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EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

(Articles 1, 9, 10, 15, 18, 20 and 24
for the period 01/02/2007 – 31/12/2010)

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EUROPEAN SOCIAL CHARTER (REVISED)

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

All Ukrainian legal acts are available on the Internet at:
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Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Information to be submitted

Article 1§1

- 1) Please describe national employment policy and the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of 'active' (job creation, training, etc.) and 'passive' (financial compensation, etc.) measures.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Code of Labour Laws of Ukraine, 10.12.1971, No. 322-VIII;
- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Law of Ukraine on General Mandatory State Social Insurance against Unemployment, 02.03.2000, No. 1533-III;
- Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, 21.03.1991, No. 875-XII;
- Decree of the President of Ukraine *On the improvement of state regulation in the field of employment and labour market of Ukraine*, 11.07.2005, No. 1073;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Basic Directions for pursuing state employment policy for the period up to 2009*, 5 July 2006, No. 922;
- Order of the Cabinet of Ministers of Ukraine *On the approval of the action plan for the implementation in 2007-2008 of the basic directions for pursuing state employment policy throughout 2009*, 13 April 2007, No. 156;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Basic Directions for pursuing state employment policy for 2010-2011*, 8 September 2010, No. 831;
- International Covenant on Economic, Social and Cultural Rights (ratified on 12.11.1973);
- Law of Ukraine on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Protocol 1 and Protocols 2, 4, 7 and 11 to the Convention, 17 July 1997, No. 475/97-BP;
- ILO Convention No. 2 on Unemployment, 1919 (ratified on 16.05.1994);
- ILO Convention No. 122 on Employment Policy, 1964 (ratified on 19.06.1968);
- ILO Convention No. 142 on Human Resources Development, 1975 (ratified on 3.05.1979);
- ILO Convention No. 150 on Labour Administration, 1978 (ratified on 10.11.2004)

According to Article 43, Constitution of Ukraine, “Everyone shall have the right to work, including a possibility to earn a living by labour that he freely chooses or to which he freely agrees. The State shall create conditions for citizens that will make it possible to fully realise their right to work, guarantee equal opportunities in the choice of profession and of types of labour activities, and implement programmes for vocational education, training, and retraining of personnel according to the needs of society.

Article 1, Law of Ukraine on the Employment of the Population (hereinafter referred to as the Law) provides that “employment of the population residing in the territory of Ukraine shall be ensured by the State by means of pursuing an active socioeconomic policy aimed to meet the population’s needs for

free choice of an occupation, to encourage creation of new jobs and development of enterprise.

Citizens of Ukraine shall freely choose occupations not prohibited by law, including those not related to doing a paid work, as well as a profession and a place of employment according to their abilities”.

Fundamental principles of the state employment policy include:

- providing all citizens, regardless of their origin, social and property status, race and ethnic background, sex, age, political opinions, attitude to religion, with equal opportunities for the effective exercise of the right to choose an occupation freely according to abilities and professional attainment with account of personal interests and social needs;
- contributing to ensuring efficient employment, to preventing unemployment, and to creating new jobs and conditions for the development of enterprise;
- coordinating activities in the field of employment with other economic and social policy areas based on state and regional employment programmes;
- cooperation among trade unions, associations (unions) of entrepreneurs and enterprise owners, institutions, organisations or bodies authorised thereby in the interaction with public administration bodies for the development, implementation and supervision of measures aimed at securing employment of the population;
- international cooperation in addressing problems of employment of the population, including Ukrainian citizens’ work abroad and that of foreign citizens in Ukraine.

According to Article 6 of the Law, “1. Employment relations in Ukraine shall be regulated by this Law and other legislative acts of Ukraine adopted according hereunder. If an international treaty or agreement entered into by Ukraine sets forth rules other than provided for by legislation on employment in Ukraine, the rules of international treaties and agreements shall apply.

2. The legislation on employment shall apply to foreign citizens permanently residing in Ukraine and to stateless persons unless otherwise provided for by legislation of Ukraine”.

According to Article 13 of the Law, in order to create conditions for the full exercise by citizens of their right to work, the State shall provide: investment and tax policy measures aimed at securing optimal deployment of productive forces, increasing workers’ mobility, creating new technologies, encouraging enterprise, creating small businesses, applying flexible working schedules and homework, as well as other measures promoting preservation and development of the jobs system;

- securing workers’ rights and interests, providing favourable conditions at work, improving the legislation on employment of the population and on labour;

- conducting analytical and scientific studies on the economic structure, and forecasting subsequent changes in quality and distribution of labour force;
- regulating foreign economic activities to the extent concerning involvement and use of foreign labour force in Ukraine based on quotas and licensing;
- contributing, as necessary, to creation of additional jobs by enterprises, institutions and organisations of all forms of ownership as well as to improvement of working conditions in public production;
- organising vocational guidance.

In the territory of Ukraine, collection of statistical information and administrative data, which show market labour conditions and the situation in the field of employment, is being introduced.

According to Article 14 of the Law, “1. In order to promote employment of the population and to meet citizen’s needs for work, the Cabinet of Ministers of Ukraine, local state administrations and local governments shall develop annual and long-term state and territorial employment programmes

The state employment programme and the territorial employment programmes are aimed at:

- promoting development of economy based on structural reorganisation, contributing to creation of conditions for sending released workers first of all to profitable production facilities and to priority sectors of national economy;
- preventing development of, and reducing, unemployment by means of increasing economic interest of enterprises and organisations in creation of additional jobs, mainly with flexible forms of employment;
- improving the system of labour force reproduction combined with the development of jobs, vocational guidance, training, retraining and advanced training, and using labour resources effectively;
- protecting the unemployed and their families against negative consequences of unemployment, and ensuring employment of persons who need social protection but are unable to compete in labour market on equal terms;
- shaping the material, staff, informational, financial, scientific and methodological basis for the public employment service;
- implementing measures to promote employment of the population living in rural areas;
- promoting creation of new jobs for convicts outside penitentiary institutions;
- contributing to socially useful employment of convicts directly at enterprises of penitentiary institutions by means of implementing investment policy measures”.

According to Article 15 of the Law, in order to ensure employment of the population and development of Ukraine’s certain regions, measures shall be taken to promote voluntary resettlement of Ukrainian citizens and their family members with allocation of necessary material resources and financial funds.

The procedure for development and implementation of such measures as well as for provision of privileges to such citizens is specified in the legislation of Ukraine on the procedure of family resettlement and organised recruitment.

According to Article 16 of the Law, the Cabinet of Ministers of Ukraine shall define the areas where development of jobs is encouraged by the State. Such areas (first of all, labour-excessive ones and those having high unemployment rates, rural and mountainous areas) shall be granted, for a certain period of time, the status of priority development areas.

Enterprises, organisations and institutions establishing their production facilities in the above-mentioned areas, their branches and additional jobs, enjoy privileges according to the procedure and on the terms specified by Ukrainian laws as well as by resolutions of local state administrations and executive authorities of relevant councils.

According to Article 18, the public employment service shall be established for the purpose of implementation of state employment policy, vocational guidance, training and retraining, job placement and social support for persons temporarily out of work, according to the procedure specified by the Cabinet of Ministers of Ukraine. The service shall carry out its activities under the guidance of the Ministry of Labour and Social Policy of Ukraine, local state administrations and local governments.

The public employment service shall consist of the Public Employment Centre under the Ministry of Labour and Social Policy of Ukraine, the Autonomous Republic of Crimea employment centre, employment centres in oblasts, Kyiv and Sevastopol cities, districts, city-districts, cities and districts in cities, centres for the organisation of vocational training of unemployed individuals, centres for vocational guidance of the population, and inspectorates for supervision over observance of employment legislation.

According to Article 34 of the Law, supervision over observance of Ukrainian employment legislation shall be exercised by local state administrations, executive authorities of relevant councils, employment service inspectorates, and trade union associations.

The Cabinet of Ministers of Ukraine Resolution No. 922 of 5 July 2006 approved *the Basic Directions for pursuing state employment policy throughout 2009*.

Development of the Basic Directions was caused by the need for improving the coordination between central and local executive authorities for regulation of the labour market situation.

The goal of the Basic Directions is to create, assisted by legal, organisational and economic mechanisms, conditions for promoting:

- employment of the population by means of retaining efficient, and creating new, jobs at enterprises, in organisations and institutions of all forms of ownership;
- self-employment of the population, and development of enterprise;
- training of labour force whose occupational structure and qualification level meet the needs of economy and labour market;

- improvement of labour force quality, and development of a system of vocational training during the labour activity period with account of labour market needs;
- stronger motivation for legal productive employment;
- employment of individuals in need of social protection and unable to compete in the labour market on equal terms;
- vocational training and employment of physically and mentally handicapped persons;
- return of the registered unemployed to productive employment;
- unshadowing of relations in the field of employment;
- legalisation of outbound labour migration of Ukrainian citizens, and strengthening of their social protection.

The Cabinet of Ministers of Ukraine Executive Order No. 156 of 13 April 2007 approved *the Action Plan for the implementation in 2007-2008 of the Basic Directions for pursuing state employment policy throughout 2009*.

In 2007-2008, positive trends of employment growth and unemployment decline were seen in the Ukrainian labour market. According to findings of a sampling survey of the population (households) on economic activity, the average monthly number of economically active population aged 15-70 was 22.3 million in 2007 on average, including 20.9 million engaged in economic activities and 1.4 million unemployed, i.e. persons having no job but actively searching for it both by themselves and with the public employment service's assistance. The population's employment rate was 58.7% for those aged 15-70, and 66.7% for those of working age. The unemployment rate according to the ILO methodology was 6.4% among economically active population aged 15-70 and 6.9% among those of working age.

UAH 155.0 million was spent on unemployment benefits in December 2007 from the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment. The average accounting number of the unemployed receiving the benefits during the said month was 457,000, or 71.1% of the total number of those having the unemployed status. The average benefit size increased by 34.9% in December 2007 year-on-year, to UAH 339.27, that being 73.9% of the minimum wage fixed by law (UAH 460).

According to findings of a sampling survey of the population (households) on economic activity, the average monthly number of economically active population aged 15-70 was 22.4 million in 2008 on average, including 21.0 million engaged in economic activities and 1.4 million unemployed, i.e. persons having no job but actively searching for it both by themselves and with the public employment service's assistance. The population's employment rate was 59.3% for those aged 15-70, and 67.3% for those of working age. The unemployment rate according to the ILO methodology was 6.4% among economically active population aged 15-70 and 6.9% among those of working age, i.e. the same as in 2007.

UAH 321.3 million was spent on unemployment benefits in December 2008 from the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment. The average accounting number of the unemployed receiving the benefits during the said month was 562,700, or 66.6% of the total number of those having the unemployed status. The average benefit size increased by 4.1% in December 2008 year-on-year, to UAH 571.07, that being slightly lower than the minimum wage fixed by law (UAH 605).

In 2009, due to global financial crisis' impact on the Ukrainian labour market, the number of employment population decreased by almost 781,000 compared to 2008 and totaled 20.2 million. The employment rate decreased from 59.3% to 57.7%. At the same time, unemployment volume and rate increased. In particular, the number of the unemployed defined according to the ILO methodology, was 1,958.8 thousand in 2009, that being 533.7 thousand more than in 2008. The unemployment rate increased from 6.4% to 8.8%, respectively.

UAH 346.7 million was spent on unemployment benefits in December 2009 from the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment. The average accounting number of the unemployed receiving the benefits during the said month was 528,900. The average benefit size equaled to UAH 655.56, that being 88.1% of the minimum wage fixed by law (UAH 744).

The Cabinet of Ministers of Ukraine Resolution No. 831 of 8 September 2010 approved *the Basic Directions for pursuing state employment policy for 2010-2011*. The document states that state employment policy in 2010-2011 shall be implemented in the following key areas:

- minimising the financial crisis' impact on the national labour market conditions;
- enlarging the labour employment scope through creation of jobs having proper working conditions;
- providing skilled labour force to national economy;
- improving quality and competitiveness of labour force;
- strengthening the young people's position in the labour market;
- enhancing motivation for legal productive employment, unshadowing of labour market relations;
- returning the unemployed to labour activities, and ensuring their social protection;
- addressing the problems of employment of persons with disabilities;
- regulating labour migration of the population.

