the reporting period, the number of general secondary education institutions with inclusive classes increased 2.5 times (1 518 schools in 2016, 2620 schools in 2016 and 3 788 schools in 2018). The number of pupils with special needs increased almost 3 times (4 180 pupils in 2016, 7 179 pupils in 2017 and 11 839 pupils in 2018).

The Resolution of the Cabinet of Ministers of Ukraine No. 545 of 12 July 2017 approved the Regulation on the Inclusive Resource Center.

Inclusive Resource Center is an institution created to ensure the right of children with special educational needs of 2 - 18 years old to get a pre-school and general secondary education, including vocational educational institutions and other educational institutions that provide general secondary education through comprehensive psychological and pedagogical assessment of the child's development, providing psychological and pedagogical, correctional and developmental services and providing them with systematic qualified support .

In 2018, 516 inclusive-resource centers and 24 regional resource centers were created by local self-government authorities and local executive authorities.

Inclusive-Resource Centers are formed from the calculation of one Inclusive-Resource Center for not more than 7 thousand children living in the territory of the united territorial community (district) and not more than 12 thousand children living in the city (city district).

In 2017-2018, 10,000 teachers who work in inclusive classes were trained. In 2018, 7,633 teacher assistants worked in inclusive classes.

Order of the Ministry of Social Policy of 17.08.2018 No. 1174 (registered at the Ministry of Justice of Ukraine on September 14, 2018 under No. 1054/32506) approved the List of social services provided to persons who are in difficult life circumstances and are unable to overcome them, in particular, the List is supplemented by services:

- “Support for inclusive education - providing assistance to children with special educational needs while studying in pre-school and general secondary schools”;
- “Temporary leave for parents or people who replace them and who care for children with disabilities - providing temporary care and upbringing for the child with disability at the place of residence or stay in the family of foster parent, in the institution for the period of absence of parents or persons who replace them and who care for children with disabilities”.

### 3. Pertinent figures, statistics or any other relevant information

#### Number of persons with disabilities in educational institution of Ukraine

	<b>Number of pupils with disabilities in day schools (at the beginning of academic year)</b>	<b>Number of students with disabilities in vocational schools (at the end of academic year)</b>	<b>Number of students with disabilities among university students (at the beginning of academic year)</b>
2015	62075	5368	16090
2016	65603	4988	14752
2017	68714	4828	13216
2018	73161	4617	12788

Source: Ministry of Education and Science of Ukraine

#### Vocational training

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of unemployed benefited from vocational training/ thsd.	4,2	3,9	4,0	4,0
Number of unemployed covered by vocational guidance services/ thsd.	44,5	42,9	40,9	42,9

Source: State Employment Service

## **Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community**

### *Paragraph 2 - Employment of persons with disabilities*

#### **1. General legal framework**

The relevant legal framework has not changed during the reference period.

#### **2. Measures taken to implement the legal framework**

##### *Additional questions and answers*

According to the information provided by the State Statistics Service of Ukraine there are 2659679 persons with disabilities at the beginning of 2019.

##### *Anti-discrimination legislation*

*Q.1 The Committee asks for information on the measures taken to ensure effective remedies against alleged discrimination in employment on grounds of disability (including examples of relevant case law and its follow up).*

Answer: According to the Unified State Register of Judgments, no decisions regarding discrimination in employment on the grounds of disability were registered in the reporting period.

*Q.2. The Committee asks how the reasonable accommodation obligation is implemented in practice.*

Answer: The Law of Ukraine “On the Fundamentals of Social Security for Persons with Disabilities in Ukraine” stipulates that enterprises, institutions and organizations shall create special workplaces if necessary at the expenses of the Social Security Fund for Persons with Disabilities or at their own expenses, if there is the local council decision, through adapting basic and optional equipment, technical equipment and reasonable accommodation, etc. to the needs of persons with disabilities.

