



Statement to the EU-Ukraine Association Council, 28 January 2020

On the occasion of the EU-Ukraine Association Council that meets to assess the progress Ukraine has achieved in implementation of the EU-Ukraine Association Agreement, the European and Ukrainian trade unions condemn the recent violations of this Agreement by the government of Ukraine, which introduced a number of amendments to the labour laws without any consultations with social partners as required by national and international legislation.

We fully support the European aspirations of Ukraine and its efforts for better integration with the European Union, but deplore the lack of respect by the government – as seen in its economic and social “reforms” – for the values and principles of the European Union. The government’s initiatives, if implemented, would clearly violate the international obligations of the country, particularly, ratified Conventions of the International Labour Organization, the European Social Charter (R) and the provisions of the Association Agreement itself.

The Ukrainian economy is in disastrous shape. Many industrial enterprises are on the verge of bankruptcy. Payments for external debt constitute one third of the budget. Millions of jobs have been destroyed. Poverty is growing. Wages are the lowest in Europe. At the same time, the salaries of state managers are a hundred times higher than those of average workers. Wage arrears amount to billions of hryvnia. Corruption is widespread, and the courts are dysfunctional. Millions of people leave Ukraine in search of better life opportunities abroad, including in countries of the European Union.

Addressing these pressing issues without proper social dialogue will only aggravate the situation and exacerbate social tensions. The Ukrainian and European trade union movements have condemned this approach of the government and expressed their concerns and indignation to the Ukrainian authorities (link). Further consultations were organised with the EU officials to provide them with correct and impartial information about reforms that the government pretends are EU-driven.

The All-Ukrainian Trade Union Assembly of 16 January adopted a joint declaration, the demands of which we fully support.

No legislative initiatives in the field of industrial relations can be introduced without proper and genuine social dialogue. Social dialogue is a key EU principle, and by developing and submitting amendments to the labour laws without proper consultation with the social partners, the government not only violates the Constitution of Ukraine and national legislation on social dialogue, consultations and the law on the Cabinet of Ministers, but also violates its obligations under the EU Association agreement.

The Draft Law on Labour (reg. No. 2708) and the Draft Law on Amendments to Some Legislative Acts of Ukraine (regarding some issues of trade union activities) (reg. No. 2681) would lead to:

- The unilateral termination of employment contracts or changes to the terms of the employment contracts by employers, both of which are open doors for legally justified discrimination, and are likely to particularly impact trade unionists and whistle-blowers;

- The expansion and encouragement of precarious employment, the drastic reduction of overtime pay, reduction of existing limitations to overtime work, abolition of some social guarantees and reduced protection for mothers with small children; and
- Numerous limitations to the right to freedom of association that breach ILO Conventions on freedom of association and collective bargaining, removing the conditions that are necessary for the promotion of good-faith collective bargaining.

In retaliation for trade union protests, state officials have started attacking and waging defamation campaigns against trade union organisations and their leaders in public. We condemn these attacks and call on the government to:

- Withdraw the draft law on labour and to start work on a new draft Labour Code of Ukraine jointly with the All-Ukrainian Representative Trade Union and Employers Association in full compliance with the Constitution of Ukraine, the ILO Convention and the EU principles, and with the participation of experts of the International Labour Organization;
- Stop any revision of legislation regulating trade union activities, trade union rights and guarantees, and make sure that freedom of association is fully respected in the country, and that unions and their democratically elected leaders are protected from defamation, intimidation and violence;
- Relaunch national level tripartite social dialogue on labour reforms and other pressing economic and social policies, and immediately implement obligations under the present tripartite General Agreement on the regulation of basic principles and norms of social and economic policy and labour relations in Ukraine in 2019-2021; and
- Resume social dialogue at all the levels of collective regulation of social and labour relations where state executive bodies are parties to collective agreements.

We call on EU leaders to make sure that the EU values and principles are placed at the heart of any dialogue with the Ukrainian authorities and that the progress of the implementation of the EU Association Agreement is assessed against the benchmarks of the following:

- Full respect of international commitments of the country, in particular, under the ratified ILO Conventions and provisions of the European Social Charter (R) and legal obligations under the Association Agreement;
- Functional national social dialogue on economic and social policies, including highly controversial areas of reforms;
- Development of national social and economic policies that place the well-being of workers and their families above the interests of financial groups and oligarch circles; full respect for fundamental freedoms and rights; and combatting corruption.

We share the aspirations for a European future of the Ukrainian people – aspirations for fairness and justice, equal treatment and equal opportunities, decent life, work and adequate incomes and social protection for all. We express our full solidarity with Ukrainian workers.

Sincerely yours,

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