The financial crisis' impact on the national labour market conditions will be minimised through creation of a legislative framework aimed at:

- strengthening the young people's position in the labour market;
- retaining jobs;

- organising nation-wide paid public works in order to provide conditions for employed or unemployed individuals;
- implementing measures to prevent occurrence of insurance events in order to prevent unemployment;
- improving the procedure of granting the unemployed status to off-the-job individuals/

Enlarging the labour employment scope through creation of jobs having proper working conditions will be done by means of:

- providing state support to national commodity producers as per identified development priorities for certain economic branches and according to requirements concerning innovation-based higher production efficiency;
- establishing a favourable investment climate in depressed territories and at the enterprises where jobs with proper working conditions are to be created;
- providing state support to farmers, peasant farms and other agricultural commodity producers, contributing to development of non-agricultural economic activities (agricultural service cooperatives, recreational and tourist enterprises, etc.);
- supporting self-employed, promoting development of people's entrepreneurial initiative;
- introducing a cluster model for development of national artistic trades, particularly in towns, rural areas and mountainous settlements;
- promoting development of flexible labour organisation forms.

Enhancing motivation for legal productive employment, and unshadowing of labour market relation will be ensured through:

- securing protection of the workers' right to receive wages timely and in full;
- building institutional capacity of state supervision and control over observance of labour legislation in order to secure the exercise of workers' rights and guarantees;
- settling the issue of determining the employment status of persons owning (using) land plots and carrying out labour activities thereon, and strengthening their social protection.

Returning the unemployed to labour activities, and ensuring their social protection will be done by means of:

- strengthening the public employment service's role in the regulation of labour market processes (cooperation with employers in the vacancy bank formation, in job placement of the unemployed and of young people to their first job with providing a subsidy to the employer, in vocational training of the unemployed on the employers' order, and cooperation with education

authorities in securing the functioning of the state system of vocational guidance);

- intensifying involvement of the unemployed persons registered with the public employment service in paid public works;
- providing vocational guidance and training services by the public employment service to the population, first of all to young persons;
- establishing cooperation between the public employment service and employers in job placement of job-seekers with disabilities, within the limit of the job quota at enterprises, in institutions and organisations according to the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

Regulating labour migration of the population will be ensured through:

- defining conceptual basics of the state migration policy concerning the regulation of labour migration of Ukrainian and foreign citizens, and drafting an appropriate regulatory legal framework;
- unshadowing labour migration of Ukrainian citizens to foreign countries, and securing compliance with international agreements on job placement;
- ensuring social protection of Ukrainian citizens temporarily working abroad, concluding bilateral international agreements on social security, and complying with the European Convention on the Legal Status of Migrant Workers (1977);
- unshadowing labour migration, strengthening social protection in pension provision, and setting education standards for Ukrainian citizens working in the CIS member states, within the framework of implementation of the Declaration on the Concerted Migration Policy of the CIS Member States and the Strategy of Economic Development of the Commonwealth of Independent States for the Period until 2020;
- pursuing a state policy for encouraging labour migrants' return aimed at creating an attractive internal labour market;
- providing conditions for prevention of human trafficking due to illegal labour migration, improving organisational principles in the provision of mediation services for job placement abroad, and considering introduction of licensing of activities related to mediation in job placement in Ukraine;
- unshadowing employment of foreigners in Ukraine, improving organisational principles of and implementing a mechanism for the regulation of foreign labour use (employees, natural person entrepreneurs, and other natural persons engaged in self-employment).

Some positive trends towards improvement of the labour market situation appeared in 2010. The number of employed population increased by 74,500 as compared to 2009 and totaled 20.3 million. The employment rate went up from 57.7% to 58.5%. The number of the unemployed decreased by 173,200 as

compared to 2009, and amounted to 1.8 million in 2010 on average. The unemployment rate according to the ILO methodology decreased from 8.8% to 8.1% of the economically active population.

The number of unemployed persons registered with the public employment service was 2.4 million in 2007, 2.5 million in 2008, 2.1 million in 2009, and 1.8 million in 2010.

In 2007-2008, like in previous periods, the number of vacant jobs actually corresponded to the number of job-seekers. In 2009, due to the global financial crisis' impact on the Ukrainian labour market, the number of vacancies decreased substantially in all profession groups. During 2009, employers provided information on availability of 1.2 million vacancies to the public employment service (2.1 million in 2008, and 2.2 million in 2007). The number of vacancies announced in 2010 was 1.2 million.

The number of unemployed persons placed in a job by referral from the public employment service was 1.1 million in 2007, 1.1 million in 2008, 702.7 thousand in 2009, and 744.5 thousand in 2010.

The number of unemployed persons undergoing vocational training by referral from the public employment service was 229.4 thousand in 2007, 245.2 thousand in 2008, 157.1 thousand in 2009, and 203.3 thousand in 2010.

The following numbers of unemployed persons were engaged in paid public works: 422.1 thousand in 2007, 428.5 thousand in 2008, 240.9 thousand in 2009, and 318.2 thousand in 2010.

As of 1 January 2011, 564.0 thousand off-the-job individuals were registered with employment centres (542.8 thousand as of early 2010, 876.2 thousand as of early 2009, and 660.3 thousand as of early 2008).

The number of vacancies was 63.9 thousand as of 1 January 2011 (65.8 thousand as of early 2010, 91.1 thousand as of early 2009, and 169.7 thousand as of early 2008).

UAH 257.2 million was spent on unemployment benefits in December 2010 from the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment. The average accounting number of the unemployed receiving the benefits during the said month was 329.7 thousand. The average benefit size equaled to UAH 780, that being 15.4% less than the minimum wage fixed by law (UAH 922).

Article 1§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Constitution of Ukraine of 28.06.1996 No. 254/96-BP;
- Code of Labour Laws of Ukraine, 10.12.1971, No. 322-VIII;
- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Law of Ukraine on Granting First Job to Young People with HE Degree or Vocational Education, with Provision of Subsidy to the Employer, 4.11.2004, No. 2150-IV;
- Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, 21.03.1991, No. 875-XII;
- Law of Ukraine on Remuneration of Labour, 24.03.1995, No. 108/95;
- Law of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men, 8.09.2005, No. **2866-IV**;
- Criminal Executive Code of Ukraine, 11.07.2003, No. 1129-IV;
- Law of Ukraine on Alternative (Non-military) Service, 12.12.1991, No. 1975-XII;
- Resolution of the Cabinet of Ministers of Ukraine *Some matters of providing a subsidy to employers for granting the first job to young persons*, 19.03.2008, No. 223;
- ILO Convention No. 29 on Forced Labour, 1930 (ratified on 10.08.1956);
- ILO Convention No. 105 on Abolition of Forced Labour, 1957 (ratified on 14.12.2000);
- ILO Convention No. 111 on Discrimination in Employment, 1958 (ratified on 04.08.1961)

According to Article 4, Law of Ukraine on the Employment of the Population, the State shall guarantee the following to the able-bodied population of working age in Ukraine:

- voluntary labour, choice or change of profession and occupation;
- protection against groundless refusal to hire and against illegal dismissal, as well as assistance in job retaining;
- free-of-charge assistance in selection of a suitable job and in placement according to vocational aptitude, abilities, professional qualification, and education, considering social needs, by all means available, including vocational guidance and retraining;
- reimbursement of material inputs related to referral to work in other locality;
- payment of severance wage to workers who lost permanent jobs at enterprises, in institutions and organisations, in cases and on terms provided for by legislation in force;
- free training of the unemployed in new professions, retraining in educational institutions or in the public employment service system with payment of pecuniary aid;

- payment to the unemployed, in due course, of unemployment benefits, pecuniary unemployment aid, pecuniary aid to family members maintained by the unemployed, and other benefits;
- including the periods of retraining and new profession training, participation in paid public works, receiving of unemployment benefits and pecuniary unemployment aid in the service record as well as in the continuous employment service;
- providing occupational work for the period of no less than three years to the young professionals having graduated from state educational institutions who were applied for by enterprises, institutions, and organisations.

Public authorities ensure publication of statistical data and information materials on job offers and labour force demand, opportunities of employment, vocational training and retraining, vocational guidance, and social and occupational rehabilitation, including for persons with disabilities.

Some categories of able-bodied citizens of working age in need of social protection and unable to compete in the labour market on equal terms, are provided additional job placement guarantees by the State according to the procedure specified in Article 5 of the above-mentioned law. Such categories include, in particular:

- women having children under six;
- single mothers having children under 14 or children with disabilities;
- persons of pre-retirement age;
- young persons who completed or terminated studies in secondary general schools, vocational or higher educational institutions and who are provided with the first job;
- children (orphans) left without parental care as well as persons who attained 15 and who may, as an exception, be recruited subject to consent of parents or of a surrogate parent.

The Cabinet of Ministers of Ukraine Resolution No. 577 of 14 July 2010 enlarged the List of occupations and specialties for which the employers may be granted a subsidy to provide young persons with the first job – up to 33 specialties and 24 blue-collar occupations. The List has been supplemented with the occupations and specialties for which graduates of higher and vocational educational institutions most often apply to the public employment service for job placement promotion.

Implementation of the above-mentioned Resolution will assist the young persons who acquired higher or vocational education, have no practical work experience and are unable to compete with more skilled professionals on equal terms, to obtain their first job.

According to Article 3, Law of Ukraine on Granting First Job to Young People with HE Degree or Vocational Education, with Provision of Subsidy to the Employer, a subsidy shall be provided to the employer if he hires, as referred by the public employment service, young persons to their first job in the relevant acquired occupation (specialty) for two years

The Law states that a subsidy to the employer shall be provided within the limits of allocations from the State Budget of Ukraine envisaged for such purposes, and of resources of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment that are levied as financial penalties from enterprises, institutions and organisations for their refusal to hire young persons within the quota set according to part 6, Article 7 of the Law.

The Law on Promotion Social Formation and Development of Youth in Ukraine came into force on 1 January 2006. However, the Laws of Ukraine on the State Budget of Ukraine for 2006 and on the State Budget of Ukraine for 2007 suspended the Law, and no funds were envisaged in the State Budget for those purposes.

State appropriations in the amount of UAH 32 million for implementation of the Law of Ukraine on Granting First Job to Young People with HE Degree or Vocational Education, with Provision of Subsidy to the Employer were envisaged in the State Budget for 2008. At the expense of the above-mentioned funds, more than 1.3 thousand young persons were placed in their first job through providing a subsidy to employers in 2008.

No resources were allocated from the State Budget for these purposes in 2009. In 2010, UAH 10 million was allocated, which allowed about 2.6 young persons to be placed in their first job with providing a subsidy to employers. A governmental decision extended the list of occupations and specialties for which the above-said subsidy may be provided to employers.

The State Budget of Ukraine for 2011 envisages allocation of UAH 25 million for provision of subsidies to employers to secure the first job to young persons.

In pursuance of the Law of Ukraine on the Employment of the Population, enterprises, institutions and organisations reserved more than 8.3 thousand jobs for placement of young persons within the job quota set for 2011.

Prohibition of forced or compulsory labour

According to Article 43, Constitution of Ukraine, use of forced labour is prohibited. Military or alternative (non-military) service, as well as work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the martial or state of emergency laws, is not considered the forced labour.

Prison work

Article 118 of the Criminal Execution Code of Ukraine (hereinafter referred to as “the Code”) provides that persons convicted to imprisonment must work in the places and works specified by penal colony administration. Convicts are engaged in socially useful labour with account of available production capacity, considering their sex, age, capacity for work, state of health, and specialty. Convicts are generally engaged in labour at colony enterprises or

workshops, or at enterprises of state or other form of ownership provided their proper guarding and isolation is secured.

Article 119 of the Code provides that the working week for persons serving imprisonment sentences may not exceed the standard working time fixed by labour legislation. The work (shift) starting and ending time is specified by colony administration. Convicts are allowed not to work on day-off, holidays and non-working days specified in labour legislation.

Subject to nature of works performed by a convict, summarised accounting of working time is allowed so that working time during an accounting period may not exceed the normal hours of work.

Prison work is organised with due adherence to the rules of occupational safety and health established by labour legislation.

Article 120 of the Code provides that labour of persons convicted to imprisonment is paid for according to its amount and quality. Forms and systems of labour remuneration, work standards and job rates are established by regulatory legal acts issued by the central executive authority responsible for execution of penalties.

Article 122 of the Code provides that convicts are entitled, on the usual terms, to state old-age pensions, disability pensions, survivor's pensions, and other pensions envisaged by law.