The previous report stated that Article 18-1 of the abovementioned Law of Ukraine stipulates that State Employment Service may, at the expenses of Social Security Fund for Persons with Disabilities, provide the subsidy to employers for creation of special workplaces for persons with disabilities who are registered in State Employment Service, as well as to provide vocational training and retraining of persons with disabilities in accordance with the Procedure established by the Cabinet of Ministers of Ukraine.

Application of the Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine” shall extend to such spheres of public life:

- public and political activity;
- civil service and service in the bodies of local self-government;
- judiciary;

- **labour relations, including the application of the principle of reasonable accommodation by the employer;**
- healthcare;
- education;
- social security;
- housing relations;
- access to goods and services;
- other spheres of public life

### **3. Pertinent figures, statistics or any other relevant information**

*Q. 3. The Committee asks for information on the number or percentage of persons with disabilities employed in the open market and the number of beneficiaries of sheltered employment, as well as the rate of progress of such persons into the open market.*

Answer: According to State Employment Service, the number of persons with disabilities who did not reach retirement age in 2015 was 11912 persons; in 2016 - 11450 persons; in 2017 - 11466 persons.

Starting in 2018, the indicator “Number of persons with disabilities who have not reached retirement age” is not being developed in accordance with the national statistical observation plan.

## **Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community**

*Paragraph 3 - Integration and participation of persons with disabilities in the life of the community*

### **1.General legal framework**

- Order of the Ministry of Regional Development, Building and Housing and Communal Services of Ukraine “On approval of state building standards DBN B.2.2-40: 2018 “Buildings and Structures. Inclusiveness of Buildings and Structures. Basic Provisions” No. 327 of 30 November 2018

The Order of the Ministry of Regional Development, Building and Housing and Communal Services of Ukraine No. 327 of 30 November 2018 approved the State building standards (hereinafter referred to as “DBN”) concerning the inclusiveness of buildings and structures, which came into force on 1 April 2019.

The requirements are mandatory for legal entities and natural persons-entrepreneurs.

Taking into account that this information is outside the reference period, it will be provided in the next report.

These regulations shall extend to the design, building of new and reconstruction, complete overhaul of existing dwellings and public buildings, as well as their reasonable accommodation to the needs of persons with reduced.

When designing hotels, it is necessary to provide at least 10% of universal rooms. All hotels must be accessible from outside and inside.

The practical implementation of the new DBNs will help to create universal public spaces.

### **2.Measures taken to implement the legal framework**

#### ***Anti-discrimination legislation***

Application of the Law of Ukraine “On the Principles of Prevention and Combating Discrimination in Ukraine” shall extend to such spheres of public life:

- public and political activity;
- civil service and service in the bodies of local self-government;
- judiciary;
- labour relations, including the application of the principle of reasonable accommodation by the employer;
- healthcare;
- education;
- social security;
- **housing relations;**
- **access to goods and services;**
- **other spheres of public life**

## *Mobility and transport*

Currently, there are 19010 pedestrian crossings on public roads, 8887 of which are adapted for use by persons with disabilities; 50 underground walkways, 40 of which are adapted for use by persons with disabilities; 61 overground pedestrian crossing, 41 of which are adapted for use by persons with disabilities and 10 are equipped with elevators; 19 traffic lights are equipped with special audio devices with sound signals to create safe traffic conditions for people with visual impairments; 15980m of direct fence to pedestrian crossings is arranged; 6218 stops are equipped with a gentle entry / exit; 50 parking spaces for vehicles used by persons with disabilities are marked with appropriate markings and signs; road services in regions provide access for persons with disabilities to 8 administrative buildings.

To date, 61 trolleys have been purchased to support the mobility of persons with disabilities on the territory of the railway station of Ukraine, and 138 trolleys have been purchased for passenger carriages. During 2015, 12 railway stations were equipped with lifting devices for lifting / lowering persons with wheelchairs to / from the wagon. In previous years, 6 railway stations were equipped with these lifting devices.

At all railway stations, railway junction stations, special groups have been formed to provide assistance to persons with disabilities. It was determined responsibility for organizing of work of these groups.

Train Station (Passenger Service) employees assist in the processing of travel documents for persons who have problems accessing the cashier, calculating with the cashier, determining the route, provide all the necessary information about service and more.

