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## **EUROPEAN SOCIAL CHARTER**

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

submitted by

**THE GOVERNMENT OF UKRAINE**

Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat on

13 March 2025

**CYCLE 2024**

**REVISED EUROPEAN SOCIAL CHARTER**

**STATUTORY REPORT**

**Group 1 to be submitted by States Parties not having  
accepted the collective complaints procedure by 31  
December 2024**

**submitted by**

**THE GOVERNMENT OF UKRAINE**

## **Article 2 – The right to just conditions of work**

### *Explanatory remark:*

*A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.*

*The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.*

*Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.*

### **Questions:**

#### **Article 2§1 Reasonable daily and weekly working hours**

*a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:*

- information on the exact number of weekly hours that persons in these occupations can work;*
- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.*

**According to Ukrainian national legislation, no occupation has regular working hours exceeding 60 hours per week.**

The Labour Code of Ukraine (hereinafter referred to as the Labour Code) regulates working hours in Ukraine. Inter alia, Article 50 determines that workers' regular working hours cannot exceed 40 hours per week. At the same time, enterprises and organisations may set a lower standard of working hours when entering into a collective agreement.

The Labour Code prohibits deterioration of workers' labour rights under the terms of an employment or collective agreement.

Ukrainian legislation provides that ***workers who work under harmful and dangerous working conditions shall have reduced working hours***. These working hours ***do not exceed 36 hours per week***. *A list of industries, workshops, occupations, and positions with harmful working conditions, the work in which entitles to reduced working hours approved by Order of the Cabinet of Ministers of Ukraine dated 21 February 2001 No. 163 "On Approving the List of Industries, Workshops,*

Occupations, and Positions with Harmful Working Conditions, Working in Which Entitles to a Reduced Working Week.”

In addition, for workers with children under fourteen years old or a child with disability, as well as for single mothers and fathers raising a child without a father (mother), including in case of a long stay of the mother in a hospital, an employer can set reduced working hours at their expense. *Moreover, legislation establishes reduced working hours for specific categories of workers (teachers, doctors, etc.) according to Article 51 of the Labour Code.* Various working hours are established for workers of healthcare institutions by Order of the Ministry of Health dated 25 May 2006 No. 319 “On Approval of Working Hours for Workers of Healthcare Institutions.” Also, on those days when, according to the work schedule or internal labour regulations, these physicians work in an inpatient department (on duty), at the station, carry out personal, social, and health education, medical examination, the duration of their working day makes at 38.5 hours per week.

A collective agreement establishes the list of occupations and positions to which irregular working hours apply.

The duration of a break during the day, the duration of weekly rest, paid and unpaid breaks during the performance of works (provision of services) of a gig specialist on working days, the procedure for paying for the days of such breaks during the performance of works (provision of services) are set by parties’ agreement reached in a gig contract.

On the eve of weekends, with a six-day working week, the duration of work may not exceed 5 hours. This standard is enshrined in Article 53 of the Labour Code of Ukraine.

***The provisions on working and rest hours provided for by the Labour Code of Ukraine cover all workers, including teleworkers, home-based, and domestic workers.*** If daily or weekly working hours provided for by law cannot be observed due to the specifics of domestic works, cumulative accounting of working hours can be introduced so that working hours for the monthly accounting period do not exceed the regular number of working hours.

A domestic worker shall independently keep records of their working hours in a convenient form and coordinate it with an employer within the time limits specified in the employment contract. A domestic worker may be involved in overtime work in accordance with the terms of the employment contract and such a work may not exceed the maximum standards for using the overtime work as determined by law: 4 hours for 2 consecutive days and 120 hours per year (Article 65 of the Labour Code). Performing the works on weekends, holidays, and days off is provided for by the employment contract.

In case of unlawful involvement in overtime works (for example, involving an individual classified as a worker exempt from overtime work, or the absence of a consent from the primary labour union organisation or union representative to involvement in overtime work, etc.), there are two potential solutions to this issue: out-of-court and judicial.

<p>Out-of-court procedure</p>	<p>If the company, institution, or organisation has selected <u>the labour dispute commission</u> (from now on — the Commission), it is necessary to file a corresponding application to the Commission within three months from when an individual learned or should have learned about violation of their right. The application filing is free of charge. The Commission must consider the labour dispute within ten days from the application filing date. Such a dispute must be considered in the presence of a worker who applied and representatives of an owner or the body authorised by them. The dispute may be considered in worker’s absence only upon their written application (Articles 225, 226 <u>of the Labour Code of Ukraine</u>)</p>
<p>Judicial procedure</p>	<p>If an individual disagrees with the decision of the Commission, it may be appealed to the district, district in the city, or city district court at the defendant’s location or the individual’s registered place of residence or stay within ten days from the date when the individual was handed an extract from the Minutes of Meeting of the Commission or a copy of the minutes. Missing the specified deadline is not a reason for refusal to accept the application. Having recognised the reasons for missing as valid, the court can restore this period and consider the dispute on the merits. Also, an individual can apply directly to the court with a statement of claim for cancelling the order to be involved in overtime works. In the case of applying to the court, the amount of the court fee for individuals, following Article 4 <u>of the Law of Ukraine “On the Court Fee”</u>, is 0.4 of the minimum subsistence level for non-disabled persons.</p>

At continuously operating enterprises, institutions, organisations, as well as in individual industries, workshops, sites, departments, and in some types of work, where the conditions of production (work) disallow for meeting the daily or weekly working hours established for this category of workers, cumulative accounting of

working hours can be introduced in agreement with the elected body of the primary trade union organisation (union representative) of the enterprise, institution, organisation so that working hours for accounting period do not exceed the typical working hours (Article 61 of the Code). In addition, shiftwork is possible (Articles 58 and 59 of the Labour Code). It is determined that workers alternate shifts evenly during shiftwork per the procedure established by the internal labour regulations. Generally, transferring from one shift to another one shall occur in each working week during the hours determined in the shift schedule. The break between shifts must be at least twice the duration of the previous shift's work time (including the lunch break). It is prohibited to assign a worker for two consecutive shifts.

Labour protection of gig specialists who have concluded gig contracts with Diia City residents is governed by the Law of Ukraine "On Promoting Development of the Digital Economy in Ukraine", the Diia City resident's internal documents approved taking into account its provisions and gig contracts concluded with gig specialists. Pursuant to Article 20 of this Law, a gig contract or Diia City resident's internal documents may determine the conditions for work performance (services provision), taking into account the provisions of this Law, in particular, the time of work performance (services provision), rest time, and conditions for gig specialists' stay at a certain place of work performance (services provision) and at the Diia City resident's location.

The gig contract parties may agree on the number of hours per day and/or week for the gig specialist's work performance (services provision), the total number of which may not exceed 8 and 40 hours, respectively. If there is no agreement between the parties regarding a specific number of hours, it is assumed that the gig specialist works (provides services) for 40 hours per week.

The gig contract parties may agree on a condition for the gig specialist's irregular work (services) hours under one of the following conditions:

1. it is impossible to determine the exact hours for gig specialist's work performance (services provision)
2. a gig contract entitles a gig specialist to independently plan their time for work performance (services provision)
3. work performance (services provision) under a gig contract requires an increased level of initiative of a gig specialist, which includes periodic work performance (services provision) overtime, without Diia City resident's separate instructions.

At the same time, due to the armed aggression of the Russian Federation against Ukraine, a legal martial law regime was enacted in Ukraine on 24 February 2022. The ongoing destruction of infrastructure and production facilities has disrupted the coordination and management of business operations, including the regular functioning of labour relations. The state's existence in a state of war and workers' activity amid the threat of combat operations necessitated a substantial review of the

system for organising labour relations under martial law. To this end, the Law of Ukraine “On the Organisation of Labour Relations under Martial Law” was adopted for the martial law period.

The Law applies to civil servants, representatives of local governments, employees of enterprises, institutions, and organisations in Ukraine, regardless of their form of ownership, type of activity, and industry affiliation, representatives of representative offices of foreign economic entities in Ukraine, and persons who work under an employment contract concluded with individuals (from now on — the workers).

According to part one of Article 6 of the Law of Ukraine “On the Organisation of Labour Relations under Martial Law” of 15 March 2022 No. 2136-IX (hereinafter referred to as Law 2136), *regular working hours during martial law **may be increased up to 60 hours per week for workers employed at critical infrastructure facilities*** (in the defence sector, the sphere of population life support, etc.).

According to part two of Article 6 of Law No. 2136, for workers employed at critical infrastructure facilities (in the defence sector, in the sphere of population life support, etc.) who have the reduced working hours as per the legislation, the working hours during martial law **can not exceed 40 hours** per week.

When applying the above standards, it should be taken into account that the provision of part one of Article 6 of Law No. 2136 during martial law may apply instead of the provisions of part one of Article 50 of the Labour Code, which determined that the regular working hours of workers can not exceed 40 hours per week, **only for workers employed in critical infrastructure facilities**.

***Employer’s implementing an activity in the field of population life support when the facility where the worker is employed is not classified as critical infrastructure does not entitle the employer to set standard working 60 hours per week.***

During martial law, the employer is entitled, but not obliged, to increase regular working hours to 60 hours per week. Such an increase should be justified primarily by the need to efficiently operate the relevant enterprise, institution, or organisation in the defence and population life support sectors.

At the same time, enterprises and organisations may set a lower working hours standard during martial law when entering into a collective agreement than provided for in Article 50 of the Labour Code, i.e. less than 40 hours.

As well as in peacetime, a list of industries, workshops, occupations, and positions with harmful working conditions, the work in which entitles to reduced working hours is determined by Order of the Cabinet of Ministers of Ukraine dated 21 February 2001 No. 163 “On Approving the List of Industries, Workshops, Occupations, and Positions with Harmful Working Conditions, Working in Which Entitles to a Reduced Working Week.”

*That is, for workers employed at critical infrastructure facilities (in the defence sector, in the sphere of population life support, etc.) who have the reduced working hours as per the legislation, the working hours during martial law can not exceed 40 hours per week. The workers mentioned above may not be assigned standard working hours of 60 hours per week.*

According to Article 8 of the Law of Ukraine “On the Organisation of Labour Relations under Martial Law”, the following workers cannot be required to work at night without their consent during martial law:

- pregnant women
- women with a child under one year old
- persons with disabilities whom such a work is medically contraindicated.

At the same time, Article 9 of the Law of Ukraine “On the Organisation of Labour Relations under Martial Law” states that during martial law, women (except for pregnant women and those with a child under one year old) may be employed, with their consent, in heavy work and jobs with harmful or dangerous working conditions, including underground work.

*The possibility of increasing regular working hours to 60 hours does not apply to the work of minors.* If regular working hours are set at up to 60 hours per week, compensation is paid in proportion to the increase in the labour standard.

*b) Please provide information on the weekly working hours of seafarers.*

According to Article 54 of the Merchant Shipping Code of Ukraine, the procedure for hiring crew members, their rights and obligations, working conditions on the ship and remuneration, social servicing at sea and in the port, and the procedure and grounds for dismissal are governed by Ukraine’s legislation and international treaties, this code, general and industry tariff agreements, and collective and employment agreements (contracts).

The working hours and rest periods for ship personnel of sea vessels and inland waterways craft in Ukraine are governed by Order No. 135 “On Approval of Regulations on Working Hours and Rest Periods for Ship Personnel of Sea and River Transport of Ukraine”, issued on 20 February 2012, and registered with the Ministry of Justice of Ukraine on 23 March 2012, under registry No. 445/20758 (from now on — Order No. 135), adopted following Directive 1999/63/EC of the Council of the European Union dated 21 June 1999 On the Seafarers’ Work Time Organisation Agreement by and between the Association of Shipowners of the European Community and the Federation of Transport Unions of the European Community, Directive 1999/95/EC of the European Parliament and Council of the European



Union dated 13 December 1999 On Enforcement of Provisions Related to Working Hours of Crew Members on Ships Calling at Community Ports, and Article 57 of the Merchant Shipping Code of Ukraine and to enhance the level of organisation of safe work and rest for crew members.

This Order No. 135 establishes a five-day 40-hour working week with two days off — Saturday and Sunday — for sea and river ships' crew members. The working day is 8 hours, the working day on the eve of holidays and non-working days is 7 hours.

Order No. 135 defines the details regarding working hours of seafarers. Therefore, working hours shall mean a period during which a crew member is required to perform duties in the interest of the ship (operational responsibilities, maintenance for the ship, passengers, and crew members, and ensuring the ship remains in normal operational and technical condition), as outlined in the employment agreement (contract), following the shift, ship work and daily routines on board schedule, as approved by a shipowner or, on their behalf, by a master.

Based on the results of workplace certification for working conditions, reduced working hours of no more than 36 hours per week are established for those who work under harmful and difficult conditions. At the same time, the monthly, quarterly, and annual limit for working hours is calculated based on a five-day working week with two days off as a basis.

On ships operated around the clock, crew members are typically assigned an 8-hour shift schedule divided into three shifts. A one-shift or two-shift schedule is established on ships not operated around the clock. At the same time, a two-shift work schedule is set with a shift duration of up to 12 hours.

For crew members not on duty, working hours are from 8 AM to 5 PM, which includes a one-hour lunch break.

Given climatic, weather, and other conditions, working hours can be established between 6 AM and 8 PM. Depending on the specific operational conditions of ships (flight duration, operational or navigation periods, frequency of port calls, docking time, climatic conditions, availability of living facilities, and adherence to current sanitary and hygienic standards for sea and river transport), and the forms of crew organisation (assigning two ships to three periodically rotating crews or two crews per ship), it is possible to establish work shifts lasting more than 8, but not exceeding 12 hours per day.

According to the calendar, holidays, non-working days, and days off do not release crew members from duty.

On ships operating around the clock, where there are insufficient residential facilities to accommodate the entire crew and it is not feasible to implement a three-shift work schedule, the shipowner may introduce a two-shift work schedule in agreement with the appropriate elected body of the primary trade union organisation. Simultaneously, each crew member's working hours in the two shifts during the day should not exceed 12 hours, ensuring a continuous eight-hour rest period between shifts.

During operations on ships, crew members can be established several shorter shifts (four, three, or two hours) daily. At the same time, the total duration of work must be equal to the established working day for crew members.

On non-self-propelled light-duty ships, where the number of crew members is assumed to be fewer than three, the work schedule for crew members within a typical working day is approved by the shipowner in agreement with the elected body of the primary trade union organisation. In cases where there is no trade union organisation, such agreement is reached with the authorised representative of the labour collective.

The schedule for shifts and duties is developed and approved by the shipowner or, on their behalf, by the ship master in agreement with the elected body of the primary trade union organisation. In cases where there is no trade union organisation, such agreement is reached with the authorised representative of the labour collective.

On the ship, there should be a table in a location easily accessible to crew members, displaying a work organisation schedule that indicates the following for each position:

- schedule of shifts (works) and duties (on flight and in port)
- maximum working or minimum rest hours per the legislation and current collective agreements.

The duration of shifts at night is not reduced. If crew members cannot be established daily or weekly working hours while on the ship during the operational period, and they cannot be provided with regular weekly rest days or rest on holidays and non-working days for work performed on those days and for time worked beyond the established hours, such days and hours may be aggregated and offered as additional rest during the ship's stay for repairs while at rest or during loading and unloading operations (if production conditions allow) by substituting the crew members for one or more shifts before they are enrolled as a reserve.

The shipowner implements a cumulative accounting system for crew members' working hours, considering the ship's operating conditions, and work performed on days off, non-working days and holidays, along with shift and work schedules.

The shipowner determines the accounting period's duration based on specific operational conditions of the ship (the operational period, flight duration, navigation area, characteristics of the cargo transported, and the duration of port parking for cargo operations, and climatic conditions) and it may not exceed one year, regardless of the accounting start date.

During ship operation, weekends and additional rest days scheduled for crew members may not align with calendar days off.

A cumulative accounting of working hours is introduced for river transport crew members for whom a normal working day cannot be established. At the same time, the number of hours worked per day may not exceed 12, and for the accounting period, they cannot exceed regular working hours.

The ship master shall ensure keeping daily records of each crew member's working and rest hours. Crew members shall receive a copy of records of working and rest hours related to them, certified by the signature of the master or a person authorised by the master and the crew member.

The hours worked beyond the established schedule are totalled and compensated to the worker in the form of additional rest days within the accounting period or paid for the actual hours worked per the law.

To determine the number of additional rest days provided for work above the established working hours, from the total number of hours worked in this period (not taking into account the time for performing emergency, accident work and work for temporarily absent full-time crew members, loading and unloading operations, cleaning and washing cargo holds, tanks, securing and loosening cargo, etc., which crew members carry out in their free time and which are taken into account and paid separately, as well as paid hours of work on holidays, non-working days and a schedule above the established working hours), the number of hours worked during regular working hours is counted.

The actual time worked should be accurately reflected in the time recording sheet. In case of a temporary disability, write-off from the ship, suspension from work of crew members, other workers on duty, including service personnel, may be involved in fulfilling the responsibilities of absent employees during their off-time from their primary work. At the same time, a crew member fulfilling the duties for an absent full-time worker may not work more than 12 hours a day or exceed 50% of the worker's monthly working hours in addition to their primary job.

While docking in ports or at the roadstead, crew members may remain on the ship beyond their regular hours at master's order to ensure its safety.

When a ship is docked in ports, depending on the specific conditions (no re-mooring, cargo acceptance or delivery of cargo, and no other circumstances that require the mandatory three-shift watch by the command staff when berthing in the port) and in cases of ship decommissioning (repair, laying up etc.), the master may establish daily shifts for the command staff with the provision of one day for, ensuring they have one rest day after their expiration. The next daily duty may be scheduled no earlier than in 48 hours.

To account for the balance of working hours, each hour of duty is considered equivalent to 40 minutes of working time; therefore, daily duty is calculated as 16 hours of working time.

If it is not possible to provide a full day of rest after the end of duty, this rest may be reduced to 12 hours, with an alternative time for rest.

Providing the rest reduced to 12 hours after daily duty is allowed no more than twice a week.

Crew members may engage in additional work during their free time from shifts and work, at their request, that does not pertain to their official duties (loading and unloading operations executed by crew members, cleaning and washing cargo holds, securing and loosening cargo, recalculating the cargo (tallying cargo), washing clothes and workwear, and conducting factory repairs under contract agreements by crew members with the permission and oversight of the shipowner). Considering the time spent on the primary work, the total time required to complete all work may not exceed 12 hours per day.

If crew members cannot have a break for rest and food due to working conditions, they should have opportunities to eat during working hours. At the same time, the time allocated for eating counts as working hours if the worker is not relieved of their assigned duties during this period.

In river transport with 24/7 operations, which are designated for permanent routes with a turnover period of 3–5 days, as well as for roadside shunting vessels, the organisation of crew members' work may follow the team method. Simultaneously, each crew member's working hours should not exceed 12 hours, ensuring one continuous eight-hour rest period between shifts daily.

The total daily work duration for a crew member, which includes duties and performing the work, and fulfilling the responsibilities of a temporarily absent full-time worker, as well as any additional work unrelated to crew members' official duties, should not exceed 12 hours.

If reducing working hours on the eve of holidays and non-working days is not possible, the crew member must be compensated by reducing their working hours on another day.

Performing any work on ships while they are docked in the port on weekly rest days, holidays, or any non-working days is prohibited unless it relates to cargo operations or addressing the aftermath of an accident, entering or exiting the port, as well as re-mooring.

During the ship repair and laying up period, crew members must be given all rest days owed for this time. Additionally, such moorage should be utilised to offer crew members the greatest number of unused rest days.

In cumulative accounting for working hours, all hours worked beyond the established working hours in the accounting period are compensated as overtime.

Work executed by crew members whose normalised working hours exceed the time set by the watch and ship work schedule, excluding emergency work, is classified as overtime. The total duration of these operations should not exceed four hours per crew member for two consecutive days and 120 hours per year.

Moreover, Order No. 135 states that in accordance with the Labour Code of Ukraine and the Law of Ukraine “On Vacation Leaves”, crew members shall be entitled to:

- weekly rest
- weekly rest days
- holiday and days off rest
- reduced working day on pre-holidays and non-working days
- basic and additional annual leaves.

Simultaneously, rest time should be understood as the period outside of working hours when crew members are free from all official duties. Short work breaks are not included in the rest period.

*c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.*

***According to Ukrainian legislation, any on-call (active or passive) periods are not equal to the rest period. Workers involvement during on-call duty, which must not exceed normal working hours, is executed through a written order from the employer and must include rest days equal to the duration provided in lieu of it. On-call duty after the end of the workday, on weekends, and on holidays may be introduced only in exceptional cases and with the consent of the union body. It is not allowed to involve employees in on-call duty more than once a month. In any case, this must be determined in the collective agreement of the enterprise observing the norms and guarantees established by legislation and the Industry Agreement.***

*At the same time, the Labour Code of Ukraine does not determine the concept of on-call duty, its types, or the procedures for organising and performing on-call duties, which are governed by separate laws and regulations.*

In particular, Letter of the Ministry of Labour and Social Policy of Ukraine dated 2 April 2010 No. 89/13/116-10 on on-call duty at enterprises and institutions, inter alia, determines that the procedure for attracting employees to duty should be provided for by the collective agreement. The Letter outlines the potential for establishing on-call duty at home. It states that, specifically, the Industry Agreement between the Ministry of Fuel and Energy of Ukraine and the Trade Union of Energy and Electrical Industry Workers of Ukraine mandates the organisation of on-call duty at home for managers, specialists, and drivers, and specifies that the time spent on on-call duty at home (without the right to leave in case of a work call) is compensated at a rate of 1/4 of an hour of standard working time for each hour of on-call duty. For home-based on-call duty, another day of rest is granted within one month from the date of on-call duty.