Persons whom a pension was assigned prior to serving their sentence are subject to state pension provision on the usual terms. The assigned pension is recalculated by the bodies of the Pension Fund of Ukraine at the pensioner's place of imprisonment, and expenses incurred on the pensioner's maintenance in the penal colony (catering, clothing material, communal and utility services, etc.) are reimbursed out of the pension, with no less than 25 percent of the pension being transferred to the convict's personal account.

The convicts' working time during their imprisonment serving period is included in the service record for assignment of labour pensions upon release provided they paid insurance contributions to the Pension Fund of Ukraine according to the procedure and in the amounts provided for by law.

The convicts who lost capacity for work during their service are entitled upon release to pension and to damages in the cases, and according to the procedure, specified by legislation of Ukraine.

Alternative service replacing military service

Alternative service is a civil service aiming at ensuring that citizens perform their duty to society. It is introduced instead of military service. Ukrainian citizens have the right to alternative service if performing the military duty is in conflict with their religious beliefs and such citizens belong to the religious organisations, operating according to Ukrainian laws, doctrinal statements of which does not allow using weapons.

According to Article 5, Law of Ukraine on Alternative (Non-military) Service, citizens do alternative service at/in enterprises, institutions or organisations, owned by the State or a municipality or with a larger share in the authorised fund owned by the State or a municipality, working mainly in such fields as social protection of the population, health care, environment protection, construction, housing and municipal construction, and agriculture, as well as in patronage service of organisations under the Red Cross Society of Ukraine.

Activities that the citizens doing alternative service may be engaged in are specified by the Cabinet of Ministers of Ukraine.

Article 6 of the Law provides that the alternative service period is 1.5 times longer than the military service period fixed for soldiers and sergeants doing compulsory military service in the Armed Forces of Ukraine or in other military formations established according to Ukrainian laws. For persons having higher education of the specialist or master educational and qualification level, the alternative service period is 1.5 times longer than the military service period fixed for those having the corresponding educational and qualification level.

An individual's period of doing alternative service is included in the individual's pensionable service record. That period is also included in the continuous service record and in the occupation service record provided that the individual has started to work no later than within three calendar months upon discharge from alternative service.

As of 31.12.2010, 911 young men were doing alternative (non-military) service in Ukraine.

**Number of persons sent to alternative (non-military service)
during 1997-2010**

Year	Total (persons)
2007	544
2008	500
2009	608
2010	563
TOTAL:	2215

Article 1§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

General legal framework

- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII

According to Article 18, Law of Ukraine on the Employment of the Population, the public employment service is established for the purpose of implementation of state employment policy, vocational guidance, training and retraining, job placement and social support for persons temporarily out of work, according to the procedure specified by the Cabinet of Ministers of Ukraine. The service carries out its activities under the guidance of the Ministry of Labour and Social Policy of Ukraine, local state administrations and local governments.

The public employment service consists of the Public Employment Centre under the Ministry of Labour and Social Policy of Ukraine, the Autonomous Republic of Crimea employment centre, employment centres in oblasts, Kyiv and Sevastopol cities, districts, city-districts, cities and districts in cities, centres for the organisation of vocational training of unemployed individuals, centres for vocational guidance of the population, and inspectorates for supervision over observance of employment legislation.

The public employment service also includes vocational training institutions for off-the-job population, computer information centres, territorial and specialised employment offices, population's rehabilitation centres, enterprises, institutions and organisations subordinated to the employment service.

Services related to ensuring employment of the population are provided by the public employment service free of charge.

Article 1§4¹

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

¹ The conformity of national situations with this provision is assessed with reference to Articles 9, 10 and 15 of the Charter due to the links between these provisions. Consequently, where a state has accepted Articles 9, 10 and 15 reference may be made to the information provided in respect of these Articles. Where a state has not accepted one or more of the provisions of Articles 9, 10 or 15, the ECSR will assess the conformity of the situation under Article 1§4.

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Order of the Cabinet of Ministers of Ukraine *On approval of the Concept for development of training system for the period up to 2010*, 20 March 2006, No. 158-p

According to Article 9, Law of Ukraine on the Employment of the Population, individuals applying to the public employment service as job-seekers shall have the right to free vocational guidance, consulting, training, retraining, and obtaining of relevant information in order to choose an occupation, profession, place of employment, or working schedule.

According to Article 19 of the above-mentioned Law, the public employment service: organizes, as necessary, vocational training and retraining of individuals within the employment service system or sends them to other educational institutions engaged in staff training and retraining; assists enterprises in development and content definition of training and retraining courses; provided job placement and vocational guidance services to workers willing to change their occupation or place of employment (because of searching for a highly-paid job, due to changes in working conditions and schedule, etc.), to released workers, and to off-the-job population.

According to Article 24 of the above-mentioned Law, vocational training, advanced training and retraining of the persons registered with the employment service as job-seekers, and of the unemployed persons may be conducted if:

- it is impossible to select a suitable job because the individual in question has no necessary professional qualification;
- it is necessary to change qualification because of there being no job corresponding to the individual's professional skills;
- the individual lost the ability of doing a job in his/her previous profession;
- it is necessary to select a suitable job for a person with disabilities, taking account of the requirement of working at home, according to the medico-social examination commission's recommendation, available skills, and the person's wishes;
- the person is looking for a job for the first time and has no occupation (specialty).

Vocational training, advanced training and retraining is organised by the public employment service by its referral in educational institutions, at enterprises, in institutions or organisations (regardless of their subordination), according to

concluded agreements, or in the public employment service's educational institutions specially established for this purpose, at the expense of the Fund for General Compulsory State Social Insurance against Unemployment of Ukraine.

The procedure for selection of educational institutions for organisation of vocational training, advanced training and retraining of the unemployed at the expense of the Fund for General Compulsory State Social Insurance against Unemployment of Ukraine is approved by the Board of the Fund.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- International Covenant on Economic, Social and Cultural Rights (ratified on 12.11.1973);
- Order of the Cabinet of Ministers of Ukraine *On approval of the action plan aimed at developing the vocational guidance system for the period up to 2009*, 25 July 2007, No. 576;
- Resolution by the Cabinet of Ministers of Ukraine *On the approval of the Concept of the state system of vocational guidance*, 17 September 2008, No. 842;
- Resolution of the Cabinet of Ministers of Ukraine *On establishment of the Council on Vocational Guidance*, 21 January 2009, No. 28;
- Order of the Cabinet of Ministers of Ukraine *On approval of the action plan for implementation of the Concept of the state system of vocational guidance for the period up to 2011*, 27 January 2010, No. 50-p;
- Programme of the public employment service – the executive directorate of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment concerning vocational guidance of youth, 19.12.2007

With a view to ensuring the effective exercise of the right to vocational guidance, Ukrainian citizens are guaranteed the right to free development of their personality and to free choice of work, and equal opportunities in professional and occupational choice according to the needs of society (Articles 23 and 43, Constitution of Ukraine).

The Law of Ukraine on the Employment of the Population considers vocational guidance as an area of state regulation of employment as well as a state guarantee for professional and occupational choice.

The Concept of the state system of vocational guidance, approved by the Cabinet of Ministers of Ukraine Resolution No. 842 of 17 September 2008 (hereinafter referred as the Concept), defines vocational guidance of the population as a scientifically grounded system of interrelated economic, social, medical, psychological and pedagogical measures aimed at intensifying the process of a person's occupational self-determination and realisation of ability for work, identification of the person's faculties, interests, opportunities and other factors influencing the professional choice or occupational change.

The need for development of the Concept was caused by the changing conditions and development trends of the entire national economy and of the labour market in particular, by transformation in public consciousness concerning perception and solution of labour and employment problems, and by shift from overcoming unemployment consequences towards unemployment prevention.

Vocational guidance of the population by functioning content area has the following structural elements:

- vocational information;
- vocational consultation;
- vocational choice;
- vocational adaptation.

The system of vocational guidance of the population is managed on the nation-wide level by the following entities according to their powers:

- MoLSP (Ministry of Labour and Social Policy) – concerning all social groups of employed and unemployed able-bodied population;
- MoES (Ministry of Education and Science) – concerning children of pre-school and school age and studying youth;
- MoFYS (Ministry of Family, Youth and Sports) – concerning youth;
- MoH (Ministry of Health) – concerning persons with persistent disorders of body functions caused by a disease, injury or congenital defects of mental and physical development resulting in limited vital activity;
- MoD (Ministry of Defence), MoIA (Ministry of Internal Affairs), other authorities where military servicemen do service – concerning pre-conscription trainees, military servicemen and persons discharged from

- military service with pension entitlement because of staff reduction or organisational measures, as well as concerning other population groups;
- State Department for the Execution of Punishments – concerning persons convicted to imprisonment or restraint in punishment execution facilities;
- other ministries and central executive authorities – concerning the working and released staff.

To coordinate the work on vocational guidance of the population, the Council on Vocational Guidance was established as an advisory and counseling body under the Cabinet of Ministers of Ukraine (*the regulations on the Council on Vocational Guidance was approved by the Cabinet of Ministers of Ukraine Resolution No. 28 of 21 January 2009*). Together with representatives of executive authorities, the Council includes representatives of civil society institutions, particularly all-Ukrainian associations of employers' organisations, all-Ukrainian trade unions and their associations.

On the territorial level, the system of vocational guidance of the population is managed by local executive authorities and local governments.

As far as the basic level is concerned, vocational guidance of the population is provided by educational institutions and health care facilities, rehabilitation establishments, employment centres, vocational guidance centres, youth labour centres, military enlistment offices, punishment execution facilities, enterprises, institutions, and organisations.

To ensure proper conditions for vocational guidance of youth for the purpose of assisting in the occupational choice pursuant to personal interests, aptitudes and abilities, differentiated training of senior schoolchildren is provided in general secondary schools for their future occupational choice. The training includes the following profile areas: social and humanitarian, philological, natural and mathematical, technological, artistic and esthetical, and sports. At present, the technological profile covers almost 28% of senior schoolchildren. This is the second figure following the natural and mathematical area.

To ensure efficient vocational training of general education school pupils of 10 and 11 forms within the technological profile, the MoES Order No. 904 of 23.09.2010 approved the Model Curricula and Model Vocational Education Programmes for general educational institutions and inter-school training and production facilities.

In order to create an effective system of vocational guidance for off-the-job population, including young persons studying or having completed study in educational institutions of various accreditation levels, the Joint MoES/MoLSP Order No. 383/807 of 3.09.2008 approved the Joint Action Plan for improving cooperation between the Public Employment Service of Ukraine and the education and science management bodies in the field of employment and training.

In pursuance of the above-mentioned Concept, the MoES Executive Order No. 23-p of 27.02.2011 approved the action plan for its implementation throughout 2011. Implementation of the Concept will ensure construction of an integral state

system of vocational guidance for the population, and create conditions for provision of proper-quality vocational guidance services to the population.

At the same time, teaching staff of general, vocational and higher educational institutions has broadly implemented explanatory vocational guidance work with pupils and students and their parents on professional choices and promotion of professions in demand in the labour market. All schools are basically provided with vocational information materials (booklets, leaflets, stands); open days are arranged in higher and vocational education institutions every year.

Integral systems of vocational guidance of schoolchildren for acquisition of vocational and higher education have been established and operating in regions of Ukraine. Higher and vocational education institutions regularly conduct competitions for the best business plans of entrepreneurial activities, organise exhibitions of technical and applied and decorative arts, trade fairs, master classes, amateur talent shows to which representatives of employers and trade unions are invited. Regional and all-Ukrainian competitions of professional skills are conducted every year among pupils of vocational education institutions and students of higher educational institutions; the competition winners are granted fellowships of the President of Ukraine.

In all regions, purposeful work is carried out throughout the study year to ensure high competitiveness of graduates of higher and vocational education institutions in the labour market and to secure prestige of various professions. Work on vocational guidance of youth and raising the prestige of worker professions and specialists having higher education and improving their social status in society is being intensified by means of TV and radio broadcasts on vocational education and training as well as by publication of relevant information and propaganda materials in periodicals.

In order to ensure further development of strategic partnership with employers and of vocational guidance of youth, the MoES held a consultative meeting 14 April 2009 on further development of strategic partnership with employers and improvement of staffing quality for Ukrainian economy branches. The meeting involved representatives of the All-Ukrainian Association of Employers, the Federation of Employers of Ukraine, the All-Ukrainian Association of Oblast Employers' Organisations in Telecommunications and Information Technologies, and sectoral associations of employers' organisations. Pursuant to the meeting's resolution, a working group was established to develop an Action Plan for improving efficiency of cooperation between educational institutions and employers for 2009-2012 (MoES Executive Order No. 71 of 15.05.2009). The plan envisages improvement of efficiency of vocational guidance for youth.