People with disabilities are served out of turn at the stations.

At all airports of Ukraine, and especially at airports with significant passenger traffic, conditions for persons with disabilities are created and services are provided at the same level of other air passengers.

The doors of the airports have buttons for calling staff who help people with disabilities.

Information on disability services is available on airport websites.

Boryspil International Airport is the largest and most powerful airport in Ukraine. It provides about 65% of Ukraine's air passenger traffic and serves more than 8 million passengers annually. The airport terminal consists of three terminals. Terminal "D" is built in accordance with all the principles of Universal Design. Wheelchairs are used for passenger transportation at airports.

## **Article 18 - Right to engage in a gainful occupation in the territory of other States Parties**

*Paragraph 1 - Applying existing regulations in a spirit of liberality*

### **1.General legal framework**

- Law of Ukraine No.2058-VIII of 23 May 2017 “On Amendments to Some Legislative Acts of Ukraine on Eliminating of the Foreign Investment Barriers”

During the reporting period, the procedure for the employment of foreigners in Ukraine was amended in accordance with the Law of Ukraine “On Amendments to Some Legislative Acts of Ukraine on Eliminating of the Foreign Investment Barriers” No. 2058-VIII of May 23, 2017 (hereafter referred to as “Law No. 2058)

In particular, changes were made to the laws of Ukraine “On the Legal Status of Foreigners and Stateless Persons” and “On Employment of the Population”.

### **2.Measures taken to implement the legal framework**

#### *Additional questions and answers*

#### ***Work permits***

Concerning amendments made, it should be mentioned that a foreigner may work in different positions with one or more employers, provided that the employer receives a work permit for each position.

High-paid professionals may work without an additional work permit, if the validity of the employment contract does not exceed the validity of the permit of the principal contract.

A foreigner may combine the job position specified by the permit with a position of temporarily absent co-worker. Such work is permitted if it will last for no more than 60 calendar days within one calendar year.

In accordance with Article 42-1 of the Law of Ukraine “On Employment” the list of foreigners who may receive work permits in Ukraine has been expanded, namely:

- 1) high-paid foreign professionals;
- 2) founders and / or participants and / or beneficiaries (controllers) of legal entities established in Ukraine;
- 3) graduates of the world’s top 100 universities listed and approved by the Cabinet of Ministers of Ukraine;
- 4) foreign workers in creative professions;
- 5) foreign IT specialists.

### 3. Pertinent figures, statistics or any other relevant information

<b>Year</b>	<b>Number of work permits issued to employers for use the labour of foreigners</b>
2015	2591
2016	3843
2017	5387
2018	8390

<b>Year</b>	<b>Number of refusals in issuance of the work permits</b>
2015	1065
2016	1330
2017	996
2018	740

## **Article 18 - Right to engage in a gainful occupation in the territory of other States Parties**

*Paragraph 2 - Simplifying existing formalities and reducing dues and taxes*

### **1.General legal framework**

- Law of Ukraine No.2058-VIII of 23 May 2017 “On Amendments to Some Legislative Acts of Ukraine on Eliminating of the Foreign Investment Barriers”

### **2.Measures taken to implement the legal framework**

#### *Additional questions and answers*

In accordance with Law No. 2058, the list of documents for obtaining work permit has been reduced. The following documents are required:

1. Application for work permit
2. Passport
3. Photo
4. Copy of the employment contract

In order to apply for temporary residence permit, a foreigner who arrived in Ukraine for employment shall submit the following documents:

1. Work Permit
2. Employer’s obligation to notify the State Migration Service and the State Employment Service about the early termination or termination of the employment contract with the foreign employee

*Q.1. The Committee asks to clarify whether a residence permit is a precondition for issuing a work permit. It also asks for confirmation whether there are two separate procedures to follow for obtaining residence and work permits.*

Answer: The work permit is given to employer for foreign employee (the employer has to secure a work permit for the foreign employee before he/she can commence work in Ukraine).

The temporary residence permit is given to foreign employee who arrived in Ukraine for employment.