In 2017, Order No. 176 of 1 March 2017 On Approval of Instructions on the Procedure and Conditions for Organising On-Call Duty of Employees of the Expert Service of the Ministry of Internal Affairs of Ukraine was adopted, which determined the involvement in on-call duty at the workplace and on-call duty at home for prompt resolution of issues included in their scope of responsibilities under the employment contract; decision-making, organisation and execution of work related to execution of urgent tasks in the field of ensuring public safety and order, securing and protection of human rights and freedoms, interests of society and the state through the implementation of forensic expert activities, participation in public or secret investigative actions in pre-trial investigation and judicial proceedings, and ensuring the functioning of forensic records.

According to Order No. 176, if employees are on duty, a cumulative accounting of working hours is implemented with either a monthly or quarterly accounting period, ensuring that the total working hours for the period do not exceed the standard allowable hours. Involving employees in work beyond the established working hours for the determined accounting period is prohibited. Participation in on-call duties at the workplace or home (with no right to leave home or other places of residence and always being near specific means of communication and prepared for a work call) is only permitted with the worker's written consent. Home on-call duty is counted as working hours at a rate of 1 hour for each on-call duty for 0.25 working hour. After 24/7 home-based on-call duty, another day of rest is granted within the month from the date of on-call duty. On-call duties are implemented within the monthly or quarterly limit of working hours.

Additionally, the Order states that if the worker is called while on duty, the time taken to arrive at the institution (at the scene of an accident or another designated location) is counted as part of the working hours.

Separately, on-call duties of healthcare workers have been regulated (Order No. 308/519 of the Ministry of Labour and Social Policy of Ukraine and the Ministry of Health of Ukraine of 5 October 2005, On Streamlining the Terms of Remuneration for Workers of Healthcare Institutions and Social Protection Agencies, as amended on 24 December 2024).

Home-based on-call duty can be performed both within and beyond the regular working hours. Simultaneously, the laws and regulations in force do not restrict home-based on-call duty, as it must be carried out considering the workers' rest time. When the physician is involved in on-call duty at home, these hours are counted as half an hour for each hour of on-call duty. If there was no call to the institution, the patient's home, or the accident scene, the hours of on-call duty are compensated at 50% of hourly rate based on the official salary.

When the worker is called while on duty (to the institution, to the scene of an accident, or the patient's home), the time spent on the call is compensated based on hours worked according to the worker's official salary, while preserving the current procedure for paying healthcare workers during the day or night.

According to legislation, an employment contract with a domestic worker may include waiting periods, deemed hours of work, during which the domestic worker cannot freely manage their time due to the necessity to be prepared to execute the labour obligations specified in the contract on behalf of the employer.

The employment contract determines the terms and amount of payment for waiting periods or the procedure for granting other free time from work with preservation of the salary. At the same time, the amount of such payment may not be less than the minimum wage established by law. The duration of waiting periods compensated for by payment may not exceed 10 percent of working hours specified in the employment contract.

Time spent by a domestic worker accompanying a household member during rest counts as working hours. In general, under Ukrainian law, waiting time at home is not regarded as rest time and is compensated in accordance with legal provisions and collective agreements.

It is essential to recognise that a fundamental principle in labour relations is the necessity for the state to guarantee labour protection for every employee. Protection of workers' rest also represents the same basic principle.

The right to disconnect refers to a worker's entitlement to refrain from responding to work calls and emails outside of working hours, including weekends and vacations. The widespread use of smartphones and digital technologies makes workers more vulnerable, as many employers expect the workers to always be online and respond to work requests at all times.

Currently, the right to disconnect is not directly specified in international documents, however, we can say that it is derived from the general right to rest. Article 24 of the Universal Declaration of Human Rights states that everyone has the right to rest and leisure, including the right to reasonable limits on the working day and to paid leave.

Even before the COVID-19 pandemic, which catalysed the increase in remote work, the International Labour Organisation emphasised the necessity of ensuring the right to disconnect and implementing specific mechanisms to efficiently balance personal life and work.

In Ukrainian legislation, the concept of the “right to disconnect” was first established in February 2021 in the Law of Ukraine “On Amendments to Certain Legislative Acts on Improving the Legal Regulation of Telework.” In the context of the rapid digitalisation of the economy and the absence of legal norms enabling employers and workers to utilise modern communication tools, particularly during the COVID-19 pandemic, the Law aimed to regulate telework.

For example, Article 60-2 of the Labour Code of Ukraine introduces the concept of a “disconnection period”: a worker who performs telework is guaranteed a period of free time for rest (a disconnection period), during which the worker may interrupt any communications with the owner or their authorised body, which is not considered a violation of the employment contract or labour discipline. The free period for rest (the disconnection period) is defined in the telework employment contract.

This rule is rather declarative because it does not contain certain specific safeguards and mechanisms. However, a systematic analysis of provisions of the labour legislation in force allows us to state that, in theory, the worker can still use the right to disconnect because, according to Article 31 of the Labour Code, the owner or the body authorised by them may not demand that the worker execute the work not stipulated by the employment contract. Thus, if, for example, the company has a relatively standard work schedule from 9 AM to 6 PM, the worker may not answer work calls or emails starting from 6:01 PM.

### **Article 3 – The right to safe and healthy working conditions**

*Explanatory remark:*

*The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee’s Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.*

*Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many non-conformities on the ground that self-employed and domestic workers were not*



*adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.*

**Questions:**

**Article 3§1 Health and safety and the working environment**

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- in the gig or platform economy;
- as regards telework;
- in jobs requiring intense attention or high performance;
- in jobs related to stress or traumatic situations at work;
- in jobs affected by climate change risks.

The Law of Ukraine “On Labour Protection” No. 2694-XII and Chapter XI of the Labour Code of Ukraine determine the main provisions on implementing the workers’ constitutional right to protect their life and health during work, to proper, safe and healthy working conditions, the regulation of relationship between employers and workers regarding safety, occupational health, and the working environment, as well as a unified procedure for organising labour protection in Ukraine<sup>1</sup>.

This Law covers all the legal entities and individuals who, in accordance with the laws, use hired labour, and all the employees. Article 13 of the Law of Ukraine “On Labour Protection” states that the employer is obligated to provide working conditions at a workplace in accordance with the OHS regulations, as well as to ensure the exercise of rights of workers in accordance with the OHS laws.

The employer is directly responsible for violating these requirements. Article 153 of the Labour Code provides that all enterprises, institutions, and organisations must establish safe and harmless working conditions. At the same time, according to Part 2 of Article 158, the employer is obliged to take measures to ensure safety and protection of workers’ physical and mental health, prevent risks and stress in the workplace, and carry out information, training, and organisational measures to prevent and counteract mobbing (harassment).

In Ukraine, the concept of mobbing is relatively new. To resolve the issue of countering and banning mobbing at the legislative level, the Law of Ukraine “On

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<sup>1</sup> Law of Ukraine “On Labour Protection” No. 2694-XII, <https://zakon.rada.gov.ua/laws/show/2694-12#Text>, the Labour Code of Ukraine <https://zakon.rada.gov.ua/laws/show/322-08#Text>

Amendments to Certain Legislative Acts of Ukraine on Countering Violations of Labour Rights” was developed and adopted in 2022. This Law aims to bring the provisions of Ukrainian legislation in line with European legislation and ensure protection against discrimination and psychological pressure in the labour collective. The purpose of the Law is to protect participants in Labour Relations from various forms of mobbing and establish administrative responsibility for such actions. To achieve this, the Labour Code of Ukraine (hereinafter — the Labour Code) and the Law of Ukraine “On Collective Contracts and Agreements” acquire the definitions of concepts such as “mobbing (harassment)” (along with its typical features), “economic and psychological pressure”, and “creating a tense, hostile, offensive atmosphere;” supplementing the labour right guarantees with legal protection from “mobbing (harassment) of workers, discrimination, biased treatment in the workplace, gender-based violence, and the protection of personal dignity during work, as well as ensuring that individuals who have experienced such actions and/or inactions have the right to appeal to the court to acknowledge their occurrences and seek their rectification and compensation for damages;” the worker’s right to terminate their employment contract at their request within a specified time if their employer or authorised body has engaged in mobbing (harassment) or failed to take appropriate action to stop it, etc.

Moreover, Article 2<sup>2</sup> of the Labour Code lists the forms of psychological and economic pressure:

- creating a tense, hostile, and offensive atmosphere toward the worker (including threats, ridicule, slander, derogatory remarks, intimidating and humiliating behaviour, and other methods to disturb the worker’s psychological balance)
- unjustified negative differentiation of the worker from the team or isolation (non-invitation to meetings the worker is required to attend according to local regulations and organisational policies, obstruction of their labour duties, preventing access to the workplace, relocation of the workplace to environments, unsuitable for this type of work)
- inequality in learning and career opportunities
- unequal pay for work of equal value performed by workers of the same qualification
- arbitrary deprivation of the worker of a part of payments (bonuses and other incentives)
- unjustified uneven distribution of workload and tasks by the employer among workers with the same qualifications and labour productivity who perform equivalent work.

The list of forms given in the article is not exhaustive.

Since 2005, the Order of the State Committee of Ukraine for Labour Protection Supervision “On Approval of the Standard Regulation on the Procedure for Conducting Training and Testing Knowledge on Labour Protection Issues and the

List of Works with Increased Hazard” No. 15 has been in effect, with Appendix 4 containing a standard item-related plan and training programme on labour protection for officials. In 2024, this item-related plan was supplemented with “Topic 8. Psychosocial Support and First Psychological Aid in the Workplace” (amendments approved by Order of the Ministry of Economy of Ukraine No. 22778 of 29 September 2024)<sup>2</sup>.

In addition, as of 7 October 2024, the Ministry of Economy of Ukraine published the Guidelines for Introducing Psychosocial Support in the Workplace on its official website.<sup>3</sup> These guidelines are intended for employers to develop measures that will effectively implement a policy and programme for psychosocial support (PSS) in the workplace and are purely informational and advisory. These guidelines are a guide for employers when making decisions and implementing the PSS programme for workers in the workplace. The State Labour Service of Ukraine has created a special section on their information portal dedicated to psychosocial support at work: <https://www.pratsia.in.ua/>.

In June 2021, the International Organisation for Standardisation (ISO) published the international standard ISO 45003:2021, “Occupational Health and Safety Management. Psychological Health and Safety at Work. Guidelines for Managing Psychosocial Risks”. Given the commencement of the negotiation process between Ukraine and the European Union, its overall implementation should enhance the efficacy of occupational health and safety management systems. In line with this and driven by the necessity to align Ukrainian legislation with European standards on occupational health and safety, a Draft Law “On Mental Health System in Ukraine” was developed. **On 15 January 2025**, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Mental Health System in Ukraine.”<sup>4</sup> This Law establishes the legal, organisational, economic, and social foundations of the mental health system in Ukraine. It regulates public relations in this area to ensure availability and quality of services, respect the rights of individuals with mental disorders and other issues related to mental health, prevent the occurrence of mental disorders, promote human well-being and development, and eliminate factors that negatively impact mental health. The Law also defines the concept, tasks, types of psychosocial assistance, etc. In addition, following the adopted Law, the National Commission on Mental Health has been established and there are plans to audit psychologists, implement certification and register psychotherapists.

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<sup>2</sup> Order of the Ministry of Economy of Ukraine “On Approval of Amendments to Appendix 4 to the Model Regulation on the Procedure for Conducting Training and Testing Knowledge on Labour Protection Issues” dated 29 August 2024. No. 22778, <https://zakon.rada.gov.ua/laws/show/z1386-24/print>.

<sup>3</sup> Guidelines for Introducing the Psychosocial Support in the Workplace: <https://me.gov.ua/Documents/Detail/9c7657d6-c0ec-4559-aa22-c7f91f3bf009?lang=uk-UA&id=9b741d13-f293-4a20-893e-104f31738ea7&title=KlasifikatorProfesii-DodatokV>.

<sup>4</sup> The Draft Law of Ukraine “On Mental Health System in Ukraine” dated 13 September 2024 No. 12030 <https://itd.rada.gov.ua/BILLINFO/Bills/Card/44876>.

This Law is the first that pays substantial attention to protecting mental health in the workplace at the legislative level. Thus, according to Article 31 of the Law, to safeguard the mental health of the population, the state implements a variety of regulatory, administrative, organisational, and other measures related to mental health protection; promotes the achievement and development of psychological well-being, inter alia by creating and executing policies to support workers' mental health in enterprises, institutions, and organisations of all ownership forms to include measures to promote mental health, prevent disorders, assess needs, and establish a system for addressing those needs in the mental health field.

Additionally, separate *Article 33 addresses the protection of mental health in the workplace and mandates each employer's development and approval of a psychosocial support programme for employees*. In other words, employers must ensure arranging for or facilitate the provision of mental health care. If the employer has an occupational safety and health management system in place, it includes a policy or plan to protect and promote mental health in the workplace.

In 2024, the State Labour Service of Ukraine conducted several training sessions and seminars on psychosocial assistance, along with workshops focused on first aid and psychosocial support in the workplace. For example, in November 2024, specialists from the South-Western Interregional Directorate of the State Labour Service participated in such training (<https://pratsia.in.ua>).

For certain types of work, a psychiatric examination of persons is required. In 2024, Order of the Ministry of Health No. 1759 dated 15 October 2024 "On Approval of Changes to the Procedure for Conducting Preliminary, Periodic, and Extraordinary Psychiatric Examinations, Including for the Use of Psychoactive Substances" was adopted stipulating that preliminary, periodic, and extraordinary psychiatric examinations shall be conducted for persons conducting certain types of work (following the special list of persons as approved by Order of the Ministry of Health No. 139 dated 26 January 2024).

Therefore, Ukraine has established legislative principles for implementing the national policy on preventing and addressing the consequences of psychosocial risks in the workplace. These provisions should apply to all categories of worker and employers in both the state and public sectors.

Regarding the implementation of the policy on responding to climate change risks, it is important to note that Ukrainian legislation, inter alia Law of Ukraine "On Labour Protection" dated 14 October 1992 No. 2694-XII, as well as the state sanitary standards titled "Sanitary Standards of the Microclimate of Industrial Premises" (from now on — DSN 3.3.6.042-99), approved by Resolution No. 42<sup>5</sup> of

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<sup>5</sup> Sanitary Standards of the Microclimate of Industrial Premises (from now on — DSN 3.3.6.042-99), approved by Resolution No.42 of the Chief State Sanitary Doctor of Ukraine on 1 December 1999: <https://zakon.rada.gov.ua/rada/show/va042282-99#Text>

the Chief State Sanitary Doctor of Ukraine on 1 December 1999<sup>6</sup>, regulate the microclimate limits within working areas of industrial premises and institutions, irrespective of their ownership type and subordination. Optimal and permissible microclimate indicators differ for different categories of work in terms of severity. However, the maximum temperature limit in permanent workplaces, where employees spend more than half their working hours or at least two consecutive hours, is +28 °C. Working at air temperature over 37 °C is considered hazardous (extreme). Outdoor works are not recommended at this temperature.

The aforementioned state sanitary standards specify that the methods and measures to normalise microclimatic conditions can vary: these include installation of blinds or reflective films on glass surfaces, maximising natural ventilation, implementing air conditioning systems, and utilising special clothing and protective equipment.

Special clothing or clothing made of natural fabrics is necessary to protect against excessive thermal radiation. It is recommended that individuals aged at least 25 and no older than 40 be allowed to work under high-temperature conditions.

According to Subparagraph 8 of Paragraph 3 of Section 4 “Labour Protection Rules in Agricultural Production” approved by Order No. 1240 of the Ministry of Social Policy of Ukraine dated 29 August 2018,<sup>7</sup> workers’ rest in the field is permitted only in specially designated areas. Resting under cars, in a running cab, in the middle of a field, in haystacks, etc. is prohibited.

Recreation areas are advised to have containers for drinking water and special awnings for sun protection.

In cooled rooms, to prevent the negative effects of a significant temperature difference on the body, the air temperature should be kept at +24–25 °C.

Total duration of work at a temperature above 28 °C should not exceed 4–5 hours per shift. Sometimes, changing the work schedule and moving the working hours to the morning or evening is necessary.

To enable workers to work in a hot microclimate, they must pass preliminary medical examinations (when applying for a job) and periodic medical examinations (during their employment) as per Order No. 246 of the Ministry of Health of Ukraine “On Approval of the Procedure for Medical Examinations of Workers of Certain Categories” dated 21 May 2007.<sup>8</sup>

Article 168 of the Labour Code of Ukraine stipulates that workers who perform work in the open air or in unheated enclosed spaces during the cold season, loaders and some other categories of workers in the cases provided by law shall be provided with

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<sup>6</sup> Sanitary Standards of the Microclimate of Industrial Premises DSN 3.3.6.042-99:  
<https://zakon.rada.gov.ua/rada/show/va042282-99#Text>.

<sup>7</sup> On Approval of the Labour Protection Rules in Agricultural Production:  
<https://zakon.rada.gov.ua/laws/show/z2075-12#Text>.

<sup>8</sup> On Approval of the Procedure for Medical Examinations of Workers of Certain Categories:  
<https://zakon.rada.gov.ua/laws/show/z0846-07#Text>

special breaks for heating and rest, included in the working hours. The employer is obliged to equip premises for workers' heating and recreation.

The State Labour Service of Ukraine clarified that employers should provide the workers with warm shelters, organise work schedules to include breaks for heating and rest, and provide means for changing into dry clothes, and new employees should also gradually adapt to working in the cold. The Service offers guidance directly at the workplace on safe practices in cold conditions and regularly publishes current information on official resources to raise awareness.<sup>9</sup>

***Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations***

*a) Please provide information on:*

- the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);*
- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.*

Article 50 of the Labour Code of Ukraine determines that workers' regular working hours cannot exceed 40 hours per week. Enterprises and organisations may set a lower standard of working hours when entering into a collective agreement. The involvement of workers in excess of normal working hours is strictly governed by national legislation. The Code enshrines the maximum number of hours that the worker can work in excess of the normal working hours.

Overtime is considered to be work in excess of working hours established by the Code. The Code explicitly states that overtime work is usually not allowed. A separate article outlines the categories of workers who are prohibited from engaging in overtime work (Article 63 of the Code), such as those under 18 years old. The employer may apply overtime work only in exceptional cases determined by law (for instance, when performing work necessary for national defence, as well as to prevent a natural disaster or industrial accident and immediately addressing their consequences) (Article 62) The maximum limits for overtime work are outlined in Article 65 of the Code, which stipulates a maximum of four hours for each employee over two consecutive days and 120 hours per year. In the cumulative accounting of working hours, overtime refers to work that exceeds the standard working hours for the accounting period in which the cumulative accounting is established.

The employer may involve workers in work beyond their normal working hours ***in cases clearly provided for by law and only after informing the elected body of the primary trade union organisation*** (trade union representative) of the enterprise (if created), institution, or organisation about their application and ***attaining their***

<sup>9</sup> <https://dsp.gov.ua/main-news/kholodovyi-stres-iak-zyma-zminiue-umovy-pratsi/>

**permission.** After attaining the permission, the employer issues an order for the enterprise (institution, organisation) to perform overtime work and outline the payment procedure. In cases clearly determined by legislation, the elected body of the primary trade union organisation (trade union representative) must be informed within the following working day (Article 62). For instance, a union's permit to attract employees is not required in emergencies (such as an accident, natural disaster, etc.) when time is limited. In such situations, overtime work may be performed with subsequent notifying the elected body of the primary trade union organisation.

***To efficiently control the involvement of workers in work beyond normal working hours, the employer is required to keep records of overtime work of each worker*** (Article 65).

In 2021, the Labour Code of Ukraine was supplemented with Article 60.2 on telework. It has been envisaged that while working remotely, the worker allocates working hours at his or her own discretion, and he or she is not subject to the internal working regulations unless otherwise stipulated by the employment contract. At the same time, total duration of working hours may not exceed the limits provided for in the Code. A teleworker must be provided with a guaranteed period of free time for rest (the disconnection period), ***during which the worker may interrupt any communication with the employer, which is not considered a violation of the terms of the employment contract or labour discipline.*** The free period for rest (the disconnection period) is defined in the telework employment contract.

***That is, the Labour Code of Ukraine directly stipulates the right to disconnect.***

Moreover, Article 31 of the Labour Code states that the owner or body authorised by them (i.e. ***the employer***) ***may not demand that the worker execute the work not stipulated by the employment contract.*** Thus, the worker may refuse to execute work after working hours and is not required to respond to work calls or emails beyond those hours.

In case of unlawful involvement in overtime works (for example, involving an individual classified as a worker exempt from overtime work, or the absence of a consent from the primary labour union organisation or union representative to involvement in overtime work, etc.), there are two potential solutions to this issue: out-of-court and judicial. A statement of claim to cancel the order for mandatory overtime work may be directly filed with the court. In addition, if the employer violates labour legislation, state supervisory and regulatory bodies may impose administrative penalties. Paying a penalty does not exempt a legal entity or individual who employs hired labour according to the law from eliminating the identified violations within specified time limits.

b) Please provide information on:

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

***The Law of Ukraine “On Labour Protection” covers all the legal entities and individuals*** who, in accordance with the laws, use hired labour (Article 2), i.e. all the workers.

Article 29 of the Labour Code of Ukraine enshrines the owner’s or their authorised body’s obligation before the worker commences working under an employment contract.