In pursuance of the Action Plan for implementation of the Concept of the state system of vocational guidance throughout 2011, approved by the Cabinet of Ministers of Ukraine Executive Order of 27 January 2010, No. 150-p, teachers and lecturers of vocational and higher education institutions carry out vocational guidance work with graduates of general educational institutions being persons with disabilities. Handicapped applicants and students are accompanied by management experts: a psychologist provides advice on vocational guidance and

assistance for correct choice of profession, a physician identifies needs for physical rehabilitation and medical support during study, and a social worker analyses needs for social support.

MoES has drafted the *Regulations on advanced training of pedagogical and scientific-pedagogical staff of higher educational institutions*. In cooperation with the Academy of Pedagogical Sciences of Ukraine, the ministry has developed a concept and programme of a study on the problem of choice of professions in demand in regions; an all-Ukrainian psychological and pedagogical experimental site for research on the profession choice problem has been organised.

Vocational guidance courses have been integrated in the study process in general educational institutions since 2008/2009 study year.

Vocational guidance of persons with disabilities is provided according to the state programmes approved by the Cabinet of Ministers of Ukraine Resolutions No. 1686 of 8.12.2006 *On the approval of the State Model Programme for rehabilitation of persons with disabilities*, and No. 716 of 12.05.2007 *On the approval of the State Programme for development of the system of rehabilitation and labour employment of physically handicapped, mentally ill and mentally deficient for the period until 2011*.

According to Article 9, Law of Ukraine on the Employment of the Population, individuals applying to the public employment service as job-seekers shall have the right to free vocational guidance, consulting, training, retraining, and obtaining of relevant information in order to choose an occupation, profession, place of employment, or working schedule.

For the purpose of prevention of unemployment among youth, orientation on labour market needs, and development of motivation to work and conscious approaches to professional choice, the Board of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment issued Resolution No. 8 of 19.12.2007 to approve *the Programme of the public employment service – the executive directorate of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment concerning vocational guidance of youth for 2008-2013*.

Vocational guidance measures are included in all territorial employment programmes. In some oblasts, regional vocational guidance programmes were developed, providing for comprehensive systemic vocational guidance work, creation of conditions for professional self-determination and realisation of ability for work of all population groups, and improvement of the population's competitiveness in the labour market.

The numerous target groups receiving vocational guidance services from the public employment service include pupils/students and graduates of various educational institution types, particularly children with special needs and their parents; orphan children and children deprived of parental care; young persons who worked illegally or are registered with law-enforcement bodies; young persons having no profession or no complete general secondary education; young mothers and pregnant women; persons with disabilities, members of unemployed families, convicts, and drug addicts.

Vocational guidance services are provided through group and mass vocational guidance events, individual vocational guidance consultations, and vocational selection.

Active employment promotion programmes are implemented for unemployed population, and new forms of vocational guidance work are introduced. Various activities are conducted, aiming at familiarisation with the labour market and high-demand professions, guidance to business and self-employment, organisation of rural green tourism, teaching of efficient agriculture management, job search techniques, prevention of illegal labour migration and human trafficking. Social partners and community organisations are involved in this work.

In order to speed up adaptation to labour market requirements and occupational integration of persons with disabilities into society, the public employment service provides a full package of social services, particularly vocational guidance.

About 90% of people with disabilities who applied to the public employment service were rendered various vocational guidance services. In order to identify professional suitability to certain professional activities, all persons with disabilities were rendered individual services on vocational guidance prior to being referred to vocational training. At the client's will, such services are provided using psychodiagnostic methods.

On-site vocational guidance services are organised for persons with disabilities, particularly pupils at their place of study.

In order to bring vocational guidance services closer to the population, the public employment service organized in 2008-2010 the work of mobile vocational guidance centres and mobile vocational consulting posts, and intensified on-site services to the population (at the place of residence) and to pupils/students (at the place of study). Work of 233 mobile employment centres and 115 mobile vocational guidance centres was ensured.

Overall, vocational guidance services were received from the public employment service by: more than 3,271 thousand persons in 2007; more than 3,740 thousand persons in 2008; more than 3,461 thousand persons in 2009; and more than 3,831 thousand persons in 2010.

The public employment service pays great attention to proactive vocational guidance work among young people, particularly educational institution pupils/students, aimed at guiding young citizens to competitive professions and intensifying their economic activity.

In its work with youth, the public employment service applies modern forms of vocational guidance work aimed at activating the young person's cognition and motivation, enhancing his/her awareness in the world of professions, and increasing its motivation to work. These include comprehensive mass events (actions, marathons, profession festivals); training and educational activities (unconventional lessons, workshops, trainings, etc.); interactive events (disputes, discussions, conference, forums, idea auctions, etc.); all-Ukrainian vocational-guidance competition-motivating events of playing and entertaining nature

(tournaments, quizzes, vocational guidance games and shows, etc.); youth clubs and centres, mobile consulting posts. Besides, volunteer movement has been initiated.

Since 2008, the public employment service has implemented an innovative project for introduction of the Vocational Guidance Terminal software and hardware suites in general education institutions, boarding schools for orphan children and children with disabilities as well as in penal colonies for minors (almost 8,000 terminals installed during 2008-2010). The project is realised under the slogan *Live and Work in Ukraine*. The terminals are used in vocational guidance activities, professional choice lessons for pupils, information events for parents, and methodological workshops for teachers.

Together with the Ministry of Education and Science of Ukraine the State Employment Service for the second year in a row is implementing a project “The Pupil’s Vocational Guidance Business Diary”. More than 411 thousand schoolchildren of 7-9 forms of rural schools received the diary in the 2010/2011 study year.

Due to the deployment of the large-scale awareness-raising campaign among pupils and students, vocational guidance covered more than 919 thousand persons studying in various educational institution types in 2007, more than 1,143 thousand in 2008, more than 1,132 thousand in 2009, and more than 1,598 thousand in 2010.

In order to ensure as greatest as possible coverage with vocational guidance services of the graduates of general education institutions who are not employed and not studying, all regions created databanks on such graduates, and organized work to attract them to vocational guidance services offered by employment centres and to direct them to choose high-demand professions.

Due to purposeful work on vocational guidance of youth, coverage of graduating form pupils of general education institutions with the public employment service’s vocational guidance services has been going up during recent years and has already exceeded 81%.

For the 2007/2008- 2008/2009- 2009/2010 school years more than 69 thousand vocational guidance activities have been carried out with graduating form pupils of general education institutions, covering more than 2 million pupils, including more than 25 thousand children with disabilities.

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

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Information to be submitted

Article 10§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

General legal framework

- Law of Ukraine on Vocational and Technical Education, 10.02.1998, No. 103/98;
- Law of Ukraine on Higher Education, 17.01.2002, No. 2984-III;
- „Law of Ukraine on Granting First Job to Young People with HE Degree or Vocational Education, with Provision of Subsidy to the Employer, 4.11.2004, No. 2150-IV;
- Law on Promotion Social Formation and Development of Youth in Ukraine, 04.11.2004, No. 2150-IV;
- Decree of the President of Ukraine *On the basic directions of reforming the vocational and technical education in Ukraine*, 8.05.1996, No. 322/96;
- International Covenant on Economic, Social and Cultural Rights (ratified on 12.11.1973);
- ILO Convention concerning No. 142 on Human Resources, 1957 (ratified on 3.05.1979);
- Order of the Cabinet of Ministers of Ukraine *On the approval of the Concept of the State Targeted Programme for development of vocational and technical education for 2011-2015*, 27.08.2010, No. 1723-p;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the State Targeted Programme for development of vocational and technical education for 2011-2015*, 13.04.2011 No. 495.

Vocational and technical education

According to the Law of Ukraine on Vocational and Technical Education, the system of vocational and technical education consists of vocational and technical training institutions regardless of their forms of ownership and subordination, which are engaged in activities in the field of vocational and technical education, as well as educational methodological, scientific methodological, scientific, training and working, training and commercial, publishing and printing, cultural and educational, physical training and health-improving, computing and other enterprises, institutions, organisations and their management bodies, which carry out or ensure training of skilled workers.

Ukrainian citizens have equal rights to vocational and technical education according to their abilities and aptitudes.

Vocational and technical education is acquired by Ukrainian citizens in state-owned and municipal vocational and technical training institutions free of charge, at the expense of the State; and in state-owned and municipal accredited higher vocational and technical training schools and vocational education centres – free of charge, on the competitive basis.

Foreigners and stateless persons lawfully staying in Ukraine enjoy the right to vocational and technical education on equal terms with Ukrainian citizens.

Other foreigners pay for their education unless otherwise provided for by laws or international treaties of Ukraine.

Persons having basic general secondary education may acquire complete general secondary education, simultaneously with obtaining a profession, in a vocational and technical training institution or in other training institution.

Persons who are not able, for health reasons, family circumstances, or for other reasonable excuses, acquire complete general secondary education simultaneously with obtaining a profession or who do not have basic general secondary education, and persons in need of social assistance and rehabilitation may acquire worker qualification in professions the list of which is provided by the Cabinet of Ministers of Ukraine.

Any graduate of a vocational and technical training institution who was successfully certified in qualification is assigned the 'skilled worker' educational and qualification level with a relevant grade (category) in the acquired profession.

Any graduate who completed a relevant training course in an accredited higher vocational school or a vocational and technical education centre having a certain accreditation level may be assigned the 'junior specialist' educational and qualification level.

Any graduate of a vocational and technical training institution who was assigned the 'skilled worker' educational and qualification level is issued a diploma a specimen of which is approved by the Cabinet of Ministers of Ukraine.

Any graduate of a vocational and technical training institution who acquired complete general secondary education is issued a relevant certificate of secondary education in the established standard form.

Any person who completed the vocational and technical training course and was successfully certified in qualification is issued a certificate on assignment or improvement of worker qualification, a specimen of which is approved by the Cabinet of Ministers of Ukraine.

Any graduate of a higher vocational school or a vocational and technical education centre having been assigned the 'junior specialist' qualification, is issued a diploma a specimen of which is approved by the Cabinet of Ministers of Ukraine.

Vocational and technical education is provided in vocational and technical training institutions in the full-time, evening (shift), on-site and off-site, distance or external modes of study, on the off-the-job or on-the-job basis, and based on individual curricula.

Types of vocational and technical training institutions:

- vocational and technical school in the appropriate field;
- vocational school of social rehabilitation;
- higher vocational school;
- vocational lyceum;
- vocational lyceum in the appropriate field;
- vocational art school;
- vocational and technical art school;
- higher vocational and technical art school;

- agricultural firm school;
- higher agricultural firm school;
- plant school;
- vocational and technical education centre;
- vocational education centre;
- production and training centre;
- worker training and retraining centre;
- training course facility;
- training centre;
- other types of training facilities providing vocational and technical education or conducting vocational and technical training.

The state standard of vocational and technical education is a set of state requirements to the content of vocational and technical education, the qualification level of a graduate of a vocational and technical training institution, basic mandatory teaching aids, and educational attainment of entrants. It is developed by the specially designated central executive authority responsible for vocational and technical education and approved by the Cabinet of Ministers of Ukraine.

State standards of vocational and technical education include:

- a graduate's educational and qualification profile;
- model curricula for skilled worker training;
- model training programmes on training subjects provided for by curricula, and on vocational and practical training;
- list of basic mandatory teaching aids;
- system for testing of knowledge, competences and skills of pupils and students, and criteria of their certification in qualification.

The state list of professions for skilled worker training in vocational and technical training institutions is developed by the specially designated central executive authority responsible for vocational and technical education and approved by the Cabinet of Ministers of Ukraine.

State standards for specific professions are developed and approved by the specially designated central executive authority responsible for vocational and technical education as agreed upon with the by a specially designated central executive authority responsible for labour and social policy.

In addition to the rights envisaged by the Law of Ukraine on Education, a pupil/student of a vocational and technical training institution has the right to:

- proper conditions for training in the chosen profession;
- material security during the period of training on the terms and according to the procedure set forth by the Cabinet of Ministers of Ukraine;
- training for a profession based on an individual programme;
- free use of the training institution's training and production, cultural and sporting, domestic and health-improving facilities;

- pecuniary aid;
- labour remuneration during industrial training and practice according to law;
- free medical services, use of the means of medical treatment, disease prevention and health promotion;
- weekly rest and vacation during and after the academic year;
- free acquisition of some other profession in case of a disease that prevents the person from continuing study in the chosen profession;
- travel privilege according to the procedure set forth by the Cabinet of Ministers of Ukraine.