It should be noted that obtaining work permit and temporary residence permit are two separate procedures.

Temporary residence permits for foreigners who arrived in Ukraine for the purpose of employment shall be issued for the duration of the term indicated in work permit.

Service fees:

- public fee in the amount 34 UAH;

- administrative service fee in the amount of 517 UAH;
- administrative service fee in the amount of 340 UAH.

The cost of a temporary residence permit shall be paid by a foreigner who arrived in Ukraine for employment.

In accordance with the Law of Ukraine “On Employment of the Population”, as amended by Law No. 2058, the amount of payment for the issuance or extension of a work permit of a foreigner is for permits issued for a period of one to three years, or their validity is extended for such period. six subsistence minimums for able-bodied persons established by law on 1 January of the calendar year in which the employer submits the documents.

## **Article 18 - Right to engage in a gainful occupation in the territory of other States Parties**

### *Paragraph 3 - Liberalising regulations*

#### **1. General legal framework**

- Order of the Ministry of Education and Science of Ukraine No. 504 of 5 May 2015 “Some issues of recognition of foreign documents on education in Ukraine” (registered at the Ministry of Justice of Ukraine on 27 May 2015 under No. 614/27059)

Procedure for recognition of foreign educational documents (formerly called “nostrification”) is aimed to ensure the rights of citizens, who received education in other states, for continuing education and / or professional activity in Ukraine. Such the procedure is carried out on an individual basis.

#### **2. Measures taken to implement the legal framework**

##### *Additional questions and answers*

*Q.1. The Committee asks on which grounds a residence and work permit can be refused to a national of other States Parties wishing to work as self-employed or employees.*

Answer: state registration of a foreigner as natural person entrepreneur in accordance with the Tax Code of Ukraine shall mean his / her recognition as a resident of Ukraine.

*Q.2. The Committee also asks for information on measures taken to liberalise regulations governing the recognition of foreign certifications, professional qualifications and diplomas.*

Answer: Procedure for recognition of foreign educational documents (formerly called “nostrification”) is aimed to ensure the rights of citizens, who received education in other states, for continuing education and / or professional activity in Ukraine. Ukraine ratified Convention on the Recognition of Qualifications concerning Higher Education in the European Region on 3 December 1999. After the recognition procedure, the holder of foreign educational documents receives a certificate confirming the right of the holder of documents to continue education or job in a higher educational institution of Ukraine or in enterprises throughout all Ukraine.

The procedure for recognizing foreign educational documents includes: authentication of documents, confirmation of the status of an educational institution and / or educational program, appraisal of qualifications or period of

study, and the establishment of equivalence to educational or educational professional level in Ukraine, academic and / or professional rights.

The procedure for recognizing the degrees of higher education obtained in foreign higher educational institutions and documents on secondary, secondary vocational and vocational education established by the Order of the Ministry of Education and Science of Ukraine No. 504 of 5 May 2015 (registered at the Ministry of Justice of Ukraine of 27 May 2015 under No.)

The issuance of such certificate is carried out on the basis of a decision of the competent authority - a higher educational institution or the Ministry of Education and Science of Ukraine.

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Procedure for recognizing foreign educational documents	2769	4609	10191	14129
Number of certificates issued by MES	2585	3140	8188	10880

### ***Exercise of the right of employment /Consequences of the loss of employment***

*Q.3. The Committee recalls that loss of employment must not lead to the cancellation of the residence permit, thereby obliging the worker to leave the country as soon as possible.*

Answer: if the foreigner arrives in Ukraine for employment, then the work permit which is obtained by the employer, shall be is the ground for obtaining the foreigner a temporary residence permit.

Thus, it is not about the loss of employment, but the abolition of a work permit issued by an employer to foreigners.

Please see Article 18, paragraph 2

## **Article 18 - Right to engage in a gainful occupation in the territory of other States Parties**

### *Paragraph 4 - Right of nationals to leave the country*

#### **1.General legal framework**

The relevant legal framework has not changed during the reference period.