Before the worker commences work under the employment contract (except for a telework employment contract), the owner or their authorised body must:

1. explain the worker his/her rights and responsibilities, and notify them of working conditions, existence of still non-eliminated hazardous or harmful production factors at his/her future workplace and possible consequences of their effect for the human health, as well as inform of the rights to benefits and compensation for work in such conditions against a signed acknowledgement in accordance with the applicable legislation and a collective agreement;
2. familiarise the employee with the internal labour regulations and the collective agreement;
3. determine the worker’s workplace, provide it with any means required for the work;
4. instruct the worker on safety, industrial sanitary, occupational health and fire protection issues.

Upon concluding the ***telework employment contract***, the owner or their authorised body must ensure fulfilment of Paragraph 2 of part one of this article, as well as provide the worker with guidance on using the equipment and facilities supplied by the owner or their authorised representative for execution of the assigned work. Such familiarisation can be ***in a form of remote instructions or by conducting training on safe methods of working with specific technical means. As agreed by the***



*parties, the employment contract may provide for additional conditions of labour safety.*

***Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations***

*Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:*

- domestic workers;*
- digital platform workers;*
- teleworkers;*
- posted workers;*
- workers employed through subcontracting;*
- the self employed;*
- workers exposed to environmental-related risks such as climate change and pollution.*

The Law of Ukraine “On Labour Protection” and the Labour Code of Ukraine determine the main provisions on exercising the workers’ constitutional right to protect their life and health during work, to adequate, safe and healthy working conditions, the regulation of relationship between employers and workers regarding safety, occupational health, and the working environment, as well as a unified procedure for organising labour protection in Ukraine. These Laws cover all the legal entities and individuals who, in accordance with the laws, use hired labour, and all the employees.

Article 13 of the Law of Ukraine “On Labour Protection” (“Labour Protection Management and Employer’s Obligations”) states that the employer is obligated to provide working conditions at a workplace in accordance with the OHS regulations, as well as to ensure the exercise of rights of workers in accordance with the OHS laws.

To this end, the employer shall ensure the OHS system operation, namely, to:

- establish appropriate services and appoint officials who address OHS specific issues, approve their job descriptions, as well as rights and obligations for the performance of their functions and supervise adherence thereto;
- develop a collective agreement in consultation with the parties and implement comprehensive measures to achieve the set standards and increase the existing level of OHS;

- ensure the implementation of necessary preventive measures according to the changing circumstances;
- introduce advanced technology, achievements in science and technology, labour saving appliances, ergonomics requirements, positive experience in OHS;
- properly maintain buildings and structures, production equipment and facilities, monitor their technical condition;
- eliminate causes that lead to accidents and occupational diseases, implement preventive measures determined by the commissions based on investigation;
- organise OHS audits, laboratory testing of working conditions, assessment of the technical state of production equipment, certification of workplaces for compliance with the OHS regulations in the manner and within the time limits determined by the laws, and, on the basis thereof, take measures to eliminate hazardous and harmful production factors;
- develop and approve regulations, instructions, other instruments on OHS, effective within the company and establishing the work performance rules and the rules of conduct for workers in the company territory, industrial premises, at workplaces in accordance with the OHS regulations, provide the workers with the OHS regulations and company instruments free of charge;
- control workers' compliance with the process, operation procedures for vehicles, machinery, equipment and other means of production, use of collective/personal protective equipment, performance of works in accordance with the OHS requirements;
- promote safe working methods and cooperate with workers in the field of OHS;
- in the event of accidents at the company, take urgent measures to help victims and involve, if necessary, professional emergency response teams.

Article 153 of the Labour Code provides that all enterprises, institutions, and organisations must establish safe and harmless working conditions.

***The employer is directly responsible for violating these requirements.***

In other words, it is the employer's responsibility to ensure safe and harmless working conditions, except in cases where a telework employment contract is concluded by and between the worker and the employer. According to Ukrainian law, teleworkers are responsible for ensuring safe and non-harmful working conditions in the workplace. However, in the case of telework, the employer is responsible for safety and proper technical condition of the equipment and tools provided to the worker for telework performance.

When employing domestic workers, it is the responsibility of the parties to the employment contract to establish appropriate, safe, and healthy working conditions; and the employer must ensure safety and proper functioning of the equipment and

means of production provided to the worker for the relevant work performance. A domestic worker may decline heavy work or work under harmful or dangerous conditions.

Article 173–3 of the Labour Code of Ukraine stipulates that considering the unique aspects of domestic work and working conditions, domestic workers possess all labour rights and guarantees provided by Ukrainian labour legislation, including safe and healthy working conditions.

In accordance with Article 13 of the Law “On Labour Protection” and Article 153 of the Labour Code, when concluding an employment contract for telework or home-based work, the employer is required to systematically train workers on labour protection and fire safety issues related to the use of equipment and facilities recommended or provided by the employer.

Such training can be conducted remotely using information and communication technologies, and through video communication inter alia. In this case, the exchange of relevant electronic documents between the employer and the worker is regarded as confirmation of the training.

***In general, teleworkers shall have the same labour rights as other employees, taking into account the specifics of telework specified in the employment contract.*** The conclusion of a telework employment contract is prohibited in the presence of hazardous and harmful production (technological) factors. In the case of telework, the worker allocates working hours at his or her own discretion, and he or she is not subject to the internal working regulations unless otherwise stipulated in the contract.

When utilising home-based work, the employer is required, before works under the home-based employment contract commences, to:

1. explain the worker his/her rights and responsibilities, and notify them of working conditions, existence of still non-eliminated hazardous or harmful production factors at his/her future workplace and possible consequences of their effect for the human health, as well as inform of the rights to benefits and compensation for work in such conditions against a signed acknowledgement following applicable legislation and a collective agreement
2. familiarise the employee with the internal labour regulations and the collective agreement
3. determine the worker’s workplace, provide it with any means required for the work
4. instruct the worker on safety, industrial sanitary, occupational health and fire protection issues.

**The organisation of labour processes outside the employer’s production or working premises is permitted only for individuals with the necessary housing and living conditions**, as well as with practical skills or the ability to be trained in these skills to perform specific tasks.

Housing and living conditions shall be reviewed by employer representatives, with the participation of the trade union and, when appropriate, representatives from sanitary and fire oversight services.

According to Article 173-7 of the Labour Code of Ukraine, an official from the State Labour Service of Ukraine is entitled to conduct awareness raising activities in households regarding the most efficient methods for complying with labour legislation, monitoring compliance with it, including the registration of labour relations.

An individual is required to provide information about the domestic work performed by individuals in their household at the request of the State Labour Service (the central executive authority responsible for supervising and enforcing compliance with labour legislation).

In the case of reasonable grounds to believe that a household employs others’ labour, a representative from the State Labour Service may have a confidential conversation with an individual performing domestic work in that household.

Labour protection of gig specialists who have concluded gig contracts with Diia City residents is governed by the Law of Ukraine “On Promoting Development of the Digital Economy in Ukraine”, the Diia City resident’s internal documents approved taking into account its provisions and gig contracts concluded with gig specialists. Pursuant to Article 20 of this Law, a gig contract or Diia City resident’s internal documents may determine various conditions for work performance (services provision), taking into account the provisions of this Law, including the regulations governing the Diia City resident, specifically concerning labour protection in workplaces (services provision) and activities performed by the Diia City resident, and liability for any violations.

Following the start of the full-scale war, the Ministry of Education and Science issued letter No. 1/3463-22 on 15 March 2022 clearly stating that “each worker (including pedagogical, scientific-pedagogical, and other staff) of educational institutions who works remotely must independently determine their workplace and, therefore, be responsible for ensuring safe and non-hazardous working conditions in their chosen workplace, including if it is outside the territory of Ukraine. Respectively, in the case of telework, the worker shall independently decide on the workplace and be responsible for ensuring of its safe and non-hazardous conditions.

In general, standards, specifications and other regulatory and technical documents related to the means of work and processes shall include labour safety requirements

and be agreed upon with the central executive authority ensuring the development of the labour protection state policy (Article 157 of the Code).

In case the regulations contain no labour protection requirements to be fulfilled to ensure safe and non-hazardous working conditions for certain works, the employer must take measures agreed upon with the central executive authority implementing the labour protection state policy to ensure workers' safety.

In 2022, Article 158 of the Code was amended to reflect the latest risks workers may face, establishing the employer's obligation to facilitate and improve working conditions. In pursuance of the said article, the employer must take measures to facilitate and improve the working conditions of the workers by implementing advanced technologies, achievements of science and technology, labour saving appliances, ergonomics requirements, good practices on labour safety, reduction and removal of dust and gas from air of the production facilities, reduction of noise intensity, vibration, radiation, etc. Moreover, the employer is obliged to take measures to ensure safety and protection of workers' physical and mental health, prevent risks and stress in the workplace, and carry out information, training, and organisational measures to prevent and counteract mobbing (harassment).

Also, Article 156 of the Code provides for prohibition of transfer into production of new samples of machinery and other means of production, implementation of new technologies that do not meet labour safety requirements.

The employer shall develop, with participation of trade unions, and implement comprehensive measures on labour protection under the Law of Ukraine "On Labour Protection." Action plan on labour protection is included into the collective agreement (Article 161 of the Code).

In addition to comprehensive legislation regarding the organisation and measures for labour protection, monitoring the observance of such labour protection legislation is envisaged. Control and supervision of labour protection law observance occur at all levels through administrative, operational, and departmental oversight, public control, and monitoring by the state regulatory and supervisory bodies, and are governed by the Code of Civil Protection of Ukraine, the Labour Code of Ukraine, the Law of Ukraine "On Labour Protection", and other regulations. Public control plays an important role, carried out by representatives of trade unions or, in their absence, by authorised officials on labour protection.

During martial law, state control and supervision measures are limited (Order of the Cabinet of Ministers of Ukraine "On Termination of State Supervision (Control) Measures Under Martial Law" of 13 March 2022, No. 303). However, such inspections are possible in the event of a threat to human rights, legitimate interests, life and health, environmental protection, and state security, and to fulfil Ukraine's international obligations during martial law, unscheduled state supervision (control) measures are permitted based on decisions made by central executive authorities

developing the state policy in the relevant areas. Additionally, the Law of Ukraine No. 2136-IX “On the Organisation of Labour Relations under Martial Law” dated 15 March 2022 allows for unscheduled state supervision (control) measures to ensure compliance with labour legislation by legal entities, regardless of ownership form, type of activity, management, and by individuals employing the hired labour, at worker’s or trade union’s request (Article 16).

Additionally, according to the Law of Ukraine “On Basic Principles of State Supervision (Control) in Economic Activity”, the grounds for unscheduled state supervision (control) measures are outlined in Article 6 to include instances such as an accident, fire, or death resulting from an accident or occupational disease related to a business entity’s activities and appeals from individual / individuals regarding violations that have harmed their rights, legitimate interests, life or health, the environment, or state security.

#### **Article 4 – The right to fair remuneration**

*Explanatory remark:*

*The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR’s approach to this issue as outlined in the UWE decisions on equal pay is applied across States Parties especially as regards measures taken to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.*

#### **Questions:**

##### **Article 4§3 Right of men and women to equal pay for work of equal value**

*a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.*

*b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.*

*c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.*

The International Labour Organisation Convention No. 100 on Equal Remuneration for Men and Women for Equal Work (hereinafter — Convention No. 100) was ratified by Ukraine and constitutes a part of domestic legislation according to Article 9 of the Constitution of Ukraine, similar to any other international treaty ratified by the Verkhovna Rada of Ukraine. In addition to ILO Convention No. 100, Ukraine has ratified several other international treaties in this matter, inter alia ILO Conventions Nos. 111, 131, 156, and the International Covenant on Economic, Social, and Cultural Rights. Convention No. 100 provides that each member of the organisation shall, through the means consistent with current methods for setting

remuneration rates, encourage and, to the extent that aligns with these methods, ensure application of the principle of equal remuneration for men and women for equal work to all workers without any discrimination, and that women should be guaranteed working conditions that are not inferior to those enjoyed by men, with equal pay for equal work, *inter alia*,

Moreover, if an international treaty or agreement involving Ukraine establishes rules different from those in Ukraine's labour legislation, the rules of the international treaty or agreement shall apply (Article 81 of the Labour Code of Ukraine).

Article 24 of the Constitution of Ukraine stipulates that citizens have equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions based on race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, financial status, place of residence, language or other factors. Equality of women's and men's rights is ensured by providing women with equal opportunities with men, *inter alia* in work and remuneration, special measures for labour protection and women's health, adopting the pension benefits, creating the conditions that allow women to combine work with motherhood, legal protection, material and moral support for motherhood and childhood, including paid leaves and other benefits to pregnant women and mothers.

Ukrainian Law No. 2866-IV of 2005 "On Ensuring Equal Rights and Opportunities for Women and Men"<sup>10</sup> which serves as the legal foundation for both women and men to exercise equal rights granted to them by the Constitution and the laws of Ukraine, states that women and men shall be provided with equal rights and opportunities in employment, promotion, professional development, and retraining, and employers must provide equal remuneration for women and men with the same qualifications and working conditions (Article 17). According to this Law of Ukraine, gender equality means that women and men have equal legal status and equal opportunities for its implementation, enabling individuals of both sexes to participate equally in all areas of social life. Gender equality in the labour market implies equal rights for women and men in the workplace, along with their equal significance, opportunities, responsibilities, and participation in all areas of public and private life.

Furthermore, Article 18 of this Law states that in the case of collective and contractual regulation of social and labour relations, the master agreement, sectoral (intersectoral) agreements, territorial agreements, and collective agreements shall acquire provisions that ensure equal rights and opportunities for women and men. In addition, collective agreements (contracts) shall precisely aim to eliminate, *inter alia*, wage inequality between women and men across different sectors of the economy and within individual industries, based on general social standards of compensation in the budget and other domains and based on vocational training and retraining of personnel.

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<sup>10</sup> <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

The issue of guaranteeing equal labour rights for women and men is primarily reflected in the provisions of the Labour Code of Ukraine. For example, Article 2<sup>1</sup> of the Labour Code of Ukraine prohibits any discrimination in the workplace, and violations, inter alia, of the principle of equal rights and opportunities. The Labour Code stipulates that the state shall guarantee equal labour rights for all citizens, regardless of their sex. Any direct or indirect restriction of rights or establishing sex-based benefits, whether direct or indirect, when concluding, amending or terminating of an employment contract is prohibited. Furthermore, Article 22 of the Labour Code of Ukraine prohibits mobbing (harassment), which manifests as psychological and/or economic pressure. One of the forms of psychological and economic pressure is unequal pay for work of equal value performed by workers of the same qualification.

Article 21 of Law of Ukraine “On Labour Remuneration” No. 108/95-BP<sup>11</sup> states that any salary reductions shall be prohibited irrespective of the worker’s origin, social and property status, race and nationality, sex, language, political views, religious beliefs, membership in trade unions or any other associations of citizens, type and nature of occupation, place of residence. According to Article 94 of the Labour Code of Ukraine, the salary depends on the complexity and conditions of the work performed, the professional and business qualities of the worker, the results of their work, and the economic activities of the enterprise, institution, or organisation.

Pursuant to commitments undertaken by Ukraine regarding equal pay for men and women for equal work or work of equal value, a National Strategy to Address the Gender Pay Gap by 2030 has been developed and approved by the Cabinet’s of Ministers of Ukraine by the Order No. 815 of 15 September 2023 (hereinafter — the National Strategy). The National Strategy aims to systematically and steadily reduce the pay gap between women and men for work of equal value. The National Strategy aims to achieve sustainable reduction of the gender pay gap by 2030 by creating favourable conditions and developing efficient mechanisms to ensure progress in this area and reduce the gender pay gap from 18.6% to 13.6%.

To achieve the National Strategy’s objective, the following strategic goals are defined:

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

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<sup>11</sup> <https://zakon.rada.gov.ua/laws/show/108/95-%D0%B2%D1%80#Text>



As part of implementing the Operational Action Plan for 2023–2025 of the National Strategy, the **methods for gender-neutral assessment of work** (to include criteria for determining equal work and work of equal value) have been developed.<sup>12</sup>

The Labour Code of Ukraine and a number of other laws apply the concept of equal work (position). For instance, Article 118 of the Labour Code of Ukraine provides guarantees for workers selected to elected positions, under which the workers dismissed from their jobs due to their election to positions in state bodies and political parties, labour unions, cooperatives etc., and other public organisations may return to their previous job (position) after their term in the elected position ends; and if that position is no longer available, they are offered other equal job (position) at the same or, with the worker's consent, at another enterprise, institution, or authority.

The concept of equal work is explained in the Supreme Court's case-law. The Decision of the Supreme Court composed of a panel of judges of the Administrative Court of Cassation of 1 September 2022 (Case No. 120/8450/20-a) states that "equal job (position) shall mean a job (position) that is no lower than the qualification or position a person held before being selected to an elected position (the corresponding chairman / secretary)."

The Resolution of the Supreme Court composed of 15.07.2020 in case No. 824/144/16-a on the "principle of equal work" states that "The principle of equality of rights and opportunities and the prohibition of discrimination in the field of labor" are enshrined in part 1 of Article 21 and in Article 24 of the Constitution of Ukraine, Article 21 and 22 of the Code of Labor Laws of Ukraine.

Discrimination are a violation of the principle of equality.

Article 23 of the Universal Declaration of Human Rights establishes that everyone has the right to work, to free choice of work, to fair and favorable working conditions and to protection from unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Every worker has the right to a just and satisfactory remuneration, which ensures a decent human existence, himself and his family, which, if necessary, is supplemented by other means of social security. In accordance with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the enjoyment of the rights and freedoms recognized in this Convention shall be ensured without discrimination on any grounds of sex, race, color, language, religion, political or other opinion, national or social origin, belonging to national minorities, property status, birth or other grounds.

Article 116 of the Labor Code of Ukraine establishes that upon dismissal of an employee, payment of all amounts due to him from an enterprise, institution,

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<sup>12</sup> <https://zakon.rada.gov.ua/laws/show/815-2023-%D1%80#Text>

organization is made on the day of dismissal. If the employee did not work on the day of dismissal, then the indicated amounts should be paid no later than the next day after the dismissed employee makes a request for payment. About the accrued amounts due to the employee upon dismissal, their own or authorized body must notify the employee in writing before the payment of the specified sums. In the event of a dispute about the amount of amounts owed to the employee upon dismissal, the owner in any case must, in the period specified in this article, pay the amount not disputed by him.

Considering that the special legislation regulating the remuneration of officials of internal affairs bodies does not establish the date of the final settlement with dismissed employees and the employer's responsibility for non-payment or late payment to the employee of all amounts due in order to ensure the rights and principle of non-discrimination in labor relations, the panel of judges of the Supreme Court concluded on the possibility of applying the norms of Articles 116 and 117 of the Labor Code of Ukraine as, those that are common and apply to legal relations that are formed during the dismissal from the service of the internal affairs bodies (<https://reyestr.court.gov.ua/Review/90425331>).

In the Supreme Court Resolution of January 30, 2019 in case No. 569/5553/17, the Supreme Court noted that in accordance with Part Two of Article 42 of the Constitution of Ukraine, the state creates conditions for the full exercise by citizens of the right to work, guarantees equal opportunities in choosing a profession and type of work, and implements programs of professional training, training and retraining of personnel in accordance with social needs.

Article 24 of the Constitution of Ukraine establishes that all citizens have equal rights and freedoms and are equal before the law.

Part two of Article 24 of the Constitution of Ukraine, as well as Article 2 of the Labor Code of Ukraine, proclaim that all citizens are equal in labor rights, regardless of origin, color, social or property status, race and nationality, article of language, political views, religious beliefs, type and nature of occupations, place of residence and other circumstances.

... "Any subjective right, including the right to work, provides a legal mechanism for its protection and protection, the essence of which is to ensure the protection of human rights in the field of labor and productive employment, and the main purpose of protection is to ensure the realization of the subjective right to work, duties and legitimate interests of a person of labor (<https://reyestr.court.gov.ua/Review/79834971>).

The jurisprudence of the Supreme Court on gender pay discrimination has not been identified.

At the same time, we offer for review some court decisions of the Supreme Court on wage discrimination:

- 1) Resolution of the Supreme Court of June 5, 2024 in case No. 202/5012/21 (<https://reyestr.court.gov.ua/Review/1195578301>) (discriminatory actions to increase wages in a smaller amount than other employees holding the same position);
- 2) Resolution of the Supreme Court of September 11, 2021 in case No. 465/149/19 (<https://reyestr.court.gov.ua/Review/97656891>) (the defendant committed actions to reduce the official salaries and allowances of the plaintiff, which indicates discrimination of the latter as an employee).

Regarding compensation for damage (material or moral) in case of discrimination in labor relations, we note that the Labor Code of Ukraine provides for compensation only for moral damage caused as a result of discrimination. In particular, in accordance with Article 2371 of the Labor Code of Ukraine, compensation by the employer for moral damage to the employee is carried out if his legal rights are violated, including as a result of discrimination, mobbing (bullying), its fact is confirmed by a court decision that has entered into legal force, has led to moral suffering, loss of normal life ties and requires additional efforts from him to organize his life. The procedure for compensation for moral damage is determined by law.

The amount of monetary compensation for moral damage is determined by the court depending on: the nature of the offense, the depth of physical and spiritual suffering, the deterioration of the victim's ability or the deprivation of his ability to realize them, the degree of guilt of the person who caused moral damage, if it is the basis for compensation, taking into account other circumstances that are essential. And also: the state of health of the victim, the severity of forced changes in his life and production circumstances, the degree of decline in prestige, business reputation, time and effort necessary to restore the previous state, etc.