The period of study in a vocational and technical training institution is included in the pupil/student's service record, including continuous service and occupation service record, which entitles the pupil/student to privileges established for a corresponding worker category, provided that the break between the study completing date and the date of hiring in the obtained profession is not longer than three months.

Graduates of full-time vocational and technical training institutions, who have studied for 10 or more months, are granted a paid leave by the enterprise, institution or organisation during the first three months of work there. Duration of the annual basic leave for graduates under 18 years of age is 31 calendar days. Duration of the annual basic leave for graduates above 18 years of age is established according to the duration fixed at the enterprise for workers of the corresponding profession, specialty and position.

For graduates who have studied on the full-time basis for less than 10 months, the period of study is included in the service record entitling them to an annual basic leave.

The State guarantees to graduates of a vocational and technical training institution, who studied according to the government order, provision of the first job according to an acquired profession as per legislation (*young persons are provided with the first job, with granting a subsidy to the employer, by the public employment service*).

Other matters of social protection of a pupil/student of a vocational and technical training institution are regulated by legislation.

Enterprises, institutions and organisations, regardless of their form of ownership, are required to provide pupils/students of vocational and technical training institutions with paid jobs or industrial training areas for industrial training or work practice. Managers of enterprises, institutions and organisations are responsible for providing proper working conditions and labour remuneration for pupils/students in production, and for complying with occupational safety and health rules and regulations.

During on-the-job industrial training and work practice, pupils/students of vocational and technical training institutions perform works according to their curricula and training programmes.

Enterprises, institutions and organisations being customers of training of skilled workers are required, as per agreements entered into, to: transfer funds for reinforcement of the production training base; transfer premises, buildings, equipment, machines, tools, materials, energy carriers, scientific and technical information, new production technologies etc. to vocational and technical training institutions for training purposes free of charge; provide consultative technical and technological assistance; provide opportunities for production training of teachers, vocational training masters and instructors; carry out work of vocational guidance of youth.

The Cabinet of Ministers of Ukraine Resolution No. 784 of 27 August 2010 approved *the Procedure for job placement of graduates of vocational and technical training institutions who were trained to the state order*. The Procedure envisages introduction of contractual principles, namely: conclusion of a bilateral agreement between a vocational and technical training institution and an employer, with involvement of the regional body of the Ministry of Social Policy, and conclusion, based thereon, of a multilateral agreement on provision of high-quality vocational education directly between an employer, a graduate, and a third party being the vocational and technical training institution.

The Cabinet of Ministers of Ukraine Resolution No. 770 of 27 August 2010 *On amending the Procedure of providing jobs for production training and work practice of pupils and students of vocational and technical training institutions* improved the mechanism of pupils' paid production training and work practice.

The above-mentioned amendments provide for a more specific practice payment system, particularly payment for scope of work actually done, and envisage organisation and conduct of work practice directly in training workshops with subsequent practical probation.

The outdated Model Staff Schedule has been revised, and new Model Staff Standards for vocational and technical training institutions have been approved (Order by the Ministry of Education and Science No. 1204 of 6.12.2010).

In order to provide favourable conditions for high-quality training of workers according to priorities of the state socioeconomic policy aimed at meeting the needs of a personality, society and the State, as well as ensuring equal access to vocational and technical education, the Executive Order by the Cabinet of Ministers of Ukraine No. 1723-p of 27.08.2010 approved the Concept of the State Targeted Programme for development of vocational and technical education for 2011-2015 (hereinafter referred to as the Programme).

The Programme envisages, inter alia: creation of an efficient and flexible system of worker training oriented at the country's socioeconomic development (job placement of no less than 90% of graduates of vocational and technical training institutions in worker professions); introduction of 300 state standards of vocational and technical education; a stronger role for local executive authorities and local governments in the working potential formation, which would allow the needs of regional labour markets to be considered as much as possible; development of social partnership; consolidation of efforts of central and local

executive authorities and local governments, educational institutions, employers, scientists, and public associations.

In order to address the problem of providing branches of economy with skilled workers, the Resolution by the Cabinet of Ministers of Ukraine No. 495 of 13.04.2011 approved the State Targeted Programme for development of vocational and technical education for 2011-2015.

Vocational and technical training institutions

	Number of institutions	Number of pupils, thousand	Pupils enrolled, thousand	Skilled workers trained (graduated), thousand
2007	1022	454.4	299.2	285.1
2008	1018	443.6	288.1	269.6
2009	975	424.3	249.9	239.4
2010	976	433.5	282.9	247.4

* © State Statistics Service of Ukraine

Total spending on vocational and technical training			
thousand UAH			
Years	Approved in the annual state budget	Financed from the annual state budget	Difference
2007	1885096.9	1885096.9	0
2008	2670502.8	2669174.61	1328.19
2009	2950390.2	2949870.2	520
2010	3726031.9	3725559.9	472

Teaching staff of vocational and technical training institutions		
Years	Number of institutions	Number of teaching staff, thousand
2007	1022	52.1
2008	1018	51.1
2009	975	57.8
2010	976	49.9

Higher education

According to the Law of Ukraine on Higher Education, the system of higher education consists of: higher educational institutions of all forms of ownership; other legal persons providing educational services in the field of higher education; bodies providing management in the field of higher education.

Types of higher educational institutions:

- university (traditional and field-specific (technical, technological, economic, pedagogical, medical, agrarian, artistic, culturological, etc.) universities can be established) – IV accreditation level;
- academia – IV accreditation level;
- institute – III-IV accreditation level;
- conservatory (musical academy) – III-IV accreditation level;
- college – II accreditation level;
- technical college (technical school) – I accreditation level.

Ukrainian citizens have the right to acquire higher education free of charge in state and municipal higher education institutions on the competitive basis within the framework of higher education standards if the citizen acquires a certain educational and qualification level for the first time. They are free to choose a form of higher education, a higher educational institution, study area, and specialisation.

Foreigners and stateless persons lawfully staying in Ukraine have the right to acquire higher education, except for the right to acquire higher education at the expense of the State Budget of Ukraine or local budgets unless otherwise specified in the international treaties agreed to by the Verkhovna Rada of Ukraine as binding.

Persons studying in higher educational institutions have the right, inter alia, to:

- safe and harmless conditions of learning, work and life;
- labour activities in extracurricular hours;
- an additional paid leave at the principal place of employment due to learning, reduced working hours, and other privileges provided for by legislation for persons combining work and learning;
- submit proposals concerning conditions and amounts of payment for learning;
- participation in citizens' associations;
- protection against any forms of exploitation, physical and psychological violence;
- vacation leave for at least eight calendar weeks.

Students of higher educational institutions studying on the full-time (intramural) basis have the right to travel privilege in transport as well as to be

provided with a hostel according to the procedures established by the Cabinet of Ministers of Ukraine.

Students of higher educational institutions have the right to grants assigned by the legal and natural persons who sent them to study as well as to other grants according to legislation.

Graduates of higher educational institutions are free to choose their place of employment.

The graduate of a higher educational institution who studied according to the government order and who was assigned the qualification of a specialist with higher education of a certain educational and qualification level is placed in a job pursuant to a job referral based on the agreement entered into between the customer, the higher educational institution head, and the graduate.

If a graduate of a higher educational institution studied at a third party's expense, he is placed in a job according to the agreement concluded between them.

Higher educational institutions

(as of study year beginning)

	Number of institutions:		Number of students (thousand) in institutions:	
	I-II accreditation levels	III-IV accreditation levels	I-II accreditation levels	III-IV accreditation levels
2006/07	570	350	468.0	2318.6
2007/08	553	351	441.3	2372.5
2008/09	528	353	399.3	2364.5
2009/10	511	350	354.2	2245.2
2010/11	505	349	361.5	2129.8

(as of study year beginning)

	Students enrolled, thousand		Випущено фахівців, тис.		Postgraduate students*	Doctoral students*
	I-II accreditation levels	III-IV accreditation levels	I-II accreditation levels	III-IV accreditation levels		
2006/07	151.2	507.7	137.9	413.6	31293	1373
2007/08	142.5	491.2	134.3	468.4	32497	1418
2008/09	114.4	425.2	118.1	505.2	33344	1476
2009/10	93.4	370.5	114.8	527.3	34115	1463
2010/11	129.1	392.0	111.0	543.7	34653	1561

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According to the Law on Promoting Social Realisation and Development of Youth in Ukraine, the State provides able-bodied young persons with the first job for no less than two years upon graduation or termination of study in general education, vocational and technical or higher educational institutions, upon completion of vocational training and retraining, as well as upon retirement from compulsory military or alternative (non-military) service. The two-year term of the first job is counted including the young person's period of work prior to conscription to compulsory military or alternative (non-military) service.

Young persons applying to the public employment service as job-seekers are

provided with free information and vocational consultation in order to choose an occupation, profession and place of employment, and, as necessary, undergo vocational training and retraining.

The State promotes establishment of youth labour centres as well as youth community organisations (agencies, exchanges, bureaus, etc.) to ensure job placement of youth, implementation of vocational training programmes for youth, and improvement of young people's workmanship. Model regulations on youth labour centres are approved by the Cabinet of Ministers of Ukraine.

The job quota for placement of youth is specified by local executive authorities and local governments within the limits set by the Law of Ukraine on the Employment of the Population. Job placement of young persons with disabilities is done within the job quotas for placement of persons with disabilities specified according to the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

In case of refusal to hire young persons within the established job quota, enterprises, institutions and organisations are charged with a fine equal to fifty times the non-taxable minimal income for each case of refusal. These funds are transferred to the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment and used to provide subsidies to employers for the creation of additional jobs for young persons and for their vocational training and retraining.

The public employment service, in cooperation with executive authorities and centres of social services for family, children and youth, provides assistance to full-time pupils, students and postgraduates in job placement for work on the extracurricular basis.

The State provides conditions for secondary employment of youth.

Given an appropriate authorisation from the public employment service, the youth labour centres operating pursuant to the Model Regulations and youth community organisations (agencies, exchanges, bureaus, etc.) promote job placement of young persons, including pupils, students and postgraduates, for work on the extracurricular basis, and provide services related to vocational guidance and training to work in a new profession.

The public employment service provides local executive authorities, local governments, youth labour centres, and centres of social services for family, children and youth, information on free jobs (vacant positions) available, including those intended for placement of persons with disabilities.

The State contributes to activities of youth work detachments. They may be founded by executive authorities, local governments, youth community organisations, general education institutions, vocational and technical and higher education institutions, or youth work detachments. The Model Regulations on youth work detachments are approved by the Cabinet of Ministers of Ukraine.

The State guarantees provision of jobs according to the specialty for no less than three years to young specialists graduated from state-owned vocational and technical and higher educational institutions the demand for which was specified by the government order.

People with disabilities

The State guarantees vocational and technical education to persons with disabilities at a level meeting their faculties and capabilities. All other conditions being equal, persons with disabilities have the priority right to be enrolled at vocational and technical training institutions.

Vocational training or retraining of persons with disabilities is provided at the expense of the state budget within the limit of the government order, subject to medical indications and counter-indications for subsequent labour activities. Forms and methods of vocational training are chosen according to opinions of medico-social examination commission specialists.

In vocational training of persons with disabilities, alternative forms of training are allowed along with traditional ones.

Pensions and stipends are paid to persons with disabilities during the study period in full amount.

Graduates being persons with disabilities are placed in jobs according to legislation.

To ensure specialised training of persons with disabilities in higher educational institutions according to the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine and pursuant to the Terms and Conditions of Enrollment at Higher Educational Institutions of Ukraine approved by the MoES Order No. 961 of 19 October 2010, a number of guarantees and privileges is envisaged for persons with disabilities in acquisition of higher education in educational institutions, namely:

- persons with I-II group disabilities and children with disabilities under 18, who have no counter-indications for study in the chosen specialisation, are enrolled at higher educational institutions out of competition subject to their receiving positive grades;

- as recommended by health care and social protection authorities, the admission committee considers possible enrollment of persons with disabilities, unable to attend an educational institution, at higher educational institutions over and above the government order based on interview results with granting the right to study at the place of residence, as well as creates conditions for external completion of the training course by the above-mentioned persons;

- all other conditions being equal, the priority right to be enrolled at higher educational institutions of I-IV accreditation levels is granted to persons with disabilities and children from poor families who have the following:

- both parents are persons with disabilities;
- one of the parents is a person with disability, and another one has died;
- single mother with disability;
- father with disability who brings up a child without mother.