#### **2.Measures taken to implement the legal framework**

##### *Additional questions and answers*

*Q.1. The Committee asks to clarify the legal grounds of restricting the rights of nationals to leave the country.*

Answer: in accordance with the Law of Ukraine “On State Secrets” No. 3855 of 21 January 1994, a citizen who has been given access to state secrets in accordance with the procedure established by law and who was actually aware of it, may be restricted in the right of permanent residence in a foreign state until declassification of the relevant information, but not more than five years after the termination of activities connected with state secrets.

It is not limited to departure to the states with which Ukraine has international treaties providing for such departure and consent for Ukraine to be bound by the Verkhovna Rada of Ukraine.

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

### **1. General legal framework**

- Decree of the Cabinet of Ministers of Ukraine No 273 of 11 April 2018  
“About Approval of the State Social Program on Providing Equal Rights and Opportunities for Women and Men up to 2021”

Decree of the Cabinet of Ministers approved the State Social Program on Providing Equal Rights and Opportunities for Women and Men up to 2021 No. 272 of 11 April 2018

The program, among other things, provides for improvement of the mechanism of exercising the right to protection against discrimination and taking appropriate measures on its results through:

- Collection of data on the number of claims filed to the judiciary by category and the type of sex discrimination complaint
- Developing a mechanism (roadmap) to assist victims of gender discrimination
- Carrying out actions at national and regional level to ensure equal rights and opportunities for women and men in the workplace
- Conducting awareness campaigns aimed at preventing and combating gender-based discrimination and violence
- Distribution of anti-discrimination and social advertising on more than one ground

### **2. Measures taken to implement the legal framework**

#### *Additional questions and answers*

#### ***Equal rights***

*Q.1. The Committee noted the concerns expressed by ILO\_CEACR that the principle provided by Section 17 of the law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” is “more restrictive than the principle of equal remuneration for work of equal value” and “jobs performed by a man and a woman may involve different skills and working conditions, but may nevertheless be jobs which are of equal value and thus would have to be remunerated at an equal level”*

**Answer:** the minimum wage is a state social guarantee, which shall be stipulated in the Law of Ukraine on the State Budget for the respective year and is compulsory for enterprises, institutions and organizations of all forms of ownership and for natural persons who use hired labour.

The minimum wage shall be set both monthly and hourly.

The Law of Ukraine “On the State Budget of Ukraine for 2018” established the minimum wage at the monthly rate: as of January 1 - 3723 UAH, at the hourly rate respectively 22.41 UAH.

The minimum wage may not be lower than the subsistence level for able-bodied persons.

If the accrued wage of an employee who has fulfilled the monthly standard of work is lower than the statutory minimum wage, the employer shall pay additional payment up to the level of the minimum wage, which is paid monthly simultaneously with the payment of wages, respectively.

The conditions of remuneration of employees of institutions and organizations financed by the budget shall be determined by the Cabinet of Ministers of Ukraine, except in some cases provided by the Law “On Remuneration”. The Cabinet of Ministers of Ukraine shall approve the salary schemes (wage rates), which are divided according to the complexity of the work, the organizational and legal level of the position, the functions performed by the unit in which the employee works and other working conditions.

The working conditions of employees of institutions and organizations financed by the budget shall be established irrespective of origin, social and property status, race and nationality, sex.

In accordance with the Law of Ukraine “On remuneration”, self-sustaining enterprises independently determine the conditions and amounts of remuneration of their employees in a collective agreement with the observance of norms and guarantees stipulated by the legislation, general and sectoral (territorial) agreements.

In industry agreements, wage rates for occupations shall be established depending on the level of qualification. There is no gender difference in pay.

At the same time, according to statistics, men receive slightly higher wages than women. According to statistics of 2015, the average wage for women was 3631 UAH, for men - 4848 UAH. The wage ratio of women and men was 74.9%.

In 2016, the average wage for women was UAH 4480, for men - UAH 6001. The wage ratio of women and men was 74.6%.

In 2017, the average wage for women was UAH 7020, for men - UAH 8879. The ratio of wages to women and men was 79.0%.