*b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.*

According to Article 94 of the Labour Code of Ukraine, the salary depends on the complexity and conditions of the work performed, the professional and business qualities of the worker, the results of their work, and the economic activities of the enterprise, institution, or organisation, and has no maximum size limit.

Labour remuneration systems shall be rates and other systems that are formed by assessing the performed work complexity and the employees' competences. The rate-based labour remuneration system includes: pay scales, pay rates, fixed salary

schemes, occupational standards and qualification characteristics (where there are no occupational standards).

The rate-based labour remuneration system shall be used in the assignment of tasks depending on their complexity, while in the assignment of employees, it shall be used depending on competences and pay scale categories. It is the basis for the formation and differentiation of wages.

The pay scale (fixed salary scheme) shall be created on the basis of the first category employee's pay rate and inter-qualification (inter-job) ratios of pay rates (fixed salaries). The scheme of fixed salaries (pay rates) paid to employees working at budget institutions and organisations shall be created on the basis of

- the minimum wage (pay rate) set by the Cabinet of Ministers of Ukraine;
- inter-job (inter-qualification) ratios of salaries (pay rates) and pay rate coefficients.

The minimum wage (pay rate) shall be set in the amount not less than the subsistence level established for able-bodied persons as of 1 January of the calendar year.

The owner or the body authorised by the owner shall assign performed works to certain pay rates and skills categories to employees in accordance with occupational standards (qualification characteristics) in consultation with the elected body of the primary trade union organisation (trade union representative). Where there are no occupational standards, such assignment can be based on qualification characteristics.

Other labour remuneration systems may be introduced based on collective agreements, and if such agreements were not concluded — based on the order of the owner or its authorised body issued after being approved by the elected body of the primary trade union organisation (trade union representative), and if there is no such operating primary trade union organisation — with freely elected and authorised representatives (representative) of workers.

Forms and systems of labour remuneration, labour standards, rates, pay scales, fixed salary schemes, terms and conditions of allowances, surcharges, bonuses, rewards and other incentive, compensation and guarantee payments and their amounts shall be established by enterprises in collective agreements with observance of the regulations and guarantees provided for by law, master, and sectoral (territorial) agreements. If no collective agreement has been concluded at the enterprise, institution or organisation, the employer shall coordinate these issues with the elected body of primary trade union organisation (union representative) representing the interests of the majority of workers, and if there is no such body — with another representative body authorised by the labour collective.

In addition, in Ukraine, the public and private sectors utilise the National Classifier of Ukraine, known as the “Classifier of Professions”, intended for use by central executive authorities, local governments, the Federation of Employers of Ukraine, and all business entities when recording work in workers’ employment record books. Back in 2017, Order No. 256 of the Ministry of Health “On Approval of the List of Heavy Work and Work with Harmful and Hazardous Working Conditions, Where the Use of Women’s Labour is Prohibited”, which previously listed approximately 450 professions prohibited for women, was revoked.

The provision in the Law of Ukraine “On Equal Rights and Opportunities for Women and Men” that prohibits employers from advertising job openings exclusively for women or men, except for specific roles that can only be performed by individuals of a certain sex, imposing various requirements that give preference to one sex over another or from requesting personal information about candidates’ lives and family planning, shall also contribute to equal remuneration.

However, such a long-term practice developed that the percent of working men and women can vary substantially depending on economy sectors or professional groups. Gender stereotypes regarding what a woman of a certain age should or can do, deeply rooted in a general culture and closely tied to gender roles in the family, childcare, education, and perceptions of physical and behavioural characteristics of the average woman, began to change substantially during the war. Successful organisation of women’s training courses for truck and passenger bus drivers can be an example. The first free training programmes were launched in 2023 by the Ministry of Community, Territory, and Infrastructure Development, with support from the USAID Competitive Economy of Ukraine Program.

It is important to note that the collection of official information regarding the labour market has ceased with the onset of full-scale war. As a result, information on changes in the structure of compliance between professions and qualifications over the past two years has not been provided.

*c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap*

The gender pay gap has changed dramatically over the past decade, by gradual reducing the men’s and women’s salaries gap from 26% in 2015 to 16.7%<sup>13</sup> in the period before the full-scale aggression. To address the gender pay gap, special rules

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<sup>13</sup> Challenges to Women’s Empowerment in the Labour Market and Entrepreneurship in the Context of the Full-Scale War and Gender-Based Recovery of Ukraine. Report on the findings of the study. Conducted by UN Women as part of the project “Transformational Approaches to Achieving Gender Equality in Ukraine” funded by Sweden, in collaboration with the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration and the Government Commissioner for Gender Policy. 2024

were adopted, as noted in responses to questions a) and b), as well as the National Strategy to Address the Gender Pay Gap adopted in September 2023 that underscores the Government's ongoing efforts to tackle the gender pay gap issue despite the war. The strategy aims to reduce the pay gap from 18.6% to 13.6% by 2030.

To implement the Strategy, the first Operational Plan 2023–2025 was approved,<sup>14</sup> which identified various measures, and, inter alia, improving the legislation on equal pay. According to the Plan by 2024

- recommendations for ensuring transparency in remuneration based on gender criteria have already been developed and approved;
- inspections by the State Labour Service based on complaints about sex-based discrimination in wages have been provided (in 2024 — 100 % of inspections conducted following workers' appeals);
- the methods for gender-neutral assessment of work (criteria for determining similar work and work of equal value) have been developed;
- awareness-raising events have been held to disseminate information on trends in the gender wage ratio, etc.

This also provides for promotion of gender audits and implementation of guidelines by employers regarding gender equality and non-discrimination in the workplace (the expected number of employers to conduct an audit in 2025 is five; by 2030, increase to 50 employers is expected); ensuring the efficacy of a system that encourages employers to adopt policies conducive to balancing professional and family responsibilities; developing a standard policy to help employees combine their professional and family responsibilities, and other measures.

In addition, special provisions are included in the Draft Labour Code of Ukraine, the adoption of which will enhance protection of women's rights, including promotion of equal pay for women and men for equal and equivalent work. The Draft Labour Code aims to establish, inter alia, the principle of equal pay for women and men for work of equal value, regulate the legal protection of working women solely through positive discrimination, which will enhance their competitiveness in the labour market (Article 2 of the Draft 2024).

In 2020, Ukraine joined the international Biarritz Partnership initiative for gender equality and made several commitments, one of which is to reduce the pay gap between women and men. To fulfil the obligations, Order No. 1578-p of the Cabinet of Ministers of Ukraine dated 16 December 2020 approved the action plan for implementing the commitments of the Government of Ukraine under the international Biarritz Partnership initiative, within which, to reduce the pay gap between women and men, it was provided to ensure Ukraine's achieving compliance with the criteria for membership in the Equal Pay International Coalition (EPIC) and

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<sup>14</sup> <https://zakon.rada.gov.ua/laws/show/815-2023-%D1%80#n100>

to adopt and implement the National Strategy to Reduce the Gender Pay Gap by 2023<sup>15</sup>.

In April 2021, the National Strategy for Creating a Barrier-Free Space in Ukraine until 2030 of 14 April 2021 No. 366 was approved, which stipulates that all citizens, regardless of age, sex, marital status or health condition have opportunities for employment, obtaining financial and other resources for entrepreneurship or self-employment.

In 2022, by Decree No. 752-p of the Cabinet of Ministers of Ukraine of 12 August 2022, the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men by 2030 was approved proposing guidelines to enhance women's economic independence as part of state policy aimed at achieving equal rights and opportunities for women and men across all areas of social life. The Strategy highlights, inter alia, the pay gap between women and men among the challenges in the sphere of economic opportunities for women. To overcome such challenges, the Strategy developers propose to:

- take measures to reduce pay gap between women and men, reduce the level of horizontal and vertical gender segregation of the labour market and women's participation in entrepreneurship;
- create conditions for increasing the economic activity of women, especially those aged 25–29, and opportunities for official and full employment of women in jobs with decent working conditions, in particular, of women living in rural areas, and those belonging to vulnerable groups of population;
- implement efficient mechanisms to prevent and respond to all types of gender-based discrimination and violence in the workplace;
- ensure recognition of the contribution of unpaid home and care work to economic development and its social value based on scientifically based research and economic calculations.

According to State Statistics Service of Ukraine, as of 1 April 2021, women made up 48% of the employed population aged 15–70 years, totalling 7.3 million out of 15.4 million employed individuals.

By the beginning of 2022, the gap had narrowed; on average, women earned 16.7% less than men. However, after commencement of the full-scale war of aggression, the situation worsened due to different reasons including mobilisation, internal displacement etc. The National Strategy to Address the Gender Pay Gap by 2030 emphasises that the work on reducing the gender pay gap has become significantly more complicated because of the full-scale war of aggression of the Russian Federation against Ukraine, which began in February 2022. The problem of the

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<sup>15</sup> Decree of the Cabinet of Ministers of Ukraine dated 16 December 2020 No. 1578 On Approval of Action Plan for Implementing the Commitments Undertaken by the Government of Ukraine Within the International Biarritz Partnership Initiative on Gender Equality

gender pay gap in 2022 became particularly acute since a large number of women of working age with children were forced to go abroad due to the danger of military operations and shelling of the Ukrainian territory, while men aged 18 to 60 who can perform military duty are subject to general mobilisation.

However, according to the Law of Ukraine “On Protection of Interests of Reporting Entities and Entities Submitting Other Documents During Martial Law or a State of War”, individuals, individual entrepreneurs, and legal entities are entitled not to submit statistical and financial statements during martial law or a state of war. Due to the lack of reports during the period of martial law or state of war, and within three months after its ending, the State Statistics Bodies suspended the publication of statistical information, except the Consumer Price Index (CPI), exports and imports of goods, preliminary GDP estimates, certain information for years 2022–2023, and for the year 2021 and previous periods. Considering this, the latest statistical information on the amount of the average monthly salary by sex and types of economic activity is published quarterly on the website of the State Statistics Service for the year 2021.

Available today statistics of the State Statistics Service are given below.

<b>Average monthly salary of full-time workers, disaggregated by sex, in 2017–2021</b>			
	Per a full-time worker		
	men, UAH	women	
		UAH	% of men’s salaries
2017	8,021	6,321	78.8
2018	10,083	7,830	77.7
2019	11,961	9,237	77.2
2020	13,031	10,369	79.6
2021	15,563	12,668	81.4



Average hourly wages by gender and occupation, UAN<sup>1</sup>

	2015	2016	2017	2018	2019	2020	2021	2022
Average salary per hour worked, UAH	-	<b>33,28</b>	-	-	-	<b>76,54</b>	-	-
professional groups								
legislators, senior civil servants, executives, managers (managers)	-	49,46	-	-	-	111,19	-	-
professionals	-	41,79	-	-	-	96,77	-	-
expert	-	31,32	-	-	-	72,74	-	-
technical employees	-	22,86	-	-	-	53,53	-	-
trade and service workers	-	18,66	-	-	-	49,55	-	-
skilled workers in agriculture and forestry, fish farming and fishing	-	22,85	-	-	-	54,75	-	-
skilled workers with tools	-	32,17	-	-	-	69,13	-	-
workers in the maintenance, operation and control of technological equipment, assembly of equipment and machines	-	29,51	-	-	-	67,34	-	-
the simplest professions	-	17,33	-	-	-	44,51	-	-
Women	-	<b>29,65</b>	-	-	-	<b>70,21</b>	-	-
by professional groups								
legislators, senior civil servants, executives, managers (managers)	-	43,17	-	-	-	102,74	-	-
professionals	-	57,13	-	-	-	90,33	-	-
expert	-	28,06	-	-	-	66,32	-	-
technical employees	-	22,30	-	-	-	52,16	-	-
trade and service workers	-	16,90	-	-	-	46,96	-	-

skilled workers in agriculture and forestry, fish farming and fishing	-	21,91	-	-	-	54,61	-	-
skilled workers with tools	-	24,95	-	-	-	56,00	-	-
workers in the maintenance, operation and control of technological equipment, assembly of equipment and machines	-	30,28	-	-	-	57,54	-	-
the simplest professions	-	16,32	-	-	-	43,05	-	-
<b>Men</b>	-	<b>37,22</b>	-	-	-	<b>82,70</b>	-	-
professional groups								
legislators, senior civil servants, executives, managers (managers)	-	55,24	-	-	-	118,13	-	-
professionals	-	46,72	-	-	-	107,07	-	-
expert	-	39,68	-	-	-	89,20	-	-
technical employees	-	26,02	-	-	-	60,70	-	-
trade and service workers	-	22,70	-	-	-	54,84	-	-
skilled workers in agriculture and forestry, fish farming and fishing	-	23,89	-	-	-	54,91	-	-
skilled workers with tools	-	33,80	-	-	-	72,44	-	-
workers in the maintenance, operation and control of technological equipment, assembly of equipment and machines	-	28,49	-	-	-	69,64	-	-
the simplest professions	-	18,96	-	-	-	46,36	-	-

<sup>1</sup> Data are collected once every four years.

**Difference in average monthly wages of women and men by type of economic activity, %**

	2015	2016	2017	2018	2019	2020	2021	2022 <sub>1</sub>	2023 <sup>1</sup>
<b>Difference in average monthly salary of women and men, %</b>	<b>25,1</b>	<b>25,4</b>	<b>21,2</b>	<b>22,3</b>	<b>22,8</b>	<b>20,4</b>	<b>18,6</b>	-	-
including by type of economic activity%									
Agriculture, forestry and fisheries	17,6	17,8	17,8	20,0	20,1	18,8	19,5	-	-
of which agriculture	16,3	16,2	17,1	19,4	21,5	20,3	20,3	-	-
Industry	25,9	25,3	23,7	25,2	25,7	25,6	25,1	-	-
Construction	11,0	8,5	6,8	10,6	5,9	5,6	12,5	-	-
Wholesale and retail trade; repair of motor vehicles and motorcycles	21,0	22,0	22,6	21,4	18,7	18,5	19,0	-	-
Transport, warehousing, postal and courier activities	23,5	22,6	23,7	24,5	22,8	24,2	23,1	-	-
transport activities	4,5	4,2	6,3	6,4	4,0	10,3	10,1	-	-
warehousing and support activities for transport	14,0	13,8	15,8	18,4	18,4	20,2	19,8	-	-
postal and courier activities	35,4	41,7	39,6	39,2	36,3	36,0	33,4	-	-
Temporary accommodation and catering	11,9	13,8	13,4	14,0	9,1	12,3	10,9	-	-

Information and telecommunications	19,4	22,7	19,9	20,1	19,7	21,5	24,3	-	-
Financial and insurance activities	33,6	33,0	35,6	36,1	36,1	32,0	31,9	-	-
Real estate transactions	5,8	6,4	7,7	12,2	8,6	4,7	8,3	-	-
Professional, scientific and technical activities	15,7	16,6	14,9	19,4	21,9	22,7	21,7	-	-
including scientific research and development	18,9	20,0	17,7	22,2	21,5	17,6	17,2	-	-
Administrative and support service activities	-1,1	-3,0	0,2	1,1	-5,1	-3,5	-1,5	-	-
Public administration and defence; compulsory social insurance	9,3	6,7	7,0	4,9	4,5	7,9	11,0	-	-
Education	6,6	6,3	4,6	3,6	3,8	3,5	4,3	-	-
Healthcare and social assistance	10,3	10,7	9,9	11,1	10,7	13,1	13,6	-	-
of which healthcare	10,7	11,4	9,9	11,3	10,7	13,3	13,9	-	-
Arts, sports, entertainment and recreation of which	52,8	50,0	40,4	38,4	35,9	36,5	34,8	-	-
activities in the field of creativity, art and entertainment	14,7	15,9	17,6	16,7	16,8	15,5	16,7	-	-
functioning of libraries, archives, museums and other cultural institutions	-7,4	-4,3	4,5	4,8	11,2	7,3	10,2	-	-
Provision of other types of services	10,9	17,4	17,5	14,2	11,9	1,6	5,4	-	-

The publication of information will be resumed after the deadline for submitting statistical and financial reporting established by the Law of Ukraine "On Protection of the Interests of Subjects of Reporting and Other Documents during the Period of Martial Law or State of War" expires

#### 5.49. Share of political parties led by women in the total number of political parties, %

(as of January 1)



<b>Share of legal entities headed by women, % of the total number of legal entities<sup>1</sup></b>	-	-	-	-	28,9	29,2	29,3	29,2	29,2
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Source: State Statistics Service

<sup>1</sup> Data is being developed since 2019.

#### 5.41. Distribution of the number of prosecutors by gender, %

	(as of January 1)									
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Distribution of the number of prosecutors, % <sup>1</sup>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>
including										
women	31,41	32,29	32,93	37,51	38,85	37,70	40,40	39,34	38,56	39,71
men	68,59	67,71	67,07	62,49	61,15	62,30	59,60	60,66	61,44	60,29

Source: Office of the Attorney General

<sup>1</sup> The information is provided for prosecutors working in the Office of the Prosecutor General, regional prosecutors' offices, and equivalent specialized prosecutors' offices.

**Distribution of the number of researchers involved in scientific research,  
by gender, %:  
by sectors of activity;  
by age groups (under 25 years, 25-34 years, 35-64 years, 65 years and older);  
by academic degrees**

	2015	2016	2017	2018	2019	2020	2021 <sup>1</sup>	2022 <sup>1</sup>	2023 <sup>1</sup>
Distribution of the number of researchers involved in scientific research, %									
Women	<b>46,3</b>	<b>45,0</b>	<b>44,7</b>	<b>44,7</b>	<b>44,3</b>	<b>45,4</b>	<b>45,8</b>	<b>46,4</b>	<b>44,7</b>
including by sectors of activity									
business	39,6	37,3	38,2	38,2	38,3	38,7	38,8	39,5	35,9
government	49,8	48,8	48,7	48,8	47,7	48,8	48,7	49,1	48,7
higher education	48,7	45,3	43,5	43,1	44,0	44,3	45,6	45,5	44,1
including by age groups									
under 25 years	40,1	40,4	41,2	41,1	37,8	38,9	44,3	42,9	33,8
25-34 years	49,2	47,7	46,4	46,5	46,6	47,8	47,3	43,8	41,3
35-64 years	50,0	48,4	48,5	48,8	48,5	49,9	50,2	51,6	49,5
65 years and older	30,7	29,6	29,9	30,2	30,3	31,0	32,8	33,6	34,9
of them by academic degree									
Doctors of Science	25,3	26,9	27,2	26,7	27,1	29,1	31,1	31,6	31,8
Doctors of Philosophy (Candidates of Science)	45,3	47,0	46,9	46,9	46,6	47,5	48,3	48,5	48,1
Men	<b>53,7</b>	<b>55,0</b>	<b>55,3</b>	<b>55,3</b>	<b>55,7</b>	<b>54,6</b>	<b>54,2</b>	<b>53,6</b>	<b>55,3</b>
including by sectors of activity									
business	60,4	62,7	61,8	61,8	61,7	61,3	61,2	60,5	64,1
government	50,2	51,2	51,3	51,2	52,3	51,2	51,3	50,9	51,3
higher education	51,3	54,7	56,5	56,9	56,0	55,7	54,4	54,5	55,9
including by age groups									
under 25 years	59,9	59,6	58,8	58,9	62,2	61,1	55,7	57,1	66,2
25-34 years	50,8	52,3	53,6	53,5	53,4	52,2	52,7	56,2	58,7
35-64 years	50,0	51,6	51,5	51,2	51,5	50,1	49,8	48,4	50,5
65 years and older	69,3	70,4	70,1	69,8	69,7	69,0	67,2	66,4	65,1
of them by academic degrees									
doctors of sciences	74,7	73,1	72,8	73,3	72,9	70,9	68,9	68,4	68,2

doctors of philosophy (candidates of sciences)	54,7	53,0	53,1	53,1	53,4	52,5	51,7	51,5	51,9
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**Source: State Statistics Service**

**Information for the years 2021-2023 is formed on the basis of the actually submitted reports of enterprises.**



As of early 2022, about 1.4 million individual entrepreneurs were registered in Ukraine, with 47% of them registered by women. In terms of regions, the Khmelnytskyi region stands out, which has the most female entrepreneurs — 51%, as well as Kyiv city and Kharkiv region with at least 43% of them each. Since the beginning of the full-scale invasion, the number of female entrepreneurs has been increasing. Despite the gender imbalance in specific sectors of the economy, women are involved in jobs performed mainly by men; women’s training courses for truck and passenger bus drivers are organised, inter alia, and many courses are free of charge. The first free training programmes were launched in 2024 by the Ministry of Community, Territory, and Infrastructure Development, with support from the USAID Competitive Economy of Ukraine Program.

Even in times of war, the Government implements various programmes to support women. In particular, the “Own Business” programme has been developed, under which female veterans and wives of veterans can receive grants to develop their business. The “Create!” programme operates envisaging up to 15 thousand dollars for female owners or managers of manufacturing enterprises. More and more training and retraining programmes are being introduced.<sup>16</sup> The Ministry of Economy, with the UN Women and with the support of the Office of the First Lady and the Swedish government, launches the “Of Course, You Can!” awareness-raising campaign. This campaign aims to break down established stereotypes, counteract the depreciation of women’s contribution to the economy, and instil self-confidence in girls and women.<sup>17</sup>

Although Ukraine goes through one of the most challenging periods in its history due to Russia’s aggression, the adoption of the Strategy, promotion of gender equality, and women’s empowerment remains among the priorities. Reducing the gender pay gap is a key part of these efforts.