Besides:

- according to Section 5 of the Law of Ukraine on the Status and Social Protection of Persons Affected by the Chernobyl Accident, persons with disabilities affected by the Chernobyl accident are enrolled at higher educational

institutions out of competition;

- according to the Law of Ukraine on Leaves, individual training programmes for study of persons with disabilities in higher educational institutions have been developed, with their use of annual basic leaves during the study year taken into account;

- working persons with disabilities are allowed to study according to individual schedules, may be assigned scholarships and enhanced stipends, and may be granted the right to study in the world's leading universities;

- during study of persons with disabilities in higher educational institutions, they are paid pensions and stipends in full as well as additional pecuniary aid.

Upon graduation from an educational institution, persons with disabilities are entitled to choose a place of employment out of available options or granted, at their will, free job placement.

Conditions of enrollment to higher educational institutions envisage that, as recommended by health care and social protection authorities, the admission committee considers possible enrollment of persons with disabilities, unable to attend an educational institution, at higher educational institutions over and above the government order based on interview results with granting the right to study at the place of residence, as well as creates conditions for external completion of the training course by the above-mentioned persons.

Number of students with disabilities having studied (studying) in higher educational institutions

As of study year beginning	I-II accreditation level higher educational institutions	III-IV accreditation level higher educational institutions
2006/2007	3532 persons	7032 persons
2007/2008	3947 persons	8315 persons
2008/2009	4167 persons	9266 persons
2009/2010	4169 persons	12446 persons

Article 10§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how

the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

General legal framework

- Law of Ukraine on Vocational and Technical Education, 10.02.1998, No. 103/98;
- Law of Ukraine on General Secondary Education, 13.05.1999, No. 651-XIV;
- Order of the Ministry of Education of Ukraine, 30.11.1993, No. 430 *On approval of the Regulations on an inter-school production and training combined facility.*

According to Article 9 “Types of general educational and other training institutions in the general secondary education system” of the Law of Ukraine on General Secondary Education, other training institutions of the general secondary education system include, in particular, an inter-school training and production facility – a training institution for meeting the needs of general educational institution pupils for vocational guidance, pre-vocational and vocational training,

The basic activity of inter-school training and production facilities consists of coordination of vocational guidance and methodological work on labour nurturing and training in general education schools. Besides, they are a centre for labour training of general education school pupils.

At present, 234 inter-school training and production facilities (ITPF), with 91,185 pupils, are operating in Ukraine. This year, 21,131 pupils of 11(12) forms have passed qualification examinations.

To coordinate the work of inter-school training and production facilities, a coordinating council of ITPF directors has been established. In addition to exploring and disseminating experience of ITPF work, the coordinating council coordinates the development and implementation of new curricula and specialist training programmes, preparation, approval and implementation of state final certification tasks for the technological profile, vocational guidance, development of training manuals, and preparation of regulatory documents concerning ITPF activities.

Programmes for specialist training in the following specialisation areas are being implemented on the ITPF facilities: agricultural production, construction, sewing, design basics, cookery, wood processing, metal working, technical design, Ukrainian folk embroidery, etc.

The facilities invite senior pupils, within the technological profile framework, to receive initial vocational education in the following professions: category B

vehicle driver, category C vehicle drive, waiter, construction joiner, personal assistant, typesetting operator, locksmith, woodcarver, elm carver, hairdresser, seamstress, cashier, shop assistant, manicurist, plasterer, and embroiderer.

The senior pupils who chose a non-technological training profile may receive training on the ITPF basis in the following optional courses: basics of programming, web design, Internet basics, business Ukrainian and English languages, basics of European-style repair, computer engineering, business plan writing, modern clothing modeling and production, etc.

Leading positions in Ukraine are occupied by the following ITPFs: Stepanivka ITPF (Chernihiv oblast), Ternivka ITPF (Zakarpattia oblast), Kyiv Sviatoshyn ITPF (Kyiv), Brovary training and education centre for creativity of youth, Pavlohrad ITPF (Dnipropetrovsk oblast), and Novoyavoriv ITPF (Lviv oblast).

Article 10§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

General legal framework

- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Law of Ukraine on General Mandatory State Social Insurance against Unemployment, 02.03.2000, No. 1533-III;
- Order of the Ministry of Labour and Social Policy of Ukraine and the Ministry of Education and Science of Ukraine No. 53/59 of 13.02.2001 *On approval of the Regulations on the procedure for provision of vocational training, retraining or advanced training services by the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment*

The procedure for provision of vocational training, retraining and advanced training services is governed by the Regulations on the procedure for provision of vocational training, retraining or advanced training services by the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment, approved by the Order of the Ministry of Labour and Social Policy of Ukraine and the Ministry of Education and Science of Ukraine No. 53/59 of 13.02.2001.

Vocational training of the unemployed is organised by the public employment service subject to their consent according to the labour market needs, and in case of such training of persons with disabilities registered with the public employment service – according to the medico-social examination commission's (MSEC's) recommendations, in vocational and technical and higher educational institutions, including in the public employment service's training institutions, at enterprises, in institutions or organisations regardless of their form of ownership or departmental subordination, provided they have licences to provide education services, except for cases envisaged by legislation. If a person with disabilities needs special conditions for vocational training with account of individual rehabilitation programmes and accommodated studying seats, the public employment service organises training in the training institutions, enterprises or organisations where proper conditions have been created for that purpose.

The public employment service organises vocational training of insured persons as well as uninsured ones seeking a job for the first time, and other uninsured persons provided that they are registered in due course as unemployed, subject to their consent, in cases provided for by legislation in force.

Vocational training of the unemployed is provided with account of the labour market needs and regional development prospects, including for doing business, which is stipulated in an appropriate agreement between the person and the local employment centre.

Vocational training of the unemployed is provided in the following forms:

- primary vocational training of workers: acquisition of vocational and technical education by a person who had no worker profession or specialty ensuring a proper level of professional qualification necessary for productive work before;
- retraining of workers – vocational and educational training aimed at mastering of some other profession by workers who acquired primary vocational training before;
- retraining of specialists – acquisition of a new specialty, profession or qualification based on the previously acquired education and practical work experience, without improvement of the educational and qualification level;
- advanced training of workers and specialists with higher education – enhancement and deepening of previously acquired knowledge, competences and skills in a previously acquired profession (specialty), mastering of new equipment or technology;
- work placement – a kind of advanced training of workers and specialists with higher education in order for them to learn best domestic or international

experience, acquire practical competences and skills for performance of duties in the position held or in a position aspired to by the unemployed person. Work placement is conducted in economic entities or at a training institution;

- specialisation of specialists with higher education – acquisition by a person of abilities for performing certain specific tasks and duties within the scope of a specialty;

- targeted courses – a form of advanced training for workers in order for them to learn new equipment, products, goods, materials, services, modern production processes, means of mechanisation and automation used in industry, rules and requirements of their safe operation, technical documentation, efficient labour organisation methods, economic issues, regulatory legal acts, etc.

The unemployed persons in need of vocational training are granted vocational guidance services to identify their professional interests, compliance with professional requirements and professional suitability.

The unemployed persons referred by the public employment service to training institutions for vocational training enter into relevant agreements with the employment centres they are registered with, and are issued referrals to training.

The vocational training period for the unemployed is determined by curricula. The Fund's Executive Directorate does not send unemployed persons for training at the Fund's expense for professions or specialties that require more than a 12-month training period.

The vocational training period for the unemployed, specified in model curricula, can be extended by the time necessary to learn the additional courses introduced in working curricula upon the Fund's Executive Directorate's recommendation.

If unemployed persons undergo vocational training according to innovative flexible technologies of modular training, the training period may be reduced as students master training programmes.

Vocational training of the unemployed in worker professions is organised in training institutions and at enterprises, including in the form of course or individual training.

Vocational training of the unemployed according to individual curricula and training programmes is provided according to requirements of state standards directly at a workplace in a training institution and at an enterprise in worker professions that are in demand and mainly subject to a job placement guarantee.

Upon completion of the full training course according to corresponding curricula and training programmes, students receive documents in the established standard form:

- in case of training or retraining of the unemployed in worker professions – a state-recognised certificate of assignment (improvement) of the worker qualification;

- upon retraining of specialists with higher education – a state-recognised degree certificate the junior specialist, bachelor or specialist with assignment of qualification;

- in case of advanced training – a state-recognised certificate of advanced

training, certificate or reference.

The unemployed person's vocational training period is included in his/her service record. A relevant entry on the training period is made in the person's work record book (if any) in due course.

Vocational training of the unemployed, except persons with disabilities registered with the public employment service, being uninsured is provided at the Fund's expense within the approved budget.

The list of expenditures related to vocational training of the unemployed, including in the public employment service's training institutions, covered at the Fund's expense is specified by the Fund's Board.

Vocational training of persons with disabilities registered with the public employment service who are uninsured is provided at the expense of the Fund for Persons with Disabilities within its budget of revenue and spending for such purposes.

Article 4, Law of Ukraine on the Employment of the Population envisages the right to free training of the unemployed in new professions, retraining in educational institutions or in the public employment service system with payment of pecuniary aid. Besides, according to Article 9 of the same Law, individuals have the right to vocational consulting, training, retraining, and obtaining of relevant information in the field of employment.

Article 7, Law of Ukraine on General Mandatory State Social Insurance against Unemployment provides for social services, including vocational training or retraining, and advanced training in the public employment service's vocational and technical training institutions, at enterprises, and in institutions or organisations.

Efficiency of the unemployed persons' vocational training is ensured by organisation of vocational training, retraining or advanced training in professions and specialties of demand in the labour market:

- the number of unemployed individuals undergoing vocational training by referral from the public employment service was 229.4 thousand in 2007. Upon completion of vocational training, 158.5 thousand persons were placed in a job as of the year end, that being 75.7% of those who completed training;

- the number of unemployed individuals undergoing vocational training by referral from the public employment service was 245.2 thousand in 2008. Upon completion of vocational training, 172.9 thousand persons were placed in a job as of the year end, that being 76.1% of those who completed training;

- the number of unemployed individuals undergoing vocational training by referral from the public employment service was 157.1 thousand in 2009. Upon completion of vocational training, 122.5 thousand persons were placed in a job as of the year end, that being 75.5% of those who completed training;

- the number of unemployed individuals undergoing vocational training by referral from the public employment service was 203.3 thousand in 2010. Upon completion of vocational training, 151.4 thousand persons were placed in a job as of the year end, that being 85.19 of those who completed training.

According to the Law of Ukraine on General Mandatory State Social Insurance against Unemployment (Article 7-1), when an insurance risk arises, the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment may take measures aimed at preventing occurrence of insurance risks, within the limit of the resources provided for by the Fund's budget for such purposes.

The preventive measures include:

- funding of an employer's expenses incurred on labour remuneration of the workers temporarily transferred, by their agreement, to some other job (up to 6 months during a year) to prevent release, provided they retain their principal place of employment;

- funding of an employer's expenses incurred on vocational retraining or advanced training of the workers at risk of release because of reorganisation or conversion of the enterprise or because of temporary suspension of production, provided they retain their principal place of employment;

- other preventive measures identified by the Fund's Board.

The implementation procedure of preventive measures aimed at preventing insured events from occurring is approved by the Board of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment as agreed upon with the central executive authority responsible for labour and social policy.

Article 10§4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

The public employment service implements a number of measures to prevent long-term unemployment; first of all, it conducts job fairs, presentations of professions for job-seekers, job search technique seminars, teaching on interview with employers, preparation of CV, etc.

For persons who did not work for a long time and lost their professional competences and skills, advanced training is organised according to programmes aimed at study of new technologies in production, services, etc.

For unemployed individuals having no profession in demand at the labour market, retraining is organised according to programmes allowing them to obtain a

new profession required by an employer.

In particular, the following numbers of persons were retrained as referred by the public employment service:

- 41.9 thousand in 2007;
- 29.2 thousand in 2008;
- 22.1 thousand in 2009;
- 19.9 thousand in 2010.

Article 10§5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: whether the vocation training is provided free of charge or that fees are reduced; existing system for providing financial assistance (allowances, grants, loans, etc.); measures taken to include time spent on training taken by workers in the normal working hours; supervision and evaluation measures taken in consultation with social partners to ensure the efficiency of apprenticeship for young workers.