In 2018, the average wage for women was UAH 8525, for men - UAH 10966. The wage ratio of women and men was 77.7%

This is mainly due to the fact that a larger percentage of men work in management positions where the wages are higher. They are involved in work with difficult, harmful, especially difficult and especially harmful working conditions and at night work where the rates are higher, but law prohibits the involvement of women in such positions. In addition, most women are on maternity leave for up to three or six years, and use their right for a part-time job.

*Q.2. The Committee asks whether there are certain in respect of certain occupations exceptions to the prohibition on discrimination on the grounds and if so what there are/*

Answer: Order of the Ministry of Health of Ukraine No. 1254 of 13 October 2017 (registered at the Ministry of Justice of Ukraine on 14 December 2017 under No. 1508/31376) canceled the Order of the Ministry of Health of Ukraine No. 256 of 29 December 1993 “On approval of the List of heavy work and works with harmful and dangerous working conditions for which the use of women's work is prohibited” (registered at the Ministry of Justice of Ukraine on 30 March 1994 under No. 51 / 260).

This has affected more than 418 professions. Thus, the abolition of this Order confirmed the principle of equal treatment of women and men in employment, vocational education, career development and working conditions.

*Q.3. The Committee noted from the report that with regard to the burden of proof the claimant must provide evidence proving that discrimination took place. If such evidences are provided, proving their absence reliefs on the defendant.*

Answer: Please see Article 1 paragraph 2/ Part 2/ *Prohibition of discrimination in employment*

## **Article 24 - Right to protection in case of dismissal**

### **1. General legal framework**

The relevant legal framework has not changed during the reference period.

### **2. Measures taken to implement the legal framework**

#### ***Additional questions and answers***

#### ***Remedies and sanctions***

*Q.1. The Committee recalls that courts or other competent bodies are able to order adequate compensation, reinstatement or other appropriate relief. In order to be considered appropriate, compensation should include reimbursement of financial losses incurred between the date of dismissal and the decision of the appeal body ruling on the lawfulness of the dismissal, the possibility of reinstatement and/or compensation sufficient both to deter the employer and proportionate to the damage suffered by the victim.*

*The Committee further recalls that in proceedings relating to dismissal, the burden of proof should not rest entirely on the complainant, but should be the subject of an appropriate adjustment between employee and employer. It asks the next report to specify whether the law provides for such an adjustment.*

Answer: in accordance with Article 2-5 of the Civil Procedure Code of Ukraine (hereafter referred to as “CPC of Ukraine) proceeding in civil cases is performed in accordance with the laws in force at the time of the execution of certain proceedings, reviewing and solving the case.

Everyone is entitled in the manner prescribed by the Code to apply to the court for the protection of their violated, unrecognized or disputed rights, freedoms and legitimate interests.

Performing justice, the court protects the rights, freedoms and interests of physical persons, the rights and interests of legal persons, state and public interests in the manner determined by the law or the agreement

Pursuant to Article 232 of the Labour Code, labour disputes shall be considered directly in local courts according to the statements of employees of enterprises, institutions and organizations where commissions on labour disputes are not elected; of employees on reinstatement of employees on work regardless of the grounds for termination of employment, change of date and formulation of the reason for dismissal, remuneration during forced absence from work or performance of law-paid work, with the exception of employee disputes referred to in Article 221 (3) and Article 222 of this Code.

In accordance with Articles 76-77 the evidence is any actual data on the ground of which the court determines the presence or absence of circumstances that establish the denial and claims of the parties, and other circumstances relevant to solving the case.

This data shall be defined on the ground of written, material and electronic evidence; statements of experts; testimony of witnesses.

The evidence that include information on the fact in proof are considered to be relevant.

The subject-matter are circumstances that support stated claims or objections or have other significance for the consideration of the case and are subject to determination when adjudicating. The parties have the right to justify the adherence of specific evidence to support their claims or objections.

Article 43 of the Constitution of Ukraine states that everyone has the right to work, including opportunity to earn a living by work, which he / she freely chooses or agrees freely.