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16 Reducing the Gender Pay Gap From 18.6% to 13.6% and Launching the National Campaign “Of Course, You Can!”: How Ukraine Moves Toward Economic Empowerment of Women During the Great War? Ministry of Economy of Ukraine. 18/09/2024 <https://me.gov.ua/News/Detail?lang=uk-UA&id=d5981d5a-2d8c-417a-987a-40d7be7ae96c&title=SkorochnniaGendernogoRozrivuVOplatiPratsiZ18-6-Do13-6-TaStartNatsionalnoiKampanii-zvisno-Zmozhesh-YakUkrainaRukhatsiaDoEkonomichnogoUpovnovazhenniaZhinokUChasiVelikoiViini->

17 See at: [https://lb.ua/society/2024/09/18/635357\\_oplata\\_pratsi\\_ukraini\\_zhinki.html](https://lb.ua/society/2024/09/18/635357_oplata_pratsi_ukraini_zhinki.html)

### ***Article 5 Right to organize***

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionization or in new sectors (e.g., the gig economy).

b) Please describe the legal criteria used to determine the recognition of employers' organizations for the purposes of engaging in social dialogue and collective bargaining.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Please provide information:

- on the status and prerogatives of minority trade unions;
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

The fundamental international act guaranteeing the right to freedom of association is the International Labour Organisation Convention No. 87 of 9 July 1948 "On Freedom of Association and Protection of Right to Organise" ratified by Ukraine on 6 July 1956. The Constitution of Ukraine declares inalienability and inviolability of human rights and freedoms, in particular, Article 36 provides that Ukrainian citizens have the right to freedom of association in political parties and public organisations to exercise and protect their rights and freedoms and satisfy political, economic, social, cultural and other interests, except for restrictions established by law for the purpose of national security and public order, protection of public health or rights and freedoms of others.

The Constitutional Court of Ukraine in its decision (Decision of the Constitutional Court of Ukraine (Grand Chamber) in the case on the constitutional submissions of the Ukrainian Parliament Commissioner for Human Rights and 65 people's deputies of Ukraine on compliance with the Constitution of Ukraine (constitutionality) of the provisions of paragraph 5 of part one of Article 3, paragraph three of part three of Article 45 of the Law of Ukraine "On Prevention of Corruption," paragraph 2 of Section II "Final Provisions" of the Law of Ukraine "On Amending Certain Laws of Ukraine Regarding the Peculiarities of Financial Control of Certain Categories of Officials" dated June 6, 2019 No. 3-p/2019) emphasizes that the state should create such legislative mechanisms for the activities of associations of citizens, which will ensure the free development of the individual, the possibility of realizing his creative potential and individual abilities in the political, economic, social, cultural or other spheres of public life. At the same time, associations of citizens and their members in their activities are obliged to strictly comply with the requirements of the

Constitution of Ukraine, in particular its Articles 36, 37.

In order to protect their labor and socio-economic rights and freedoms, satisfy political, economic, cultural and other interests, meet religious needs, citizens have the right to participate in trade unions, public associations, political parties, youth organizations, creative unions, religious organizations, etc.

The legal and organizational principles of the realization of the right to freedom of association guaranteed by the Constitution of Ukraine and international treaties of Ukraine, the procedure for the formation, activity and termination of public associations are regulated by numerous laws of Ukraine, which establish the peculiarities of the realization of this right in relation to various organizational and legal forms of associations. These laws include the Laws of Ukraine “On Associations of Citizens”, “On Youth and Children’s Public Organisations”, “On Political Parties in Ukraine”, “On Trade Unions, Their Rights and Guarantees of Activity”, “On Charity and Charitable Organisations”, “On Freedom of Conscience and Religious Organisations”, “On Cooperation”, “On Professional Creative Workers and Creative Unions”, “On Arbitration Courts”, etc.

No one can be forced to join any association of citizens or have their rights restricted due to belonging or not belonging to political parties or public organisations. All associations of citizens are equal before the law.

Freedom of association means, inter alia, the legal and factual possibility to form or join associations of citizens voluntarily, without coercion or prior permission (see Judgement of the Constitutional Court of Ukraine dated 13 December 2001 No. 18-пп/2001).

State bodies and their officials shall not interfere in the affairs of the associations of citizens, and the associations of citizens shall not interfere in the affairs of state bodies and their officials, unless otherwise provided for by law. Liability for violation of this right also serves as a guarantee of the right to association. Officials of the regulatory bodies for citizens’ associations and citizens themselves are subject to disciplinary, civil, administrative, or criminal liability for violating the law on associations of citizens. The Criminal Code of Ukraine (Article 170) establishes liability for obstructing the legitimate activities of trade unions, political parties, and public organisations. A public association aims to implement, promote, protect rights and freedoms and satisfy political, economic, social, cultural, and other interests. The European Court of Human Rights has repeatedly stressed that the activities of associations also represent a collective exercise of freedom of expression. Associations may be formed only based on common legitimate interests, the list of which in the Constitution is non-exhausted.

The Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” (Article 16) stipulates that foreigners and stateless persons permanently residing in Ukraine may join legalised associations of citizens **on the same grounds** as

Ukrainian citizens unless otherwise provided for by the laws of Ukraine and when provided for by the charters of such associations. Foreigners and stateless persons may not be members of political parties in Ukraine.—The right to association, enshrined in the Constitution of Ukraine, is detailed in laws. The Verkhovna Rada of Ukraine has the authority, based on the Constitution of Ukraine and international legal acts ratified by Ukraine, to further regulate the legal status of public associations by establishing the procedures for their creation, state registration, and oversight of their activities; however, these regulations must not restrict the constitutional rights to freedom of association or hinder anyone’s ability to express their social and political stance.

According to the legal stance of the Constitutional Court of Ukraine (Decision No. 18 dated 13 December 2001), issues related to exercising the right to freedom of association in civil society — other than the most general ones — are not subject to state regulation and should be determined at the free discretion of its members. Therefore, these issues shall be governed within the organisation by corporate regulations. The Laws of Ukraine “On Public Associations”, “On Political Parties in Ukraine”, “On Trade Unions, Their Rights and Guarantees of Activity”, and others require associations to adopt relevant statutory documents and establish general requirements for their content, regarding, inter alia, the impossibility of these regulations to contradict Ukrainian legislation.

The activities of trade unions and their associations that violate the Constitution of Ukraine and the Laws of Ukraine may be prohibited only by a decision of the local court, and those of the trade unions with the status of all-Ukrainian or republican and the trade union associations with the corresponding status — only by a decision of the Supreme Court of Ukraine.

The decision to forcibly dissolve a trade union association does not involve dissolution of the trade unions that belong to this association. The forced dissolution of a trade union or a trade union association involves the cancellation of the registration certificate and removal from the Register of Associations of Citizens of Ukraine, resulting in the loss of legal entity rights, with a compulsory notification in media.

Also, Article 246 of the Labour Code of Ukraine provides that primary trade union organisations at enterprises, in institutions, organisations, and their units represent the interests of their members and protect their labour, social and economic rights, and interests.

Primary trade union organisations exercise their powers through elected bodies formed under the Statute (regulations), and in organisations where elected bodies are not formed — through a union representative authorised following the Statute to represent interests of the trade union members, which operates within the rights

granted by the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity” and the trade union charter.

If several primary trade union organisations operate at an enterprise, in institution, or organisation, a joint representative body represents collective interests of workers at an enterprise, institution, or organisation regarding entering into a collective agreement.

An elected body of the primary trade union organisation at the enterprise, in institution, organisation shall:

1) enter into and monitor execution of the collective agreement, report on its execution at the general meeting of the labour collective, apply to relevant authorities to bring officials to justice for non-fulfilment of the collective agreement terms and conditions;

2) decide, with the employer, on the introduction, review and amendment of labour standards;

3) decide, with the employer, on the issues of forms and systems of labour remuneration, rates, pay scales, fixed salary schemes, terms and conditions of allowances, surcharges, bonuses, rewards and other incentive, compensation payments;

4) resolve, with the employer, the issues of working and rest time, coordinate shift schedules and provision of leaves, introduction of cumulative accounting of working hours, permit overtime work, work on weekends, etc.;

5) resolve, with the employer, the issues of social development of the enterprise, improvement of working conditions, material and household, and medical services for workers;

6) participate in solving social and economic issues, determining and approving the list and procedure for granting social benefits to workers;

7) participate in the development of internal labour regulations of an enterprise, institution or organisation;

8) represent the workers on their behalf during the consideration of individual labour disputes and in a collective labour dispute, contribute to its resolution;

9) decide on the worker’s claim to terminate the employment agreement (contract) with the head of an enterprise, institution, organisation, if they violate the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity”, labour legislation, evade participation in negotiations on entering into or modification of the collective agreement, fail to fulfil obligations under the collective agreement, otherwise violate the laws on collective agreements;

10) give consent or refuse to grant consent to termination of an employment agreement at employer’s initiative with a worker who is a member of a trade union operating at an enterprise, in institution and organisation, in cases provided for by law;

11) participate in the investigation of accidents, occupational diseases and accidents, in activities of the labour protection commission;

12) exercise public control over the employer's execution of legislation on labour and labour protection, over ensuring safe and harmless working conditions, production sanitary requirements at the enterprise, in institution, organisation, correct application of the established pay conditions, require elimination of identified shortcomings;

13) control the preparation and submission by the employer of documents necessary for assigning pensions to workers and their family members;

14) control the provision to pensioners and individuals with disability who worked at the enterprise, in institution, or organisation before retirement, their right to access, on an equal basis with workers, to the available opportunities for medical care, housing, health and preventive institutions, and other social services and benefits under the charter of the enterprise, institution, or organisation and the collective agreement;

15) represent the insured persons before the social insurance commission, refer workers to sanatoriums, dispensaries and rest homes, tourist complexes, bases and health facilities on the terms provided for by a collective agreement or contract, check the state of arranging for medical care for workers and their family members;

16) determine, with the employer, following the collective agreement, the amount of funds that will be used for construction, reconstruction, maintenance of housing, keep records of citizens in need of better housing conditions, distribute, under the procedure established by law, the living space in houses built at the expense or with participation of an enterprise, institution, organisation, as well as the living space provided to the employer's disposal in other buildings, monitor the housing and household servicing of workers;

17) represent workers of the debtor enterprise in bankruptcy proceedings.

In addition, for strengthening the protection of workers' rights stipulated by the Association Agreement Between Ukraine, on one part, and the European Union, the European Atomic Energy Community and Their Member States, on the other part (ratified with a statement by Law No. 1678-VII of 16 September 2014), implementing certain provisions of the European laws, international and legal acts of the International Labour Organisation, Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2253-IX dated 12 May 2022 "On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Workers' Rights" amending the current laws of Ukraine, namely part one of Article 11 of the Labour Code of Ukraine and part one of Article 2 of the Law of Ukraine "On Collective Contracts and Agreements" in terms of granting all workers the right to enter into collective agreements, including those working for employers who are individuals.

Previously, only legal entities could use this option. On 23 February 2023, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2937-IX "On Collective Contracts and Agreements" (hereinafter — Law No. 2937-IX), the draft of which

was developed by a trilateral task group established by the Praesidium of the National Trilateral Socio-Economic Council.

According to Article 7 of Law No. 2937, the parties to a collective agreement are:

- a party of the employer whose entities are the employer and/or authorised representatives of the employer, units of the legal entity, inter alia
- a party of workers whose entities are primary trade union organisations created at the enterprise, institution, organisation, units of a legal entity, uniting the workers of an individual who uses hired labour, and representing the workers of this employer, and in case of their absence — representatives (a representative) freely chosen by employees for collective bargaining.

According to part seven of Article 65 of the Commercial Code of Ukraine, enterprises that use hired labour enter into a collective agreement that regulates production, labour, social and economic relations between the employer and workers, their representatives. The issues of entering into collective agreements are regulated by the legislation on collective agreements.

Social and other relations between gig specialists and Diia City resident enterprises concerning the performance of works (provision of services) under gig contracts are governed by gig contracts concluded following the Law of Ukraine “On Promoting Development of the Digital Economy in Ukraine” (from now on — Law No. 1667-IX).

Law No. 1667-IX determines the organisational, legal and financial basis for functioning of the Diia City legal regime, which is introduced to promote development of the digital economy in Ukraine by creating favourable conditions for conducting innovative business, developing digital infrastructure, attracting investment, and talented specialists.

A gig specialist is an individual who is a contractor and/or a work performer / services provider under a gig contract.

Following Subparagraph 1 of Paragraph 1 of Law No. 1667-IX, a gig contract is a civil contract under which a gig specialist undertakes to perform work and/or provide services following the tasks of a Diia City resident as a client, and a Diia City resident undertakes to pay for the work performed and/or services rendered and provide a gig specialist with adequate facilities for work performance and/or services provision, and social guarantees provided for in Section V of this Law.

In accordance with Article 17 of the of Law No. 1667-IX, when concluding a gig contract, a resident the Diia City is prohibited from demanding information from a gig specialist about his racial or ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, information concerning health, sex life, biometric or genetic data, as well as documents containing such information, except in cases provided for by the Law of Ukraine "On the Protection of Personal Data."

Any direct or indirect restriction of the rights of a gig specialist or the establishment of direct or indirect advantages in the conclusion, change and termination of a gig contract, depending on racial or ethnic origin, political, religious or ideological beliefs, membership in political parties and trade unions, gender, family life, is not allowed.

*b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.*

According to Article 5 of Law of Ukraine No. 5026-VI “On Employers’ Organisations, Their Associations, Rights and Guarantees of Their Activities” dated 22 June 2012 (hereinafter — Law No. 5026-VI), employers’ organisations and their associations are established and operate to represent and protect the rights and legitimate interests of employers in the economic, social, labour, and other spheres, including their relationships with other parties involved in social dialogue.

Article 8 of Law No. 5026-VI stipulates that employers’ organisations are established and operate on a territorial or sectoral basis and have the status of local, regional, or republican of Autonomous Republic of Crimea (from now on — republican) ones.

The local status is assigned to organisations of employers whose activities extend to the territory of the corresponding administrative and territorial unit (village, town, district in the city, city, district) and which, at the time of state registration, unite at least ten employers of this administrative and territorial unit or two or more employers of a particular group (class) of economic activity within this administrative and territorial unit.

The status of regional, Kyiv and Sevastopol city is assigned to organisations of employers whose activities extend to the territory of the relevant region, Kyiv and Sevastopol cities and which, at the time of state registration, unite at least ten employers of most districts and/or cities of regional subordination of this region, districts in Kyiv and Sevastopol cities, or two or more employers of a certain group (class) of the type of economic activity from those districts and/or cities of regional subordination of this region, districts in Kyiv and Sevastopol cities, where enterprises belonging to this group (class) of the type of economic activity are located.

The status of republican is assigned to employers’ organisations that, at the time of state registration, unite at least ten employers of the majority of administrative and territorial units of the Autonomous Republic of Crimea or two or more employers that unite employers of a certain group (class) of the type of economic activity from



those administrative and territorial units of the Autonomous Republic of Crimea where enterprises of this type of economic activity are located.

Article 9 of Law No. 5026-VI stipulates that employers' organisations are established and operate on a territorial or sectoral basis and have the status of local, regional, republican, and all-Ukrainian. The status of local is assigned to associations of employers that, at the time of state registration, unite two or more employers' organisations of the corresponding administrative-territorial unit (village, town, district in the city, city, district). The status of regional, Kyiv and Sevastopol city is assigned to associations of employers that, at the time of state registration, unite two or more regional employers' organisations of the corresponding region, municipal in Kyiv and Sevastopol cities, established on a territorial or sectoral basis. The status of republican is assigned to organisations of employers that, at the time of state registration, unite two or more republican employers' organisations of majority of administrative and territorial units of the Autonomous Republic of Crimea. The status of all-Ukrainian is assigned to organisations of employers that, at the time of state registration, unite regional employers' organisations established on the territorial basis, the majority of administrative and territorial units defined by part two of Article 133 of the Constitution of Ukraine, or the majority of regional employers' organisations established on the sectoral (intersectoral) basis, which unite employers operating within a certain type or several types of economic activity.

In accordance with Article 4 of the Law of Ukraine "On Social Dialogue in Ukraine" (hereinafter - Law No. 2862-VI), social dialogue is carried out:

- at the national, sectoral, territorial levels on a trilateral or bilateral basis;
- at the local level (at the enterprise, in the institution, organization, as well as with an individual using hired labor) on a bilateral basis.

According to Article 2 of Law No. 2862-VI, the parties to social dialogue include:

at the national level - the trade union side, the subjects of which are associations of trade unions that have the status of all-Ukrainian; the side of employers, the subjects of which are associations of employers' organizations that have the status of all-Ukrainian; the party of executive authorities, the subject of which is the Cabinet of Ministers of Ukraine;

at the sectoral level - the trade union side, the subjects of which are of all-Ukrainian trade unions and their associations operating within a certain type or several types of economic activity; the party of employers, the subjects of which are of all-Ukrainian associations of employers' organizations operating within a certain type or several types of economic activity; the party of executive authorities, the subjects of which are the relevant central executive authorities;

at the territorial level - the trade union side, the subjects of which are trade unions of the corresponding level and their associations operating on the territory of the relevant administrative-territorial unit; the party of employers, the subjects of which are the organizations of employers and their associations operating on the territory of the relevant administrative-territorial unit; party of executive authorities, subjects of which are local executive authorities operating on the territory of the relevant administrative-territorial unit. On the territory of the relevant administrative-territorial unit, the parties to the social dialogue may be local self-government bodies within the powers determined by law;

at the local level - the party of employees, the subjects of which are primary trade union organizations, and in their absence - freely elected representatives (representative) of employees for collective bargaining; the employer's party, the subjects of which are the employer and/or authorized representatives of the employer.

According to part three of Article 4 of the Law of Ukraine “On Social Dialogue in Ukraine” (hereinafter — Law No. 2862-VI), for participation in collective bargaining on the conclusion of collective contracts and agreements of trilateral or bilateral bodies and in international events, the composition of entities of the trade union party and the employers’ party is determined by representativeness.

The legal criteria used to determine representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining described in the following.

Trade unions and their associations, employers’ organisations and their associations that do not meet representativeness criteria may, by decision of their elected bodies, authorise representative organisations and associations of the appropriate level to represent them or submit their proposals for consideration by the relevant social dialogue bodies. These proposals must be considered by the parties when forming an agreed stance and making decisions.

Article 7 of Law No. 2862-VI stipulates that the compliance with representativeness criteria of trade unions and their associations, employers’ organisations and their associations shall be evaluated:

- at the national and sectoral levels — by the National Mediation and Conciliation Service
- at the territorial level — by the relevant offices of the National Mediation and Reconciliation Service.

*c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.*

According to Article 11 of the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity” (from now on — Law No. 1045-XIV), for representation and protection of rights and interests of trade union members at the appropriate level of contractual regulation of labour and social and economic relations, the trade unions, trade union organisations may have the status of primary, local, regional, territorial, republican, all-Ukrainian.

The primary status is assigned to trade unions or trade union organisations that operate at an enterprise, in institution, organisation, educational institution or unite trade union members who provide themselves with work independently or work at various enterprises, institutions, organisations or individuals.

The local status is assigned to trade unions that unite at least two primary trade union organisations operating at different enterprises, institutions, and organisations of the same administrative and territorial unit (city, district in the city, district, village, town).

The regional status is assigned to trade unions, whose organisations are located in the majority of administrative and territorial units of the same region, Kyiv and Sevastopol cities; in the majority of administrative and territorial units of the same region, Kyiv and Sevastopol cities, where enterprises, institutions or organisations of a particular industry are located. The territorial status is assigned to trade unions that have organisations in most administrative and territorial units of two or more regions.

The all-Ukrainian status of trade unions is determined by one of the following criteria:

- presence of trade union organisations in most administrative and territorial units of Ukraine determined in part two of Article 133 of the Constitution of Ukraine
- presence of trade union organisations in the majority of administrative and territorial units of Ukraine where enterprises, institutions or organisations of a particular industry are located.

The republican status of trade unions of the Autonomous Republic of Crimea is determined based on all-Ukrainian trade unions in relation to the territory of the Autonomous Republic of Crimea.

Article 8 of Law No. 1045-XIV states that for execution of their statutory tasks, trade unions and their organisations (if provided for by the charter) may voluntarily form

associations (councils, federations, confederations, etc.) on a sectoral, territorial or other basis, and be part of associations and leave them freely.

Trade unions seeking to form trade union associations must enter into a corresponding agreement and approve the charter (regulations) of the association. The rights of trade union associations are determined by trade unions that created them, following this law, and by charters (regulations) of these associations. The status of trade union associations is determined by the status of the members they unite.

Law No. 1045-XIV provides that the representation of the interests of trade union members in relations with employers, state bodies and local authorities is carried out on the basis of a system of collective agreements and agreements, as well as in accordance with the law. Trade unions, their organizations and associations conduct collective bargaining, conclude collective agreements, general, sectoral (inter-sectoral), territorial agreements on behalf of employees in the manner prescribed by law. Participation in collective negotiations on the conclusion of agreements at the national, sectoral, territorial level is taken by trade unions representative at the appropriate level, their organizations and associations.

Trade unions, their organizations and associations that do not meet the criteria of representativeness defined by Law No. 2862-VI, by decision of their elected bodies, they can give authority to representative organizations and associations of the appropriate level (with consent) to represent their interests when concluding transactions.

Employers, their associations, executive authorities, local self-government bodies are obliged to participate in collective negotiations on the conclusion of collective agreements and agreements.