General legal framework

- Law of Ukraine on General Mandatory State Social Insurance against Unemployment, 02.03.2000, No. 1533-III

According to the Law of Ukraine on General Mandatory State Social Insurance against Unemployment (Article 7), when an insured risk arises, the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment may take measures aimed at preventing insured events from occurring, within the resources envisaged in the Fund's budget for such purposes.

The preventive measures include:

- funding of an employer's expenses incurred on labour remuneration of the workers temporarily transferred, by their agreement, to some other job (up to 6 months during a year) to prevent release, provided they retain their principal place of employment;
- funding of an employer's expenses incurred on vocational retraining or advanced training of the workers at risk of release because of reorganisation or conversion of the enterprise or because of temporary suspension of production,

provided they retain their principal place of employment;

- other preventive measures identified by the Fund's Board.

The implementation procedure of preventive measures aimed at preventing insured events from occurring is approved by the Board of the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment as agreed upon with the central executive authority responsible for labour and social policy.

According to Article 27 of the above-mentioned Law, insured persons are paid a pecuniary aid during the period of their vocational training, retraining or advanced training upon the public employment service's referral, according to the terms of unemployment benefit provision and at the rate envisaged in Articles 22 and 23 of the Law, and the aid is not subject to decrease.

The pecuniary aid is paid from the first day of training. The aid payment period is included in the total duration of unemployment benefit payment and may not exceed the latter period.

The procedure of pecuniary aid provision during the period of an unemployed person's vocational training, retraining or advanced training is established by the specially designated central executive authority responsible for labour and social policy as agreed upon with the Fund's Board.

According to Article 33 of the Law, pecuniary aid during the period of vocational training, retraining or advanced training of uninsured persons registered in due course with the public employment service is paid in the amount equal to unemployment benefit. The payment period of this pecuniary aid is included in the total duration of unemployment benefit payment and may not exceed the latter period.

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

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Information to be submitted

Article 15§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, 21.03.1991, No. 875-XII;
- Law of Ukraine on Preschool Education, 11.07.2011, No. 2628-III;
- Law of Ukraine on Education, 23.05.1991, No. 1060-XII;
- Law of Ukraine on Vocational and Technical Education, 10.02.1998, No. 103/98;
- Law of Ukraine on Rehabilitation of Persons with Disabilities, 6.10.2005, No. 2961-IV;
- UN Convention on the Rights of Persons with Disabilities, ratified by the Law of Ukraine No. 1767-17, 16.12.2009;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the State Model Programme for rehabilitation of persons with disabilities*, 8.12.2006, No. 1866;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Procedure for organisation of inclusive schooling in general education institutions*, 15.08.2011, No. 872;
- Order of the Ministry of Education and Science of Ukraine *On approval of the Regulations on special classes for schooling of children with special educational needs in general education institutions*, 9.12.2010, No. 1224;
- Order of the Ministry of Labour and Social Policy of Ukraine *On approval of the Model Regulations on a centre for social rehabilitation of children with disabilities*, 13.02.2007, No. 48;
- Order of the Ministry of Labour and Social Policy of Ukraine *On approval of the Model Regulations on a centre for professional rehabilitation of persons with disabilities*, 9.10.2006, No. 372.

Total number of persons with disabilities in Ukraine was 2,709,982 as of 1 January 2011, including:

- persons with group I disabilities – 310,494;
- persons with group II disabilities – 1,078,721;
- persons with group III disabilities – 1,155,646;
- children with disabilities – 165,121.

Ukraine has a functioning regulatory legal framework that guarantees persons with disabilities the right to rehabilitation, to education, including professional rehabilitation, to vocational training, to labour, as well as corresponding privileges.

According to the Constitution of Ukraine (Article 53), everyone has the right to education. The State ensures accessible and free pre-school, complete general secondary, vocational and technical and higher education at the state-owned and municipal educational institutions; the development of pre-school, complete general secondary, extra-curricular, vocational and technical, higher and post-

graduate education in various forms of study. Citizens have the right to obtain free higher education at the state-owned and municipal educational institutions on a competitive basis.

According to Article 22, Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, in case of having passed entrance examinations (entrance tests) with a positive result, children with disabilities and persons with group I and II disabilities having no contraindication for studying in the chosen specialty are enrolled out of competition at higher educational institutions of I-IV accreditation levels, and children with disabilities and persons with disabilities having no contraindication for studying in the chosen profession (specialty) and specialisation are enrolled out of competition at vocational and technical training institutions.

All other conditions being equal, the priority right to be enrolled at higher educational institutions of I-IV accreditation levels is granted to persons with disabilities and children from poor families who have the following:

- both parents are persons with disabilities;
- one of the parents is a person with disability, and another one has died;
- single mother with disability;
- father with disability who brings up a child without mother.

During the study period, the above-mentioned citizen categories are paid stipends and pensions (state social aid to persons disabled from childhood and to children with disabilities) in full.

According to the above-mentioned Law, the Fund for Social Protection of Persons with Disabilities may provide financial aid to persons with disabilities at the expense of funds received as administrative and economic penalties by means of paying for the cost of their study and retraining at educational institutions or professional rehabilitation centres for persons with disabilities to acquire professions. Such aid was provided to 1899 persons in 2008, 2191 persons in 2009, and 2275 persons in 2010.

In order to ensure a timely, comprehensive and continuous rehabilitation process as well as to prevent aggravation of disability, overcome its consequences and strengthen independence of persons with disabilities, the Ministry of Labour and Social Policy established a network of rehabilitation institutions for children with disabilities.

Order by the Ministry of Labour and Social Policy of Ukraine No. 48 of 13.02.2007 approved the Model Regulations on a centre for social rehabilitation of children with disabilities.

The work of the centres for social rehabilitation of children with disabilities, there being 79 such centres within the system of the Ministry of Labour and Social Policy, aims at examining and maintaining family and social ties because for every child his/her family must be an environment for his/her functional socialisation and rehabilitation. Such facilities ensure generation of a child's confidence in his/her own abilities and create a mindset for active independent life.

For that purpose, the rehabilitation process includes vocational diagnostics and vocational guidance of an adolescent, and teaching him/her necessary working

skills and competences.

On average, about 18 thousand handicapped children are rendered rehabilitation services in such facilities during a year, of them 2 thousand are studying in labour workshops to acquire professional skills.

Every year, 1600 such children are integrated in general education institutions.

An important role in the context of vocational education and employment of persons with disabilities is played by professional rehabilitation of such persons. At present, there are 12 professional rehabilitation centres for persons with disabilities in Ukraine. The Model Regulations on such centres was approved by the Order of the Ministry of Labour and Social Policy of Ukraine No. 372 of 9.10.2006.

Vocational training, retraining or advanced training help persons with disabilities find an activity, most suitable to them, allowing them to realise their own capabilities.

Professional rehabilitation centres for persons with disabilities provide training in professions (specialties) according to the labour market needs and considering the persons' professional knowledge and skills, recommendations of the medico-social examination commission, and individual rehabilitation programmes.

In such conditions, a full package of social services on vocational guidance is rendered to handicapped persons according to recommendations of the medico-social examination commission and individual rehabilitation programmes, with account of the person's skills, knowledge, professional interests, aptitudes, abilities, and considering his/her wishes.

Besides, comprehensive rehabilitation programmes used in rehabilitation facilities include a variety of complementary measures promoting physical and psychological independence of persons with disabilities.

2008			2009			2010			H1 2011		
Number of centres	Number of professions (specialties)	Number of graduates	Number of centres	Number of professions (specialties)	Number of graduates	Number of centres	Number of professions (specialties)	Number of graduates	Number of centres	Number of professions (specialties)	Number of graduates
12	21	1998	12	58	2171	12	64	2076	12	64	1094

Professional rehabilitation of persons with disabilities is a means to achieve the key goal of ensuring optimal job placement.

Due to the establishment in 2008 of integral branches under professional rehabilitation centres for persons with disabilities, following the Austrian model,

the employment rate of graduates of such centres is progressively going up. At present, 38 socioeconomic (integral) branches operate under such institutions.

Article 15§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- UN Convention on the Rights of Persons with Disabilities, ratified by the Law of Ukraine No. 1767-17, 16.12.2009;
- Tax Code of Ukraine, 2.12.2010, No. 2755-VI;
- Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, 21.03.1991, No. 875-XII;
- Law of Ukraine on Rehabilitation of Persons with Disabilities, 6.10.2005, No. 2961-IV;
- Law of Ukraine on General Mandatory State Social Insurance against Unemployment, 02.03.2000, No. 1533-III;
- Law of Ukraine on the Employment of the Population, 01.03.1991, No. 03-XII;
- Law of Ukraine on Collection and Accounting of the Single Contribution for General Mandatory State Social Insurance, 8.07.2010, No. 2464-VI;
- Resolution of the Cabinet of Ministers of Ukraine *On the establishment of the Commission for activities of enterprises and organisations of public organisations of persons with disabilities*, 26.12.2000, No. 1888;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Model Regulations on a regional commission for activities of enterprises and organisations of public organisations of persons with disabilities in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol*, 6.06.2001, No. 637;
- Resolution of the Cabinet of Ministers of Ukraine *On the implementation of Article 18-1 of the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine*, 27.12.2006, No. 1836;

- Resolution of the Cabinet of Ministers of Ukraine *On the implementation of Articles 19 and 20 of the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine*, 31.01.2007, No. 70;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Procedure for authorisation of tax exemptions for enterprises and organisations of public organisations of persons with disabilities*, 8.08.2007, No. 1010;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Procedure for registration, re-registration and recording of job-seekers and unemployed persons*, 14.02.2007, No. 219;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the State Programme for development of the system of rehabilitation and labour employment of physically handicapped, mentally ill and mentally deficient for the period until 2011*, 12.05.2007, No. 716;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Basic Directions for pursuing state employment policy for 2010-2011*, 8 September 2010, No. 831;
- Order of the Ministry of Labour and Social Policy of Ukraine *On approval of the Procedure for providing a subsidy to an employer for creation of additional jobs for placement of unemployed persons*, 10.01.2001, No. 1;
- Order of the Ministry of Labour and Social Policy of Ukraine *On approval of the Procedure of interaction between labour and social protection authorities, employment centres, branches of the Fund for Social Protection of Persons with Disabilities, professional rehabilitation centres for persons with disabilities, and the MLSP system training facilities in the job placement of persons with disabilities*, 3.05.2007, No. 201.

According to the Laws of Ukraine on the Employment of the Population and on the Basics of Social Protection of People with Disabilities in Ukraine, and other regulatory acts, the public employment service promotes labour rehabilitation and job placement of persons with disabilities, including to the jobs created and accommodated for them, with due account of the medico-social examination commission's (MSEC's) recommendations.

As the Law of Ukraine on Amending Some Laws of Ukraine on the Exercise of the Right to Labour Employment by Persons with Disabilities (23.02.2006, No. 3483/IV) took effect, persons with disabilities have been granted the unemployed status since 18 March 2006. Since 1 January 2007, the persons with disabilities, who were granted the unemployed status and who worked for no less than 26 calendar weeks during one year prior to applying to the employment service and paid insurance contributions, are assigned unemployment benefits.

In order to render quality social services to persons with disabilities, unhindered free access to information materials is ensured in all employment

centres. Special information corners are created for this population category, which contain regulatory documents and reference information on social protection and rehabilitation of persons with disabilities, their employment and training opportunities. Besides, special seats for self-guided work of persons with disabilities are equipped, including for job search, with free Internet access.

The following numbers of persons with disabilities were placed in a job with the public employment service's assistance: 7,900 in 2007; 10,200 in 2008; 7,600 in 2009; and more than 8,900 in 2010.

The public employment service carries out purposeful work, based on legislation in force, to ensure provision of social services to physically handicapped persons in improvement of their competitiveness by means of vocational training, retraining and advanced training in professions (specialties) according to the labour market needs with account of their professional knowledge and skills, the medico-social examination commission's recommendations, and individual rehabilitation programmes for the persons with disabilities.

Vocational training, retraining or advanced training help persons with disabilities find an activity, most suitable to them, allowing them to realise their own capabilities to the greatest possible extent.

The public employment service pays great attention to providing favourable conditions to the persons with disabilities wishing to engage in working from home. Therefore, teaching of folk crafts such as wickerwork, national traditional embroidery, ceramics making, tinwork, making of leathers, wooden and fabric souvenirs, etc., becomes quite topical for persons with disabilities.

With the aim of providing assistance in profession choice or change, persons with disabilities are involved in various vocational-guidance group and mass activities, vocational information seminars, and business-oriented seminars. If a person with disabilities wishes or agrees, vocational diagnostic consultation and vocational selection is conducted prior to referring to vocational training, and psychological support is provided.