In accordance with Article 81 of the CPC of Ukraine, each party must prove the circumstances which it refers to as the ground of their claims and objections, except as prescribed by this Code. The proof may not be based on assumptions.

In cases involving the use or creating by the manager or employer negative measures to the claimant (dismissal, compulsory dismissal, disciplinary action, transfer, certification, change of working conditions, refusal of appointment to a higher position, reduction of salary, etc.) the defendant shall be responsible for proving validity of undertaken decisions and actions.

## Appendix\_1

### Article 1, paragraph 3

<b>Indicator</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of persons with status of an unemployed person, (thsd)	<b>1 435,2</b>	<b>1 270,4</b>	<b>1 138,4</b>	<b>1 064,2</b>
Number of persons (including prior status of an unemployed person) placed in a job	<b>716,9</b>	<b>746,0</b>	<b>783,0</b>	<b>826,1</b>
Number of unemployed persons placed in a job by referral from employment service	<b>444,7</b>	<b>409,0</b>	<b>398,6</b>	<b>377,7</b>
Number of employers who notified vacancies, (thsd)	<b>159,1</b>	<b>164,8</b>	<b>183,3</b>	<b>201,3</b>
Number of vacancies, (thsd)	<b>875,8</b>	<b>919,3</b>	<b>1 012,0</b>	<b>1 114,0</b>
Placement rate	<b>81,4%</b>	<b>82,2%</b>	<b>75,2</b>	<b>71,8</b>
Average time taken to fill a vacancy, days	<b>9</b>	<b>9</b>	<b>10</b>	<b>11</b>

## Appendix\_2 Vocational guidance

thsd.persons

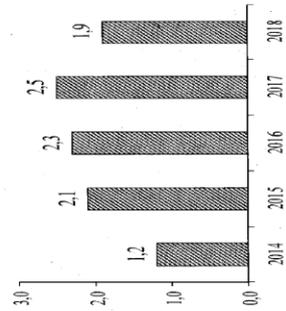
Year	Categories of persons covered by vocational guidance provided by the state employment service								
	Total	Unemployed	Unemployed						
			Persons who have additional guarantees in employment promotion	Persons with disabilities	Women	Youth under 35 years	IDPs	Participants of ATO (Anti-Terrorist Operation)	Persons in educational institutions of different types
<b>2015</b>	3 309,0	1 362,6	403,0	44,5	749,1	588,1	36,7	19,3	1 096,3
<b>2016</b>	3 000,0	1 214,8	413,6	42,9	636,7	489,3	20,9	51,0	958,8
<b>2017</b>	3 047,7	1 096,0	396,6	40,9	564,2	410,2	14,1	41,8	1 078,7
<b>2018</b>	3 497,3	1 028,7	381,9	42,9	544,8	360,6	12,1	23,6	1338,1

5.20. Unemployed population, by duration of job searching

	Unemployed population aged 15-70, total, thsd. prs.	Of which those who sought a job or tried to establish own business		by duration of job searching						Average duration of job searching, months	
		total, thsd. prs.	percent	up to 1 month	from 1 to 3 months	from 3 to 6 months	from 6 to 9 months	from 9 to 12 months	12 months and more		
										percent	
2014	1 847,6	1 801,6	97,5	13,4	31,7	25,1	10,2	6,8	12,8	5	
2015	1 654,7	1 617,4	97,7	10,5	23,3	23,9	11,0	7,3	24,0	7	
2016	1 678,2	1 634,8	97,4	10,5	26,2	21,6	10,0	6,4	25,3	7	
2017	1 698,0	1 662,5	97,9	12,0	26,1	19,3	9,5	6,4	26,7	7	
2018	1 578,6	1 546,0	97,9	11,7	28,8	22,8	9,0	6,1	21,6	6	

5.21. Long-term unemployment rate of population aged 15-70 in 2014-2018

in % to economic active population of relevant age



5.22. Long-term unemployment rate of population aged 15-70, by sex in 2014-2018

in % to economic active population of relevant age and sex