The number of representatives of representative trade unions, their organizations, associations for collective bargaining on behalf of employees at the national, sectoral and territorial level is determined in proportion to the number of members of trade unions whom they unite and whose interests are represented in accordance with the powers granted to them by trade unions, their organizations, associations that do not meet the criteria of representativeness.

It is forbidden to negotiate and conclude agreements and collective agreements on behalf of employees to persons representing employers.

Trade unions, their associations exercise control over the implementation of collective agreements, agreements. In case of violation by employers, their associations, executive authorities, local authorities of the terms of the collective agreement, the agreement of the trade union, their associations have the right to send them a view on the elimination of these violations, which is considered within a week. In case of refusal to eliminate these violations or failure to reach consent

within the specified period, trade unions have the right to appeal against unlawful actions or inaction of officials to the local court.

The criteria for representativeness at the levels of social dialogue are determined by Article 6 of the Law of Ukraine No. 2862-VI.

The general criteria of representativeness for the entities of the trade union party and the employers' party are: legalisation (registration) of these organisations (associations) and their status; for trade unions, their organisations and associations — the total number of their members, for employers' organisations and their associations — the total number of workers at enterprises — members of the relevant employers' organisations; sectoral and territorial branching (Article 5 of Law No. 2862-VI).

At the same time, according to Article 6 of Law No. 2862-VI at the national level, for participation in collective bargaining on entering into the general agreement, for delegation of representatives to the National Trilateral Socio-Economic Council, to management bodies of compulsory state social insurance funds and other trilateral bodies of social dialogue, and participation in international events, representative are associations of trade unions and associations of employers' organisations that are:

- registered according to the law;
- all-Ukrainian trade union associations with at least one hundred and fifty thousand members;
- all-Ukrainian associations of employers' organisations, whose members employ at least two hundred thousand workers, have trade unions, their organisations and associations of employers' organisations in majority of administrative and territorial units of Ukraine defined by part two of Article 133 of the Constitution of Ukraine, as well as at least three all-Ukrainian trade unions and at least three all-Ukrainian associations of employers' organisations.

At the industry level, for participation in collective bargaining on entering into industry (intersectoral) agreements and for delegation of representatives to social dialogue bodies at the appropriate level, representative are trade unions and their associations, employers' organisations and their associations that are:

- registered according to the law;
- all-Ukrainian trade unions, whose members are at least three percent of workers employed in the relevant industry;
- all-Ukrainian associations of employers' organisations established on an industry basis, whose member enterprises employ at least five percent of employees engaged in the relevant type / types of economic activity.

At the territorial level, for participation in collective bargaining on entering into territorial agreements and for delegation of representatives to social dialogue bodies, representative are trade unions and their associations, and employers' organisations and their associations that are:

- registered according to the law;
- regional and local trade unions, their organisations and associations established on a territorial basis, whose members are at least two percent of the employed population in the relevant administrative and territorial unit;
- employers' organisations and their associations operating on the territory of the relevant administrative and territorial unit, whose member enterprises employ at least five percent of the employed population in the relevant administrative and territorial unit.

At the local level, for participation in collective bargaining on entering into collective agreements per law, the following are representative:

- a workers' party whose entities are primary trade union organisations, and in case of their absence — freely elected representatives (representative) of workers;
- a party of the employer whose entities are the employer and/or authorised representatives of the employer.

Trade unions and their associations, employers' organisations and their associations that do not meet representativeness criteria may, by decision of their elected bodies, authorise representative organisations and associations of the appropriate level to represent them or submit their proposals for consideration by the relevant social dialogue bodies. These proposals must be considered by the parties when forming an agreed stance and making decisions.

Article 7 of Law No. 2862-VI stipulates that the compliance with representativeness criteria of trade unions and their associations, employers' organisations and their associations shall be evaluated:

- at the national and sectoral levels — by the National Mediation and Conciliation Service;
- at the territorial level — by the relevant offices of the National Mediation and Conciliation Service.

Confirmation of the representativeness of the subjects of the party of trade unions and the party of employers is carried out respectively by the National Mediation and Reconciliation Service and its branches once every five years. Trade unions, their organizations and associations, employers' organizations and their associations, including newly formed ones, have the right to contact the National Mediation and Reconciliation Service and its corresponding branches to assess compliance with the representativeness criteria if there are factual grounds for this, but not more than once a year.

The National Mediation and Reconciliation Service and its branches, based on the results of assessing compliance with the representativeness criteria and confirming representativeness, keep a register of these organizations (associations).

The procedure for assessing compliance with the criteria of representativeness and confirming the representativeness of the subjects of the parties to trade unions and employers' organizations was approved by the order of the National Mediation and Reconciliation Service of 21.07.2011 No. 73.

Please provide information:

• on the status and prerogatives of minority trade unions:

All trade unions established in Ukraine have the same rights for the exercise of their competences, which are laid down in in Chapter II "Rights and obligations of trade unions, their associations" of the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity".

• on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

According to part two of Article 4 of Law No. 2862-VI, the parties to social dialogue at the local level include the workers' party whose entities are primary trade union organisations, and in case of their absence — representatives / representative of workers freely chosen for collective bargaining; a party of the employer whose entities are the employer and/or authorised representatives of the employer.

At the local level, a bilateral working commission is established under the law (part one of Article 9 of Law No. 2862-VI) to engage in collective bargaining on entering into collective agreements by the workers' party (represented by primary trade union organisations, or if they are absent, — by freely elected representatives / representative of workers) and the employer's party (consisting of the employer and/or authorised representatives of the employer).

Article 3 of Law No. 3356-XIV stipulates that the parties to the collective agreement are:

- a party of the employer whose entities are the employer and/or authorised representatives of the employer, and representatives of units of the legal entity etc.;
- a party of workers whose entities are primary trade union organisations operating at the enterprise, in institution, organisation, units of a legal entity, uniting the workers of an individual who uses hired labour, and representing this employer's workers employed based on employment contracts, and in case of their absence — representatives (a representative) freely chosen by workers for collective bargaining.

Therefore, in the absence of trade unions, collective bargaining can be conducted by other workers' representatives (not trade unions) determined by the labour collective. To date, there is no information on the number of collective agreements concluded by employers with other representatives of employees (not trade unions). Also, there were no complaints about the violation of their rights.

*d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.*

The relevant laws (Article 3 of the Law) establish the specifics of applying the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity” in the Armed Forces of Ukraine (for military personnel), internal affairs bodies, the Security Service of Ukraine, and the Foreign Intelligence Service of Ukraine.

The Law of Ukraine “On the Armed Forces of Ukraine” stipulates (Article 17 thereof) that military personnel must suspend their membership in trade unions during their period of military service. The functioning of trade unions of workers who have concluded an employment contract with the Armed Forces of Ukraine follows the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity.”

Organisation of and participation in strikes are not permitted for employees of the Armed Forces of Ukraine.

According to the Laws of Ukraine “On Security Service of Ukraine” and “On Intelligence”, employees of Ukraine’s intelligence agencies may not join or participate in activities of associations of citizens with political goals; Security Service employees’ membership in such associations suspends for the period of service or work under an employment contract.

Article 5 of the Law of Ukraine “On Social and Legal Protection of Military Personnel and Members of Their Families” states that military personnel may create their public associations according to the laws of Ukraine.

According to Article 104 of the Law of Ukraine “On National Police”, for protecting their rights and legitimate interests, police officers may form professional associations and trade unions according to the Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity.” Police trade unions shall exercise their powers subject to restrictions imposed on police officers by this Law. Trade unions of police officers and their members may not organise strikes or participate in them. If a Panel is established within the Central Police Management Body, its personnel must include a representative from the all-Ukrainian association of police unions, elected by that association.



Such an example is the Ukrainian Association of Women in Law Enforcement (UAWLE), which is a public organisation that unites women and men from various law enforcement agencies. This non-governmental organisation aims to promote gender equality and provide equal rights and opportunities for women and men in law enforcement bodies. The Association is the first in Ukraine and unique for Eastern Europe since it promotes the introducing of gender-sensitive policies and practices in law enforcement agencies. UAWLE is a platform for open communication and exchange of experience; building the potential of women's leadership; introducing gender equality policies; engaging best international practices.

### ***Article 6§1 Joint consultation***

*a) Please state what measures are taken by the Government to promote joint consultation.*

The Government of Ukraine takes measures to promote joint consultations between state authorities, employers' and workers' organisations, and their efficient cooperation, at the national, sectoral and territorial levels.

The legal foundation for the development, entering into, and execution of collective agreements that regulate labour relations and the socio-economic interests of workers and employers is established by the Law of Ukraine "On Collective Agreements and Contracts." A collective agreement shall be entered into at an enterprise, in institution, organisation, and with an individual who uses hired labour.

The agreement shall be entered into at the national, sectoral, territorial levels on a bilateral or trilateral basis:

- at the national level — master agreement
- at the industry level — industry (intersectoral) agreements
- at the territorial level — territorial agreements.

The parties to collective agreements are:

- a party of the employer whose entities are the employer and/or authorised representatives of the employer, and representatives of units of the legal entity etc.;
- a party of workers whose entities are primary trade union organisations operating at the enterprise, in institution, organisation, units of a legal entity, uniting the workers of an individual who uses hired labour, and representing this employer's workers employed based on employment contracts, and in case of their absence — representatives (a representative) freely chosen by workers for collective bargaining.

The parties to collective agreements are parties to social dialogue, the composition of which is determined following the legislation on social dialogue.

According to Law No. 2862-VI, social dialogue takes place among the relevant parties at the appropriate level through: information exchanges, consultations, conciliation procedures, and collective bargaining on entering into collective agreements and contracts (Article 8).

According to Regulations set forth by the Cabinet of Ministers of Ukraine, approved by resolution dated 18 July 2007, No. 950 (as amended), the Cabinet of Ministers engages all-Ukrainian trade unions, their associations, and national associations of employers' organisations in making decisions regarding the formation and implementation of state social and economic policy, and on governing the labour, social, and economic relations.

At the same time, the executive authority, which is the primary developer of the draft regulatory legal act or prepares proposals for implementing the state policy in the relevant sphere of state and public life, also organises and conducts consultations with the public following the procedure established by law.

Public consultations are required through discussions and/or electronic means regarding draft regulatory legal acts that pertain, inter alia, to constitutional rights, freedoms, and obligations of citizens.

Social dialogue occurs during the development and execution of state social and economic policy, the regulation of labour and social relations, and enhancement of citizens' quality of life and social stability in society.

The National Tripartite Socio-Economic Council which consists of equal number of authorised representatives from the parties involved in social dialogue at the national level and unites trade union members delegated by representative associations of trade unions that hold all-Ukrainian status; employers delegated by representative associations of employers' organisations with all-Ukrainian organisation status; and executive authorities appointed by the Cabinet of Ministers of Ukraine. Before the entry into force of Law of Ukraine No. 2937-IX "On Collective Agreements and Contracts" dated 23 February 2023, the total number of members of the National Council made 60 members (20 from each party), and now making 30 representatives, with 10 from each party of the social dialogue.

The National Tripartite Socio-Economic Council, in line with its assigned tasks, performs advisory and conciliation functions by developing a common stance and providing recommendations and proposals to parties involved in social dialogue regarding:

- formation and implementation of state economic and social policy, governing the labour, economic and social relations;
- draft legislative and other regulatory legal acts on social and economic policy and labour relations, state programmes of economic and social development, and other state targeted programmes;
- state social standards and remuneration level;
- the main economic and social indicators of the draft State Budget of Ukraine for the corresponding year;
- Ukraine's ratification of conventions of the International Labour Organisation, interstate treaties and EU regulations on the issues related to workers' and employers' rights;
- creating a supportive environment for fostering social dialogue, the efficient functioning of business entities, trade unions, and employers' organisations, and their interaction with other civil society institutions;
- introducing the international and domestic experience in social dialogue arrangement and conduct;
- other issues that the parties consider significant for ensuring the constitutional rights and guarantees of the citizens, public harmony, and social and economic development of the State.

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

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

*b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.*

On 25 May 2023, as part of trilateral consultations on establishing the minimum state guarantees of the Ministry of Economy, a meeting of the Joint Working Commission of authorised representatives of executive authorities, the joint representative body of trade union associations and the joint representative body of employers on collective bargaining and preparation of proposals for setting the minimum wage for the year 2024 was held.

Additionally, to ensure timely preparation and submission of consolidated proposals for draft Budget Declaration of Ukraine for the years 2025–2027 and State Budget 2025, a meeting of the Joint Working Commission of authorised representatives from both parties was held on 27 May 2024 to develop proposals for establishing the minimum wage for the year 2025.

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

As a result of the meeting, the parties jointly emphasised the need to commence consultations among the parties involved in the social dialogue at the initial stage of developing a budget policy for the upcoming period.

Also, on 22 June 2023, the Verkhovna Rada Committee on Social Policy and Protection of Veterans' Rights held public consultations regarding specific aspects of implementing social dialogue in Ukraine. During the event, the following issues were discussed: reloading the current model of social dialogue in Ukraine (also by involving representatives of civil society), European models of social dialogue and prospects for implementing their best practices in Ukraine, and changing the approaches to determining the criteria for representativeness of the parties to social dialogue.

The event was attended by MPs of Ukraine, representatives of the central executive authorities, the National Mediation and Conciliation Service, the Ombudsperson, associations of trade unions and employers' organisations, scientific institutions, and non-governmental organisations.

The parties committed to fostering a robust, active social dialogue, practical collaboration in addressing wartime challenges, and the post-war reconstruction of Ukraine within the framework of European integration.

On 14 May 2019, the Cabinet of Ministers of Ukraine, along with all-Ukrainian employers' organisations and all-Ukrainian trade union associations, entered into a collective agreement at the national level — the general agreement on the regulation of fundamental principles and standards for the implementation of social and economic policy and labour relations in Ukraine for 2019–2021 (from now on — the Master Agreement), currently in effect.

The Master Agreement includes shared commitments and responsibilities concerning economic development, domestic production, employment, payment,

protection, and working conditions, social protection for workers, as well as concerning humanitarian issues, youth policy, the fulfilment of population's spiritual needs, and the advancement of social dialogue.

The Cabinet of Ministers of Ukraine's Decree No. 691, dated 21 August 2019, approved the action plan for implementing the provisions of the master agreement on regulating fundamental principles and standards for social and economic policy and labour relations in Ukraine for years 2019–2021, and instructed ministries, other central executive authorities, and regional and Kyiv City State Administrations to ensure its timely execution.

Executive authorities monitor compliance with the covenants stipulated in the agreement, the status of fulfilment of obligations assumed, and inform about their implementation.

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

During collective negotiations, representatives from both parties consult on various issues concerning the regulation of labour relations and the social and economic interests of workers and employers.

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

*In 2022, the Praesidium* of the National Tripartite Socio-Economic Council approved the key areas of activity for the National Council under martial law, considering the National Council's tasks for Ukraine's recovery from the war aftermath, as established by Presidential Decree No. 266/2022 on 21 April 2022. Also, the following key focus area was determined: "Modernisation of labour legislation, including remuneration, and occupational safety and health in the workplace, by adapting it to relevant international and European standards." It was decided to examine the state of social dialogue at the mid-level administrative and territorial units and, based on this work findings, prepare proposals for amendments to the relevant regulatory and legal acts of Ukraine.

*c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.*

According to the Law of Ukraine “On Social Dialogue in Ukraine”, social dialogue is the process of determining and converging the stances, reaching joint covenants, and making cooperative decisions among the social dialogue parties representing the workers, employers, executive authorities, and local governments concerning the formation and implementation of state social and economic policy and the regulation of labour, social, and economic relations (Article 1 of the Law).

***Article 6§2 Collective bargaining***

*a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:*

*• the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;*

Following Law No. 3356-XIV, the collective agreement provisions apply to all workers of enterprises, regardless of whether they are members of a trade union, and are compulsory for both the employer and workers of the enterprise. Provisions of the master, industry (intersectoral), and territorial agreements shall apply directly and are binding on all entities covered by the parties who signed the agreement.

The employer must ensure that the employee is familiarised with the text of the collective agreement before the start of the work under the executed employment agreement, and within one week following the conclusion of the collective agreement and any amendments thereto. The parties’ entities involved in a collective agreement are required to provide ongoing and unrestricted access to the collective agreement, following the procedures outlined in this agreement, including the ability to make copies. The agreement determines the procedure for familiarising with the collective agreement text and its amendments (Article 9 of Law No. 3356-XIV).

The Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2937-IX dated 23 February 2023 “On Collective Agreements and Contracts” (comes into force six months after the termination or cancellation of martial law), Article 16 of which stipulates that the effect of an industry (intersectoral) agreement, its provisions can be extended by the central executive authority that ensures formation of labour relations state policy, to employers, regardless of the form of ownership, who carry out their activities in the relevant industry / industries (type / types of economic activity), except for those in which the number of employees does not exceed 10 persons, in case of receiving a corresponding joint request from entities of the parties to this agreement, and if the agreement is:

- entered according to this Law by the central executive authority / authorities and representative entities of the parties (in the case of entering an agreement

- on a bilateral basis) or the representative entities of the trade union and the employers' party;
- registered without observations on non-compliance with legislation by the central executive authority responsible for developing the labour relations state policy.

The effect of an industry (intersectoral) agreement or its individual provisions on enterprises, institutions, and organisations owned by the state and municipalities may be extended only with the consent of the bodies to which they belong.

Before deciding on the extension of an industry (intersectoral) agreement or its individual provisions effect, the central executive authority responsible for developing the labour relations state policy must publish the draft decision to allow for submitting the reasoned observations.

A restricted industry agreement is not subject to dissemination.

The procedure for extending the effect of an industry (intersectoral) agreement and its individual provisions is approved by the Cabinet of Ministers of Ukraine.

Information regarding the extension of an industry (intersectoral) agreement and its individual provisions' effect is posted by the central executive authority responsible for developing the labour relations state policy and the entities of the parties to the agreement on their official websites. The procedure for extending the effect of an industry (intersectoral) agreement and its individual provisions, as outlined in Article 16 of this Law, shall apply to agreements made after this Law takes effect.

- *the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.*

According to Article 1 of Law No. 3356-XIV, a collective agreement, contract are concluded based on current legislation, and obligations assumed by parties to regulate industrial, labour, and social and economic relations, and coordinate the workers' and employers' interests.

The terms and conditions of collective agreements and contracts concluded following the current legislation are binding on the enterprises to which they apply and the parties that executed them (Article 5 of Law No. 3356-XIV).

The collective agreement may offer additional guarantees and social and household benefits compared to legislation in force and agreements, concerning, inter alia, children's health improvement and the procurement of New Year's gifts for employees' children, among other provisions (Article 7 of Law No. 3356-XIV).

An industry (intersectoral) agreement cannot worsen the workers' situation in comparison with the master agreement. Agreements at the territorial level shall govern the social protection norms for workers in enterprises, providing greater social guarantees, compensations, and benefits than those outlined in the master agreement (Article 8 of Law No. 3356-XIV).

Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2937-IX "On Collective Agreements and Contracts" dated 23 February 2023 (from now on — Law No. 2937-IX), which Article 5 stipulates that the collective agreement provisions shall directly apply to and be binding on:

- entities of the parties to the agreement
- the employer and workers when the employer is covered by the employers' party to the agreement through the corresponding membership or belongs to the sphere of management of the executive authorities and local government party to the agreement.

The collective agreement specifies the list of entities of parties to the agreement. By agreement of the parties, the collective agreement may determine the list of employers covered by entities of the parties to the agreement. Provisions of the master agreement are binding on other collective agreements and contracts.

If the terms and conditions of several industry (intersectoral) agreements are binding on an employer and workers in employment relations with that employer, provisions of the agreement made with the involvement of central executive authorities and exclusively representative entities of the social dialogue parties shall apply. The provisions of another industry (intersectoral) agreement shall apply to the extent that they offer a higher level of guarantees and benefits for workers than such an agreement.

If an employer and employees in labour relations with this employer are bound by the terms of an industrial (inter-industrial) agreement and a territorial collective agreement, the provisions of the industrial (inter-industrial) agreement shall apply. However, the provisions of the territorial collective agreement shall take precedence in cases where they provide a higher level of guarantees and benefits for employees compared to the industrial (inter-industrial) agreement.

If the employer is not covered by the relevant party to collective agreement but both the employer and employees wish to apply its provisions, they may jointly decide to do so within the limits of their legally defined powers (state or municipal enterprises, institutions, or organisations may do so upon a decision of the managing authority to which they belong, are subordinate, accountable, or controlled). This decision must be documented in accordance with the law (either through a collective agreement or an official order of an employer).



Provisions of the collective agreement on issues regulated by collective agreements in accordance with the law and binding on the parties to collective agreements, apply to all employees who are in labour relations with the employer, regardless of trade union membership.

The effect of other provisions of the collective agreement applies to employees under the conditions specified in this collective agreement.

A collective agreement may establish supplementary social, labour, and other guarantees and benefits for employees, pensioners, and other categories specified by the parties, exceeding those mandated by legislation or binding collective agreements. This may include, among other provisions, agreements on non-state pension schemes (para.2 p.2 Article 21 of the Law of Ukraine No. 2937-IX "On Collective Agreements and Contracts").

*b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e.g. decentralisation of collective bargaining).*

The current legislation on social dialogue does not fully enable trade unions, employers' organisations and their associations to exercise their rights and fulfil their statutory tasks at the territorial level.

Currently, the main challenge is establishing social dialogue within territorial communities. This is primarily due to the complexity of determining the composition of the parties involved, given the different structures of employers' organisations and trade unions.

*c) Please provide specific details on:*

- *the measures taken or planned in order address those obstacles.*

Section IV "Final and Transitional Provisions" of the Law of Ukraine No.2937-IX "On Collective Agreements and Contracts" adopted by the Parliament of Ukraine on 23 February 2023 introduces amendments to the Law of Ukraine "On Social Dialogue in Ukraine" concerning the revision of representativeness criteria regarding trade unions and employer representatives at the territorial community level.

At the territorial level, the parties to social dialogue include:

- **The party of trade unions**, represented by trade unions, trade union organisations of the respective level and their associations operating within the relevant administrative-territorial unit or territorial community.

- **The party of employers**, represented by employers' organisations and their associations operating within the relevant administrative-territorial unit or territorial community.
- **The party of executive authorities, local government bodies**, represented by local executive authorities, local self-government bodies, and their structural divisions, acting within the scope of their powers in the relevant administrative-territorial unit or territorial community.

The following entities are considered to be representational to participate in collective bargaining on the conclusion of territorial collective agreements and to delegate representatives to social dialogue bodies at the level of the territorial community:

The entities of the trade union party and the employers' party that operate and are representational at the level of administrative-territorial units located on the territory of this territorial community, and in the absence of such entities, the entities of the trade union party and the employers' party that operate and are representational at the level of the relevant region are

- *the timelines adopted in relation to those measures*

Law of Ukraine No. 2937-IX "On Collective Agreements and Contracts" adopted by the Parliament of Ukraine on 23 February 2023 shall enter into force six months after the date of termination or cancelation of the martial law in Ukraine.

- *the outcomes achieved/expected in terms of those measures*

The proposed provisions are aimed at:

- strengthening cooperation among the parties to social dialogue at the territorial level, increasing the number of the participants of the parties,
- active engagement in the development of proposals on social and economic development of territories, as well as the regulation of labour, social, and economic relations.

*d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.*

The Parliament of Ukraine adopted the Law of Ukraine No. 2253-IX dated 12 May 2022, "On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Employees' Rights". This law introduced amendments to the Law of Ukraine "On Collective Agreements and Contracts" (hereinafter referred to as the Law), particularly by granting all employees the right to conclude collective agreements, including those working for employers who are private individuals.

Thus, in accordance with Article 2 of the Law, a collective agreement may be concluded at an enterprise, institution, or organisation, as well as with an employer who is a private individual and uses hired labour (hereinafter referred to as the entity).

According to Article 3 of the Law, the parties to a collective agreement include:

- The employer's party, which consists of the employer and/or their authorised representatives, including representatives of separate divisions of a legal entity.
- The employees' party, whose subjects are primary trade union organisations operating at an enterprise, institution, organisation, separate divisions of a legal entity, including employees of private individual who uses hired labour, and represent the interests of employees who work under labour agreements with this employer, and in their absence, representatives (representative) freely elected by employees to conduct collective bargaining.

Clause 14.1.226 of Article 14 of the Tax Code of Ukraine defines a self-employed person as a taxpayer who is either an individual entrepreneur or engages in independent professional activities, provided that such a person is not classified as an employee within the framework of their entrepreneurial or independent professional activities.

According to Article 42 of the Commercial Code of Ukraine, entrepreneurship is defined as independent, proactive, systematic, and risk-based economic activity carried out by business entities (entrepreneurs) to achieve economic and social results and generate profit.

Article 3 of the Commercial Code stipulates that labour legislation governs the labour relations of employees across all enterprises, institutions, and organisations, regardless of their form of ownership, type of activity, or industry affiliation. It also applies to individuals working under an employment contract with private individuals.

*a) Please indicate the sectors in which the right to strike is prohibited*

Article 24 of the Law of Ukraine No. 137/98-VR dated 03.03.1998 “On the Procedure for Resolving Collective Labour Disputes (Conflicts)” (hereinafter referred to as Law No. 137/98-VR) defines the circumstances under which strikes are prohibited.

Specifically, strikes are prohibited for employees (excluding technical and service personnel) of the prosecutor's office, courts, Armed Forces of Ukraine, state authorities, security services, and law enforcement agencies.

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

Strikes may also be prohibited during a state of emergency. Strikes are also prohibited under martial law in Ukraine.

According to Article 44 of the Constitution of Ukraine, those who work have the right to strike to protect their economic and social interests. The exercise of this right is regulated by law to ensure national security, healthcare, and the rights and freedoms of others.

No one can be forced to participate or abstain from participating in a strike. A strike prohibition can only be imposed based on the law.

Under Article 1 of the Law of Ukraine “On the Organisation of Labour Relations under Martial Law”, constitutional rights and freedoms, including Article 44 of the Constitution of Ukraine, are restricted during martial law.

*Please indicate those sectors for which there are restrictions on the right to strike*

According to Ukrainian legislation, the right to strike is restricted for the following categories of employees:

- Civil servants, including those working in state authorities, other state bodies, and their apparatus (secretariat)
- Local government officials
- Military personnel and reservists (during their performance of military reserve service duties)
- Employees of the Armed Forces of Ukraine
- Military personnel and employees of the State Border Guard Service of Ukraine
- Police officers
- Ordinary and senior personnel and employees of the penitentiary service
- Employees of the Bureau of Economic Security of Ukraine
- Members of the Accounting Chamber
- Military personnel, civil servants, and other employees of the State Service for Special Communications and Information Protection
- Military personnel of the National Guard of Ukraine
- Citizens sent to alternative military service
- Judges
- Prosecutors
- Employees of the National Anti-Corruption Bureau

- Personnel of nuclear installations and facilities for radioactive waste management
- Employees of emergency and rescue services (formations)
- Ordinary and senior personnel of the civil protection service.

These restrictions are implemented to ensure national security, public safety, and the uninterrupted functioning of essential services.

Strikes are also prohibited at the following facilities under specific conditions:

- Electric power enterprises – when a strike may disrupt the stability of Ukraine’s unified energy system.
- Heat supply facilities – when a strike may lead to a disruption of the stability of heat supply to consumers during the heating season.

Please indicate the sectors for which there is a requirement of a minimum service to be maintained.

According to the Article 26 of the Law of Ukraine "On the Procedure for Resolving Collective Labour Disputes (Conflicts)", the employer, local executive body or local self-government body and the body (person) leading the strike are obliged to take the necessary measures to ensure the viability of the enterprise, the preservation of property, the observance of law and public order, and the prevention of threats to the life and health of people and the environment during a strike.

The Parliament of Ukraine has registered the Draft Law of Ukraine "On Collective Labour Disputes" (Registration No. 12034, dated 16.09.2024) (hereinafter referred to as Draft Law No. 12034), submitted by Member of Parliament Tretiakova H. M. and other MPs. The Draft Law proposes, in particular, the following regulations:

- Clear and unified legal regulation of the right to strike, including the procedure for declaring a strike, its conduct, rights and guarantees, as well as the obligations of employees and employers during a strike.
- The recognition of a strike as illegal and its prohibition under certain conditions.
- Special conditions for employee participation in a strike, particularly for those subject to restrictions and prohibitions on holding a strike, and other related provisions.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Article 25 of the Law of Ukraine "On the Procedure for Resolving Collective Labor Disputes (Conflicts)" stipulates that in cases specified in Article 24 of this Law (i.e., in cases where strikes are prohibited) and when the recommendations of the National Mediation and Reconciliation Service regarding the resolution of a collective labour dispute (conflict) are not taken into account by the parties, the National Mediation and Reconciliation Service may file a claim for the resolution of the collective labour dispute (conflict) by the Supreme Court of the Autonomous Republic of Crimea, the regional, Kyiv, and Sevastopol city courts.

Under martial law in Ukraine, strikes are prohibited.

### ***Article 20 – Right to equal opportunities between women and men***

#### Questions:

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

b) Please provide information on:

- measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;
- the implementation of those measures;
- progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

Article 24 of the Constitution of Ukraine states that all citizens have equal constitutional rights and freedoms and are equal before the law. No privileges or restrictions shall be based on race, skin colour, political, religious, or other beliefs, gender, ethnic or social origin, property status, place of residence, language, or other characteristics.

Equality between women and men is ensured by:

- providing women with equal opportunities in social, political, and cultural activities, education, vocational training, employment, and remuneration;
- implementing special measures to protect women's health and safety, establishment of pension benefits;
- creating conditions that allow women to balance work and motherhood;

- ensuring legal protection, as well as material and moral support for motherhood and childhood, including paid leave and other benefits for pregnant women and mothers.

In recent years, Ukraine has made significant progress in implementing the policy of equal rights and opportunities for women and men. Ukraine's policy of ensuring equal rights and opportunities for women and men is now viewed from a new perspective, where the gender dimension is becoming an integral part of all strategically important national, regional, and local policies.

Since 2005, the Law of Ukraine No. 2866-IV "On Ensuring Equal Rights and Opportunities for Women and Men,". The law aims to achieve gender parity between women and men across all spheres of society by legally guaranteeing equal rights and opportunities, eliminating gender discrimination, and implementing special temporary measures to address imbalances in the ability of women and men to exercise their rights granted to them by the Constitution and laws of Ukraine.

The Law defines a number of important concepts, including concepts of gender discrimination, affirmative action, sexual harassment, gender-based violence, gender equality, gender legal expertise, etc. Among the provisions of the Law that are of practical importance, the following should be highlighted:

- Article 4: Conducting a gender legal analysis of current legislation and draft legal acts. Regulatory legal acts are developed with due consideration for the principle of ensuring equal rights and opportunities for women and men.
- Article 5: Collection, processing, analysis, dissemination, storage, protection and use of statistical data on indicators of the status of women and men in all spheres of society and on gender-based violence, which are disaggregated by sex and collected on a regular basis. For example, sex-disaggregated data are collected and published on a number of indicators: the resident population, average life expectancy at birth, mortality rates, employment, unemployment, average monthly wages by type of economic activity etc.;
- Article 17: ensures that women and men have equal rights and opportunities in employment, promotion, advanced training and retraining. It is stipulated that the employer is obliged to:
  - create working conditions that would allow women and men to work on an equal basis,
  - ensure that women and men have the opportunity to combine work and family responsibilities,
  - ensure equal pay for women and men with the same qualifications and the same working conditions,
  - take measures to create safe working conditions for life and health,
  - take measures to prevent and protect against sexual harassment and other forms of gender-based violence;

- Article 17(3): prohibits employers from offering jobs only to women or only to men in job announcements (advertisements), except for specific work that can be performed only by persons of a certain gender. It also prohibits employers from setting different requirements for persons applying for a job; to give preference to one of the genders; to demand information about person's private life, plans for having children; to make demands based on race, skin colour, age, health status, disability, suspected or existing HIV/AIDS, sexual orientation, political, religious and other beliefs, membership in trade unions or other public associations, ethnic and social origin, property status, place of residence, language or other grounds not related to the nature of work or conditions of its performance. This provision is further reinforced by a similar prohibition in Article 24-1 of the Law of Ukraine "On Advertising" and Article 11 of the Law of Ukraine "On Employment of the Population." Additionally, if the requirements for advertising of the employment services are violated, the advertiser is required to pay a fine to the Compulsory State Unemployment Insurance Fund of Ukraine. The fine is equal to ten minimal salaries foreseen by law at the time of the violation.

At the same time, the law allows employers to take positive actions aimed at achieving a balanced gender ratio in various areas of labor activity, as well as among different categories of employees.

- Article 18: In the case of collective bargaining to regulate social and labour relations, provisions ensuring equal rights and opportunities for women and men shall be included in the general agreement, industrial (inter-industrial) and territorial agreements, as well as in collective bargaining agreements. This requirement aligns with the para.12 of part 2 of Article 7 of the Law of Ukraine "On Collective Agreements and Contracts" which states that a collective agreement must establish mutual obligations of the parties to regulate production, labour, social, and economic relations, including ensuring equal rights and opportunities for women and men. Collective agreements (contracts) shall include provisions for the recruitment and promotion of employees in compliance with the principle of giving preference to the gender with which there is an imbalance. Collective agreements (contracts) shall also address the elimination of any gender inequality (if any) in remuneration of women and men across different sectors of the economy, as well as within the same sector, based on a general social standard of remuneration in the budgetary and other spheres, and considering professional training (or retraining) of personnel. Additionally, the Ministry of Social Policy of Ukraine has developed Methodological Recommendations for including in collective agreements and contracts provisions aimed at ensuring equal rights and opportunities for women and men in labour relations. At the same time, in order to assess the status of gender equality in enterprises, institutions, and organizations, the Ministry seeks to identify existing problems, find ways to reduce gender inequality, analyze changes in this area



(compared to the results of previous audits), and raise employee awareness of the application of a comprehensive gender approach in their activities. To this end, the Order of the Ministry of Social Policy of Ukraine dated 09.08.2021 No. 448 was approved.

In order to promote the implementation of a unified state policy aimed at achieving equal rights and opportunities for women and men in all spheres of public life, the post of Government Commissioner for Gender Policy was introduced. Have created of the Commission for Coordination of Interaction of Executive Bodies to Ensure Equal Rights and Opportunities for Women and Men, headed by the Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine, and the approval of the Concept of Communication in the Field of Gender Equality. Additionally, relevant action plans are being implemented, and a number of important regulations have been adopted.

In general, the legal framework for ensuring equal rights and opportunities for women and men has been improved.

In particular, the Electoral Code of Ukraine was supplemented with 40% gender quotas during the formation of national and regional electoral lists by parties, amendments were made to the legislation of Ukraine to ensure equal rights and opportunities for women and men during military service in the Armed Forces and other military formations, as well as to ensure equal opportunities for mother and father in child care.

Due to implementation of the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the Period until 2021, approved by the Resolution of the Cabinet of Ministers of Ukraine of April 11, 2018 No. 273, it was possible to achieve the expected results in increasing the representation of women in the Verkhovna Rada of Ukraine, city and regional councils, reducing the wage gap between women and men, and including the gender component in legal acts.

The role of women in various spheres of Ukrainian society continues to grow, despite the ongoing war. In particular, the percentage of women participating in management processes at different levels is increasing. Of the 21 ministers in the Ukrainian government, 5 are women. 22% of diplomatic missions are led by women. At the local level, women occupy about 35% of leadership positions, and in small communities - 41.3%.

During the war of aggression, the number of women in the security and defense sector increased significantly. In particular, in the National Police, 27% of the composition are women, of which more than 16% are in leadership positions.

67,000 women serve in the Armed Forces of Ukraine, of which more than 10,000 are on the front line. Among the applicants who applied to the draft points of the Armed Forces of Ukraine, almost 20% are women.

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

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

In Ukraine, a significant number of leadership positions in all areas of law are held by women. In general, women make up 56% of all lawyers in Ukraine, with 53% of them holding senior positions. These are the results of a study conducted by the International Bar Association.

In 2022, further amendments were made to certain legislative acts of Ukraine:

- On strengthening the protection of employees' rights (Law of Ukraine No. 2253-IX). This law prohibits any form of discrimination in the field of labour, including violations of the principle of equality of rights and opportunities. It also bans direct or indirect restrictions on employees' rights, as well as requirements in job advertisements based on gender, gender identity, sexual orientation, ethnic or social origin, age, health status, disability, suspected or existing HIV/AIDS, marital and property status, family responsibilities, and place of residence. Violations of these requirements are punishable by a fine of ten minimal wages at the time of the violation.
- On the regulation of certain non-standard forms of employment (Law of Ukraine No. 2421-IX dated 18.07.2022, "On Amendments to Certain Legislative Acts of Ukraine on the Regulation of Labor Relations with Non-Fixed Working Hours"). This amendment provides greater flexibility in organizing labour relations and increases employee mobility in exercising the right to work.
- The Law of Ukraine No. 2849-IX "On Media", dated 13.12.2022 (as amended by Law of Ukraine No. 3136-IX, dated 30.05.2023), prohibits the dissemination of statements that incite discrimination or harassment, particularly based on ethnic or social origin, citizenship, race, religion or

beliefs, age, sex, sexual orientation, gender identity, disability, or other grounds.

The issue of ensuring equal rights and opportunities is included in several key national strategies and legal acts of Ukraine, such as:

1. The National Human Rights Strategy (Decree of the President of Ukraine No. 2119/2021 of 24.03.2021).
2. The Human Development Strategy (Decree of the President of Ukraine No. 225/2021 of 02.06.2021).
3. The National Strategy for Creating a Barrier-Free Environment in Ukraine until 2030 (Order of the Cabinet of Ministers of Ukraine No. 366-p of 14.04.2021).

To ensure gender equality in all spheres of society, Ukraine has implemented a number of legal acts, including:

- 1) The Strategy for Reforming the Public Finance Management System for 2022-2025 (Resolution of the Cabinet of Ministers of Ukraine No. 1805-r, 29.12.2021), which provides for the further implementation of a gender-oriented approach in the budget process.
- 2) The State Strategy for Ensuring Equal Rights and Opportunities for Women and Men by 2030, and its operational plan for implementation during 2022-2024 (Resolution of the Cabinet of Ministers of Ukraine No. 752-r, 02.08.2022). According to the Operational Plan, it is proposed, among other things:

- Conducting a study to identify barriers that limit women's participation in trade and determining the support needs of women entrepreneurs from different economic sectors and social groups, including women farmers, internally displaced women, families of combatants, the deceased and missing, veterans, and women with disabilities.
- Developing an action plan for the development of self-employment and entrepreneurship, which will include a section on "Promoting Women's Initiatives and Entrepreneurship" in regional/municipal SME development programs.
- Analyzing business reporting to identify data gaps disaggregated by gender, age, and place of residence.
- Conducting information and communication campaigns aimed at popularizing the positive image of women entrepreneurs and disseminating best practices of women in business.
- Encouraging large businesses to support local communities in developing small businesses among women.

The State Strategy is focused on achieving the Development Goals of Ukraine by 2030, set by the Decree of the President of Ukraine No.

722/2019 dated 30.09.2019 (Goals 5-17), in line with the indicators for collecting data to monitor the implementation of the Sustainable Development Goals.

- 3) The National Action Plan for the Implementation of UN Security Council Resolution 1325 "Women, Peace and Security" for the period up to 2025 (Order of the Cabinet of Ministers of Ukraine of 28.10.2020 No. 1544-r) (in 2022, due to the full-scale invasion of Ukraine by the Russian Federation, the National Action Plan was amended);
- 4) Strategy for the Implementation of Gender Equality in Education until 2030 (Order of the Cabinet of Ministers of Ukraine of December 20, 2022, No. 1163-r);
- 5) The National Strategy for Overcoming the Gender Pay Gap for the Period up to 2030 and the Operational Action Plan for its Implementation for 2023-2025 (Order of the Cabinet of Ministers of Ukraine No. 815-p of 15.09.2023);  
The objectives of this National Strategy are:
  - improving legislation on equal pay;
  - creating favourable conditions for overcoming stereotypes and discrimination against professions based on gender;
  - creating favourable conditions for a convenient combination of family and professional responsibilities.
- 6) Action Plan for the Implementation of the Concept of Communication in the Field of Gender Equality (Order of the Cabinet of Ministers of Ukraine No. 79-r dated January 27, 2023).

In particular, to regulate the activities of responsible units and advisers on ensuring equal rights and opportunities for women and men, preventing and combating gender-based violence, the Government approved the relevant standard provisions (Resolution of the Cabinet of Ministers of Ukraine of 09.10.2020 No. 930), as well as methodological recommendations for organizing the activities of authorized persons (coordinators) on ensuring equal rights and opportunities for women and men, preventing and combating gender-based violence, responsible structural units.

The following acts were approved:

- Instruction on the integration of gender approaches in the development of regulatory legal acts (Order of the Ministry of Social Policy of 07.02.2020, No. 86).
- Methodological recommendations for the introduction of provisions in collective agreements and contracts aimed at ensuring equal rights and opportunities for women and men in labour relations (Order of the Ministry of Social Policy of 29.01.2020, No. 56).
- Gender impact assessment of sectoral reforms (Order of the Ministry of Social Policy of 14.04.2020, No. 257).

- Implementation of a gender and human rights-based approach at the level of territorial communities (Order of the Ministry of Social Policy of 27.12.2022, No. 359).
- Conducting gender audits by enterprises, institutions, and organizations (Order of the Ministry of Social Policy of 09.08.2021, No. 448).
- Organization of children's rooms in institutions and organizations (Order of the Ministry of Social Policy of 19.04.2022, No. 136).

In 2022, the Government included the issue of gender audits in the performance evaluation indicators for state secretaries of central executive bodies. As a result, gender audits have been conducted in most government agencies.

To ensure the quality of these audits, the National Agency of Ukraine on State Service approved the corresponding short-term program "Conducting a Gender Audit in Executive Authorities and Local Self-Government Bodies." Since 2022, 438 civil servants have participated in 17 trainings.

For example, in 2024, the Office of the Prosecutor General, with the support of UN Women in Ukraine, conducted a gender audit of prosecutors' offices. The goal was to assess the state of equal rights and opportunities for women and men within prosecutors' offices and raise awareness among employees about applying a comprehensive gender approach in their work.

Additionally, on 27-29 November 2023, a training for trainers was held as a preparatory stage for organizing a gender audit of the prosecution authorities. The event was attended by 22 representatives of the Prosecutor General Office.

On 23-30 November 2023, similar trainings on gender audits were held for regional prosecutor's offices (online). Each regional prosecutor's office has appointed a person to coordinate the organization of the on-site audit.

In 2020, indicators for monitoring gender equality in Ukraine were approved (Order of the Cabinet of Ministers of Ukraine "Issues of Data Collection for Monitoring Gender Equality" of 02.12.2020 No. 1517).

Joint work of public authorities, international organizations and civil society organizations is ongoing to update the targets and indicators of the Sustainable Development Goals, in particular Goal 5 "Gender Equality". The indicators of Goal 5 include some indicators of the European Union's Gender Equality Index. Indicators disaggregated by gender and other characteristics are also included in other Sustainable Development Goals.

Starting in 2016, annual national programs of NATO-Ukraine cooperation were approved to ensure the implementation of the priorities of Ukraine's integration into

the North Atlantic Treaty Organization. All six Annual National Programs of NATO-Ukraine Cooperation approved by the Decrees of the President of Ukraine No. 45/2016 of 12.02.2016, No. 103/2017 of 08.04.2017, No. 89/2018 of 28.03.2018, No. 117/2019 of 10.04.2019, No. 203/2020 of 26.05.2020, No. 189/2021 of 11.05.2021 contained a separate goal aimed at ensuring equal rights and opportunities for women and men in the security and defence sector of Ukraine.

In 2020-2021, Ukraine gained official status as a member of the Biarritz Partnership for Gender Equality, the Generation Equality Action Coalitions, trilateral membership in the Equal Pay International Coalition (EPIC), and joined the Group of Friends of Women, Peace and Security. In 2024, Ukraine joined the adaptation of the European Gender Equality Index methodology, collection and calculation of relevant indicators.

The Cabinet of Ministers of Ukraine issued Order No. 1150-r on December 16, 2022, updating the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace, and Security for the period up to 2025, in response to the challenges posed by the full-scale invasion.

The objectives of the National Action Plan include expanding opportunities to support self-employment and entrepreneurship for women, particularly for internally displaced women, women veterans, and other war-affected individuals.

The Action Plan for the Implementation of the National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the period up to 2025 outlines the following key tasks:

- Implementing programs to support self-employment and entrepreneurship for women, including internally displaced persons, women veterans, and other individuals affected by the conflict.
- Analysing employment sectors and formats while considering regional specificities to enhance job opportunities for internally displaced persons.
- Providing information to citizens through the "Diia.Business" platform about business opportunities, including access to financing<sup>18</sup>.

Ukraine is increasingly implementing projects aimed at bridging the gaps in women's professional representation across various economic sectors and fields of work while also implementing grant programs for women's education. Notably, ACTED Ukraine and the Embassy of Canada to Ukraine are supporting grant projects that train women in IT professions. The number of women in the IT field is growing annually.

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<sup>18</sup> "EU Standards in the Field of Women's Economic Independence and Women's Entrepreneurship Development and National Guarantees Provided by Ukrainian Legislation," edited by K. Shunevych and conducted by the JurFem Analytical Center with the support of the USAID Competitive Economy of Ukraine 2024 Program.

The primary objective of these projects is to enhance women's economic empowerment and expand their employment opportunities in innovative, higher-paid sectors. Another successful initiative in women's economic empowerment is the Reskilling Ukraine project, implemented by Beredskapslyftet with financial support from the Swedish Government, which enables women to acquire new professions. Similarly, the ReSkill UA project, led by Coursera and Happy Monday with support from the USAID Competitive Economy Program and the Ministry of Economy of Ukraine.

In recent years, Ukraine has actively worked to train women for new professions. One notable initiative is the launch of the School of Construction Equipment Operators, a training program designed to equip individuals with no prior experience in construction equipment operation with new skills. This program is being implemented with the support of the Ministry of Economy of Ukraine and the USAID Competitive Economy of Ukraine Program, in collaboration with Nemishayive Vocational College, Alef Stroy, and the Confederation of Builders of Ukraine.

The first enrolment for the School of Construction Equipment Operators began on 1 August 2024, at Nemishayive Vocational College. Participants will receive a state-recognized certificate upon completion and employment assistance. The program is open to Ukrainians aged 18 and older who are eager to learn a new profession. Additionally, it aims to create greater opportunities for women to realize their potential in the labor market across a wide range of professions.

Women are being trained in other professions that were predominantly performed by men before the full-scale war, such as truck and passenger transport drivers. More and more women are working in the police, law enforcement, defence and security sectors, and serving in the Armed Forces. As of 2024, 27% of the National Police officers are women. In general, 67.3% of women indicate their willingness to retrain. In 2024, 72% of the vouchers for training from the state were used by women.

Projects implemented to support and empower women in vulnerable categories, including IDPs, women with disabilities, and women who have suffered from gender-based violence, are widespread in Ukraine. Successful examples of projects include the Vona Career and Business Hub, which is being implemented as part of the multi-year Break the Cycle (Rozirvy Kolo) project with the support of the UK government and other partners, with the key goal of providing women affected by gender-based violence, including domestic violence, with services to improve their professional skills and find successful employment; the project "Your opportunities" for women with IDP status, implemented by the Innovation and Development Foundation-Ukraine IDF Reforms Lab and is aimed to expand the economic opportunities of women in this group through training and employment assistance, as well as to create a productive community for communication and mutual assistance; the project "Z.N.A.M.I" project implemented by the League of the Strong

NGO with the support of UN Women and the UN Women's Peace and Humanitarian Fund, which aims to strengthen the voice of women with experience of internal displacement and disability in decision-making<sup>19</sup>.

In April 2024, the Ministry of Economy of Ukraine presented a grant program for women entrepreneurs "CREATE!" to promote women's entrepreneurship. The program aims to support women's entrepreneurship and stimulate the development of manufacturing and processing enterprises in Ukraine. The program was launched with the financial support of the Western NIS Enterprise Fund and implemented by the KSE Foundation in partnership with Oschadbank. The maximum amount of one grant is USD 15,000. The grant is provided to women who are individual entrepreneurs (IEs) or co-owners of legal entities (LLCs) with a share of participation of more than 50%, registered and operating in Ukraine, subject to the following requirements:

- the business should be focused on production and processing, with an emphasis on innovation and development of relevant areas of activity;
- participants must not operate in the temporarily occupied territories of Ukraine, must not have a court decision on criminal prosecution for corruption, and must not have any debts to the budget;
- the business must be registered and the business must have been operating for more than 1 year at the time of application.

The Ministry of Economy also collaborates with the International Labour Organization on the project "Ensuring Women's Participation in the Labour Market through Expanding Preschool Education and Childcare Services." This initiative aims to promote equal economic independence for women and men by removing barriers to women's participation in the labour market. Additionally, it seeks to establish a system that encourages employers to adopt family-friendly policies, enabling employees to better balance their professional and family responsibilities, including providing caregiving support for their family members.

In cooperation with UN Women, the Ministry of Economy is working on launching an information campaign "Of Course You Can" to overcome stereotypes and strengthen the role of women in the post-war reconstruction of the country.

Since July 2022, microgrants have been provided under the "yeRobota" government program to start or develop their own business. As of 29 October 2024 (since the start of the program), more than 11 thousand women have been granted microgrants.

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<sup>19</sup> Challenges of empowering women in the labour market and in entrepreneurship in the context of a full-scale war and gender-responsible recovery of Ukraine. Report on the results of the study. Conducted by UN Women within the framework of the project "Transformative Approaches to Achieving Gender Equality in Ukraine" funded by Sweden, in partnership with the Office of the Vice Prime Minister for European and Euro-Atlantic Integration and the Government Commissioner for Gender Policy. 2024 Services", which aims to introduce measures to promote equal economic independence of women and men and remove obstacles to women's participation in the labor market and ensure the functioning of a system to encourage employers to implement policies friendly to combining professional and family responsibilities (creating opportunities for care for members of the family).



Since April 2023, the State Employment Service, as part of the Government's "yeRobota" project, has been providing non-repayable state aid to combatants, persons with disabilities as a result of war and their families in the form of grants to start or develop their own businesses. As of 29 October 2024 (since the start of the program), 515 women have received positive decisions to receive such grants.

To expand job search opportunities, the Ministry of Economy, the State Employment Service and leading job search sites (work.ua, robota.ua, novarobota.ua, pidbir.com, grc.ua, ua.jooble.org) jointly launched a single job portal in September 2022, which offers more than 260,000 job openings daily.

In accordance with the Law of Ukraine "On Employment of the Population", women and men who apply to the State Employment Service are provided with all employment assistance services provided by law, regardless of gender. Women can be involved in any programs implemented by the State Employment Service.

Based on the latest information from the State Employment Center for the first half of 2024:

- 264.4 thousand women (72%) received services in the State Employment Center;
- 85.5 thousand women (69%) were employed by the State Employment Center;
- 53.0 thousand women (78%) were engaged in community service; in September 2024, this figure increased to 83 thousand;
- 9 thousand women (56%) have received grants to start their own businesses (since the start of the program);
- 19.5 thousand women (86%) were sent to vocational training by the State Employment Center. In January-September 2024, 27.9 thousand unemployed women received vocational training.
- In January-September 2024, 14.0 thousand women received training vouchers to increase their competitiveness;
- 225.1 thousand unemployed women were covered by career guidance services.

Efforts to reduce the unemployment rate among women, in particular through a number of active programs aimed at creating new jobs and preserving existing ones, are ongoing and are constantly monitored by the Ministry of Economy and the State Employment Service.

### *Equality of women and men in the civil service*

The right of every citizen of Ukraine to enjoy equal opportunities to hold a civil service position without any discrimination is enshrined in paragraph 7 of part one

of Article 4 of the Law of Ukraine "On Civil Service". As stated in the Scientific and Practical Commentary to the Law of Ukraine "On Civil Service", the principle of equal access to civil service is guaranteed by Article 38 of the Constitution of Ukraine, which defines and protects the right of equal access of citizens to civil service. According to this principle, any form of discrimination, imposition of unreasonable restrictions by a state body or official (head of the civil service) or granting unreasonable advantages to certain categories of citizens during admission to and performance of civil service is prohibited. At the same time, it is not prohibited to introduce reasonable professional requirements and restrictions, in particular, regarding the availability of experience in management activities in managerial positions, the establishment of differences in the legal status of persons due to the specific level and profile of education and the conditions and type of activity in positions requiring special knowledge and high competence. Any form of discrimination defined by law in the exercise of the right to civil service by citizens is prohibited (part four of Article 19 of the Law of Ukraine "On Civil Service"). The provisions of this Article are in line with part one of Article 4 of the Law of Ukraine "On Principles of Prevention and Combating Discrimination in Ukraine", which applies to relations in the civil service and service in local self-government bodies. Thus, citizens of Ukraine should be admitted to the civil service without any discrimination and unreasonable restrictions on general terms of equality. At the same time, it is the responsibility of the public authority or other state body and other officials to create appropriate conditions for such access, which means that any citizen can receive open and complete information on the conditions for entering the civil service and available vacant positions of civil servants in any structure of state bodies.

Additionally, positive actions are allowed to be taken to achieve a balanced representation of women and men in the civil service, taking into account the categories of civil servant positions (part five of Article 16 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men"). Decrees of the President of Ukraine On July 26, 2005, in order to increase the effectiveness of state policy and coherence of cooperation between executive authorities to ensure equal rights and opportunities for women and men, Presidential Decree No. 1135/2005 stipulated that officials of ministries, other central and local executive authorities responsible for ensuring equal rights and opportunities for women and men shall organize the work of the relevant executive authorities within their powers, in particular, implement On September 30, 2019, Decree of the President of Ukraine No. 722/2019 decided to support the global Sustainable Development Goals by 2030 and the results of their adaptation to the specifics of Ukraine's development, as proclaimed by the United Nations General Assembly resolution No. 70/1 of September 25, 2015, and set out in the National Report "Sustainable Development Goals: Ukraine"; to ensure compliance with the Sustainable Development Goals for the period up to 2030; in particular, to ensure gender equality, empowerment of all women and girls.

The number of women in the civil service is constantly growing. The percentage of women in the Ukrainian judiciary is increasing. As of 2024, women account for 55% of the judiciary and 77% of court staff. 75% of senior positions in the courts of appeal are held by women.

*c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.*

In 2017-2020, women held 41% of all executive positions in Ukraine<sup>20</sup> (public and private sectors). Moreover, in the public sector, the number of women in management positions is much higher than in the private sector, where men hold almost 70% of management positions.

Women and men are approximately equally represented in the leadership of self-organized bodies (house, street, and neighbourhood committees) and condominium associations, consumer associations, and private organizations (these are the same museums, kindergartens, and schools, but privately owned). Most women managers (78%) work in municipal organizations (legal entities that carry out non-profit activities, such as hospitals, kindergartens, parks, etc.) In municipal enterprises established for profit, there are significantly fewer women managers - 33%. A significant share of women leaders is in trade union organizations (62%). The lowest number of women heads are in religious organizations (almost 5%) and state-owned enterprises (3%). Also, very few women are the heads of concerns (almost 8%)<sup>21</sup>. At the same time, women make up 56% of all lawyers in Ukraine, and 53% of them hold senior positions.

In 2022, Deloitte presented in Ukraine its seventh study “Women in Leadership”, which noted an improvement in the situation. In particular, while in 2019 there were less than 17% of women in the boards of companies, in 2021 the figure was 18.3%; the number of women chairing the boards of companies is growing slowly but steadily (from 5.3% in 2018 to 6.7% in 2021)<sup>22</sup>.

As of the end of 2021, 29% of senior positions in the public sector were held by women. In 2019, for the first time, the proportion of women in the Verkhovna Rada of Ukraine (the country's Parliament) exceeded 20%. As of 2024, women make up

<sup>20</sup> The study "Women and Men in Leadership in Ukraine: 2017-2020". Conducted by the Ukrainian Center for Social Data. 2021. <https://suspilne.media/120141-zinki-zajmout-41-kerivnih-posad-v-ukraini/>

<sup>21</sup> Men and women in the labour market in Ukraine. 2021. With the support of the UNDP project "Civil Society for Enhanced Democracy and Human Rights in Ukraine", implemented with the financial support of the Ministry of Foreign Affairs of Denmark

<sup>22</sup> Deloitte Global Report Women in Leadership, 2022. <https://e.dilovodstvo.com/dilovodstvo-2023-1/hlobalnyy-zvit-deloyt-zhinky-na-kerivnykh-posadakh>

21% of the Verkhovna Rada and 24% of the Government. In local councils, this percentage is even higher, ranging from 30% to 35%.

To promote gender balance, Ukraine has introduced electoral gender quotas. The Electoral Code, which came into force in 2023, mandates that when forming national and regional electoral lists, each group of five candidates (positions 1–5, 6–10, and so on) must include at least two candidates of each gender (Article 154). Previously, gender quotas applied only to local elections, along with a voluntary quota that allowed parties to increase their public funding by promoting gender inclusivity.

The role of women in Ukrainian society continues to expand, even amid the ongoing war. The percentage of women involved in governance processes at various levels is steadily increasing. Currently, 5 out of 21 ministers in the Ukrainian government are women, making up 24% of the Cabinet. Additionally, 22% of diplomatic missions are led by women.

During the war, the number of women in the security and defense sector has risen significantly. Women now make up 27% of the National Police, with over 16% holding senior positions.

According to UN Women Ukraine's 2023 report, Ukraine is a leader in girls' enrollment in secondary and higher education, which may positively influence the future representation of women in leadership positions.

To increase the number of women in leadership positions, various training programs offered by major companies are actively operating in Ukraine. These initiatives focus on gender equality support, gender-responsive management, and women's leadership development.

Several companies have launched specialized programs, including<sup>23</sup>:

- Leadership and gender equality training sessions at Coca-Cola Beverages Ukraine Limited, NPC Ukrenergo, and DTEK to promote women's representation in leadership roles;
- Women's leadership programs at StarLight Media and Ukrsybbank BNP Paribas Group;
- Corporate programs supporting parenthood and caregiving at OKKO, StarLight Media, and Kyivstar include creating children's rooms at workplaces and babysitting services for employees;

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<sup>23</sup> Challenges of empowering women in the labour market and in entrepreneurship in the context of a full-scale war and gender-responsible recovery of Ukraine. Report on the results of the study. Conducted by UN Women within the framework of the project "Transformative Approaches to Achieving Gender Equality in Ukraine" funded by Sweden, in partnership with the Office of the Vice Prime Minister for European and Euro-Atlantic Integration and the Government Commissioner for Gender Policy. 2024

- Training and retraining programs for women at DTEK, Lika-Comfort, Beetroot, and Astarta offer courses, including for professions where women are underrepresented;
- Health insurance programs for female employees and their families at Samsung, Shell Retail Ukraine, and 1+1.
- Employment programs for vulnerable women at Eldorado, EY, and Astarta.

Also, below you can familiarize yourself with some statistical data of the State Statistics Service.

**Average monthly salary by gender and types of economic activity, UAH <sup>1</sup>**

	2020			2021			2022 <sup>2</sup>			2023 <sup>2</sup>		
	Total	Women	men	Total	Women	men	Total	Women	men	Total	Women	men
<b>Average monthly salary, UAH</b>	<b>11 591</b>	<b>10 369</b>	<b>13 031</b>	<b>14 014</b>	<b>12 668</b>	<b>15 563</b>	<b>14 847</b>	-	-	<b>17 442</b>	-	-
including by types of economic activity												
Agriculture, forestry and fisheries	9 757	8 376	10 314	12 287	10 481	13 021	13 061	-	-	14 625	-	-
of them agriculture	9 734	8 269	10 374	11 733	9 969	12 506	12 243	-	-	14 184	-	-
Industry	12 759	10 498	14 106	14 902	12 314	16 443	15 176	-	-	18 390	-	-
Building	9 832	9 373	9 933	11 289	10 114	11 554	9 781	-	-	12 634	-	-
Wholesale and retail trade; repair of motor vehicles and motorcycles	11 286	10 163	12 470	13 488	12 129	14 973	15 103	-	-	20 630	-	-
Transport, warehousing, postal and courier activities	11 951	9 938	13 113	13 837	11 616	15 112	13 731	-	-	17 184	-	-

transport activities	11 923	11 043	12 312	14 007	12 990	14 452	-	-	-	-	-	-
warehousing and auxiliary transport activities	13 137	11 191	14 020	14 961	12 797	15 949	14 763	-	-	19 056	-	-
postal and courier activities	6 838	6 287	9 828	8 214	7 600	11 403	8 592	-	-	11 830	-	-
Temporary accommodation and catering	6 026	5 738	6 544	8 543	8 214	9 216	9 367	-	-	12 300	-	-
Information and Telecommunications	19 888	17 324	22 081	25 530	21 796	28 801	30 829	-	-	37 946	-	-
Financial and insurance activities	20 379	17 712	26 065	23 975	20 829	30 600	27 986	-	-	34 393	-	-
Real estate transactions	8 981	8 725	9 159	11 142	10 588	11 548	11 560	-	-	15 509	-	-
Professional, scientific and technical activities	16 613	14 617	18 913	19 369	17 164	21 918	20 497	-	-	23 413	-	-
from it scientific research and development	12 882	11 703	14 202	15 179	13 852	16 727	16 360	-	-	19 359	-	-
Administrative and support activities	9 878	10 074	9 730	11 186	11 284	11 118	12 291	-	-	14 395	-	-
Public administration and defense; compulsory social insurance	16 443	15 977	17 350	19 048	18 284	20 533	20 764	-	-	23 395	-	-
Education	9 271	9 198	9 534	11 817	11 705	12 235	11 999	-	-	12 439	-	-
Health care and social assistance	8 848	8 607	9 907	11 616	11 282	13 055	13 738	-	-	14 688	-	-

of them healthcare	8 995	8 740	10 086	11 825	11 470	13 316	14 002	-	-	14 970	-	-
Arts, sports, entertainment and recreation	9 624	8 049	12 680	12 508	10 576	16 213	11 567	-	-	13 336	-	-
of them												
activities in the field of creativity, art and entertainment	8 564	8 071	9 547	11 315	10 593	12 711	11 050	-	-	11 345	-	-
functioning of libraries, archives, museums and other cultural institutions	8 024	7 882	8 501	10 462	10 186	11 347	10 469	-	-	10 990	-	-
Provision of other services	11 998	11 896	12 085	13 279	12 877	13 610	14 554	-	-	18 332	-	-

**Source: State Statistics Service**

1 Data prepared on the results of the state statistical observation "Survey of enterprises on labor statistics", which covers legal entities and separate divisions of legal entities with the number of employees of 10 or more persons, for 2015-2021 - excluding the temporarily occupied territory of the Autonomous Republic of Crimea, Sevastopol and part of the temporarily occupied territories in Donetsk and Luhansk regions, for 2022 - excluding the territories temporarily occupied by the Russian Federation and part of the territories on which hostilities are (were) conducted.

2 For 2022-2023, the indicator was assessed by type of economic activity at the level of sections or their groupings (according to the Classification of types of economic activity DK 009:2010), taking into account the level of reporting. The information will be clarified after the completion of the deadline established by the Law of Ukraine "On Protection of the Interests of Reporting Entities and Other Documents during the Period of Martial Law or the State of War" for submitting statistical and financial statements.

**Share of political parties led by women in the total number of political parties,%**

	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>Share of political parties led by women in the total number of political parties,%<sup>1</sup></b>	-	-	-	-	22,7	23,2	23,1	23,0	23,0

**Source: State Statistics Service**



**Share of legal entities headed by women in% of total number of legal entities**

	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>Share of legal entities headed by women in% of total number of legal persons <sup>1</sup></b>	-	-	-	-	28,9	29,2	29,3	29,2	29,2

**Source: State Statistics Service**

<sup>1</sup> Data have been developed since 2019.