The Tax Code of Ukraine provides for the following: profits of enterprises and organisations, founded and fully owned by public organisations of persons with disabilities, which are earned from the sale (supply) of goods, performance of works and provision of services are exempted from tax, except for excisable goods, services for supply of excisable goods received under the agreements of commission (consignation), surety, agency, trust management, or other civil-law agreements authorising such a taxpayer to supply goods on behalf of other party without transfer of ownership of such goods, where during the previous reporting (taxation) period the number of persons with disabilities having their principal place of employment there was no less than 50 percent of the average accounting number of staff members provided that the labour compensation fund of such persons during the reporting period was no less than 25 percent of the total labour remuneration costs.

The above-mentioned enterprises and organisations of public organisations of persons with disabilities have the right to apply this exemption given an authorisation to the right to use the exemption; the authorisation is issued by the

Commission for activities of enterprises and organisations of public organisations of persons with disabilities in accordance with the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

If the requirements on intended use of the tax-exempted funds are not complied with, the taxpayer is required to increase his tax liabilities for this tax based on results of the taxation period in which the failure to comply occurred as well as to pay a fine charged according to the Tax Code.

Enterprises and organisations covered by this paragraph are registered with the relevant body of the state tax service according to the procedure specified for payers of this tax.

Tax exemption is provided to transactions on supply of goods (except for excisable goods) and services (except for services provided during lotteries and entertaining games, and services on supply of excisable goods received under the agreements of commission (consignation), surety, agency, trust management, or other civil-law agreements authorising such a taxpayer to supply goods on behalf of other party without transfer of ownership of such goods) directly produced by enterprises and organisations founded by public organisations of persons with disabilities, where during the previous reporting (taxation) period the number of persons with disabilities having their principal place of employment there was no less than 50 percent of the average accounting number of staff members, and provided that the labour compensation fund of such persons during the reporting period was no less than 25 percent of the total labour remuneration costs included in the structure of costs according to the rules of taxation with corporate profit tax.

Direct production is taken to mean the production of goods/services due to which the amount of costs of reprocessing (processing, other types of transformation) of raw materials, components, parts, and other off-the-shelf goods/services used to produce such goods/services is no less than 8 percent of the supply price of such produced goods/services.

The above-mentioned enterprises and organisations of public organisations of persons with disabilities have the right to apply this exemption given registration with the relevant body of the state tax service, which is done based on the decision made by the Commission for activities of enterprises and organisations of public organisations of persons with disabilities and based on taxpayer's proper application on his desire of obtaining such an exemption in accordance with the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

If a taxpayer violates requirements set forth in this sub-paragraph, the state tax service body cancels his registration as a person entitled to a tax exemption, and the taxpayer's tax liabilities are recalculated beginning from the taxation period in which such violations were revealed, according to general taxation rules established by the Tax Code, and with simultaneous application of relevant financial penalties.

A fee for trading activities and activities on provision of paid services is not paid by the economic entities established by public organisations of persons with disabilities that have tax exemptions according to legislation and carry out trade

solely in Ukrainian-made foodstuffs and in products made at enterprises of the Ukrainian Society of the Blind, the Ukrainian Society of the Deaf, and by natural persons with disabilities registered under the law as entrepreneurs.

If a preferential trade patent is purchased, trading activities are carried out solely using such goods (regardless of their country of origin) as convenience goods, foodstuffs, medical supplies for individual use, technical and other rehabilitation means through the trade facilities established for that purpose by public organisations of persons with disabilities.

Persons with group I and II disabilities are exempted from payment of individual income tax.

Exempted from corporate income tax are:

- resort-and-spa and health-promotion facilities of public organisations of persons with disabilities and rehabilitation institutions of such organisations;
- Ukrainian public organisations of persons with disabilities, enterprises and organisations founded by public organisations of persons with disabilities and unions of public organisations of persons with disabilities and wholly owned thereby, where during the previous calendar month the number of persons with disabilities having their principal place of employment there was no less than 50 percent of the average accounting number of staff members provided that the labour compensation fund of such persons during the reporting period was no less than 25 percent of the total labour remuneration costs.

The above-mentioned enterprises and organisations of public organisations of persons with disabilities have the right to apply this exemption given an authorisation to the right to use the exemption; the authorisation is issued by the Commission for activities of enterprises and organisations of public organisations of persons with disabilities in accordance with the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

In case of a breach of this requirement, the above-said public organisations of persons with disabilities, their enterprises and organisations are required to pay the amount of tax for the corresponding period indexed by inflation as well as any fines according to legislation.

For the period until 1 January 2015, zero rate of value-added tax is applied to the cost of supply of goods (except for excisable goods) and services (except for services provided during lotteries and entertaining games, and services on supply of excisable goods received under the agreements of commission (consignation), surety, agency, trust management, or other civil-law agreements authorising such a taxpayer (hereinafter referred to as the commission agent) to supply goods on behalf of other party (hereinafter referred to as the principal) without transfer of ownership of such goods) directly produced by enterprises and organisations founded and owned by public organisations of persons with disabilities, where during the previous reporting (taxation) period the number of persons with disabilities having their principal place of employment there was no less than 50 percent of the average accounting number of staff members, and provided that the labour compensation fund of such persons during the reporting period was no less than 25 percent of the total labour remuneration costs included in production costs.

Direct production is taken to mean the production of goods/services due to which the amount of costs of reprocessing (processing, other types of transformation) of raw materials, components, parts, and other off-the-shelf goods/services used to produce such goods/services is no less than 8 percent of the selling price of such produced goods/services.

The above-mentioned enterprises and organisations of public organisations of persons with disabilities have the right to apply this exemption given registration with the relevant body of the state tax service, which is done based on the decision made by the Commission for activities of enterprises and organisations of public organisations of persons with disabilities and based on taxpayer's proper application on his desire of obtaining such an exemption in accordance with the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine.

/million hryvnias/

Indicator	2007	2008	2009	2010	H1, 2011
Number of enterprises of public organisations of persons with disabilities	406	402	369	374	379
Sum of profit tax exemptions	54.5	51.7	54.7	76.7	43.5
Sum of VAT exemptions	8.4	18.7	14.4	22.1	18.1
Sum of zero VAT rate exemptions	97.5	116.1	79.8	93.0	41.2

Subject to certain specificity, funds or property attracted by a taxpayer in connection with the taxpayer's receipt of a special-purpose repayable loan from the Fund for Social Protection of Persons with Disabilities are not included in income and are not subject to taxation. Income of such a taxpayer is not increased by the amount of imputed interest whereas tax liabilities of the Fund for Social Protection of Persons with Disabilities do not change both when the loan is disbursed and when it is repaid.

Subject to certain specificity set forth by this section, funds or property provided by a taxpayer in connection with the taxpayer's repayment of a repayable special-purpose loan to the Fund for Social Protection of Persons with Disabilities are not included in costs.

The Law of Ukraine on Collection and Accounting of the Single Contribution for General Mandatory State Social Insurance states the following.

The single contribution from enterprises, institutions and organisations where persons with disabilities are employed is fixed at 8.41 percent of the single contribution base specified for working persons with disabilities.

The single contribution for enterprises and organisations of all-Ukrainian public organisations of persons with disabilities, particularly the Ukrainian Society of the Blind and the Ukrainian Society of the Deaf, where the number of persons

with disabilities is no less than 50 percent of the total staff, and provided that the labour compensation fund of such persons is no less than 25 percent of the total labour remuneration costs, is fixed at 5.3 percent of the single contribution calculation base specified in paragraph 1, part one, Article 7 of the Law.

The single contribution for enterprises and organisations of public organisations of persons with disabilities, where the number of persons with disabilities is no less than 50 percent of the total staff, and provided that the labour compensation fund of such persons is no less than 25 percent of the total labour remuneration costs, is fixed at 5.5 percent of the single contribution calculation base for working persons with disabilities specified in paragraph 1, part one, Article 7 of the Law.

The single contribution for employees with disabilities working at enterprises of the Ukrainian Society of the Blind and the Ukrainian Society of the Deaf is fixed at 2.85 percent of the single contribution calculation base specified in paragraph 1, part one, Article 7 of the Law.

Natural person entrepreneurs who chose the simplified taxation system are exempted from payment of the single contribution for themselves provided that they are old-age pensioners or persons with disabilities and receive a pension or a social aid according to law. Such persons may be payers of the single contribution solely subject to their voluntary participation in the system of general mandatory state social insurance.

The Laws of Ukraine on General Mandatory State Social Insurance against Unemployment and on the Employment of the Population establish the following types social services provided through employment centres also to persons with disabilities:

- search for a suitable job and assistance in job placement, including by granting a subsidy to the employer for creation of additional jobs for placement of the unemployed;
- vocational training, retraining or advanced training in vocational and training and higher educational institutions, including in training facilities of the public employment service, at enterprises, in institutions and organisations;
- vocational guidance;
- financing of organisation of paid public works for the unemployed according to the procedure specified by the Cabinet of Ministers of Ukraine.

The public employment service's statistical data on assistance in job placement of persons with disabilities

	2007	2008	2009	2010	HI, 2011
Registered with the public employment service	22155	30992	34066	32842	23553
Placed	7590	10222	7578	8929	5208
Underwent vocational training	1038	2692	1618	2957	1761

The Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine establishes the following.

For enterprises, institutions, organisations, including enterprises and organisations of public organisations of persons with disabilities, and natural persons using hired labour, a job quota for placement of persons with disabilities is established equal to 4 percent of the average accounting number of staff members annually, or to one job is between 8 and 25 persons are employed there.

In the reporting year of 2007, 81122 enterprises with the number of employed 8 and more met the job quota for placement of persons with disabilities (according to reports submitted in 2008). The figure in 2008 was 81497 (according to reports submitted in 2009), in 2009 it was 81367 (according to reports submitted in 2010), and in 2010 it was 79849 (according to reports submitted as of 1.09.11).

Enterprises, institutions, organisations, including enterprises and organisations of public organisations of persons with disabilities, and natural persons using hired labour calculate the number of jobs for placement of persons with disabilities by themselves according to the quota set forth above and ensure placement of persons with disabilities. The number of jobs is rounded in calculation to a whole number.

Enterprises, institutions, organisations, including enterprises and organisations of public organisations of persons with disabilities, and natural persons using hired labour place persons with disabilities by themselves with account of the job quotas proceeding from the requirements in Article 18 of the above-mentioned Law.

Meeting by enterprises, institutions, organisations, and natural persons of the job quota determined according as above may include providing jobs to persons with disabilities at enterprises and organisations of public organisations of persons with disabilities by means of establishing economic associations by enterprises, institutions, organisations, natural persons using hired labour, and enterprises and organisations of public organisations of persons with disabilities for the purpose of coordination of production, scientific and other activities to achieve common economic and social objectives.

The amounts of administrative and economic penalties and fines received by the state budget are used by the Fund for Social Protection of Persons with Disabilities for:

- providing a special-purpose loan (on the repayment basis with the repayment period of up to 3 years) to enterprises, institutions, organisations, including enterprises and organisations of public organisations of persons with disabilities, and natural persons using hired labour for creation of jobs to place persons with disabilities, within the limit of funds provided for the said purpose in a corresponding year;

- providing financial aid for job placement of persons with disabilities by means of creating jobs, including special jobs, as well as providing financial aid for technical equipment of existing jobs for placement of persons with disabilities in those jobs and for technical re-equipment of enterprises and organisations of public

organisations of persons with disabilities for the purpose of creating additional jobs and placing persons with disabilities to such jobs;

- providing subsidies to enterprises, institutions, organisations, including enterprises and organisations of public organisations of persons with disabilities, and natural persons using hired labour for creation of special jobs to place persons with disabilities registered with the public employment service as unemployed or as job-seekers.

During 2007-2010, the Fund for Social Protection of Persons with Disabilities funded creation of 10185 jobs for placement of persons with disabilities, or 85% of their planned quantity (2007 – 2895; 2008 – 2953; 2009 – 2913; 2010 – 1247). In 2011 (as of 1.09.11), 552 jobs have been created.

Total number of persons with disabilities:

- of working age: 1,386,689 persons (6.23% of the total economically active population);

- working: 614,969 (almost 23% of the total number of persons with disabilities);

- working, of working age: 449,507 (73% of the total number of working persons with disabilities; 32% of the total number of working-age persons with disabilities).

Information on provision of special-purpose loans, subsidies and financial aid to employers from resources of the Fund for Social Protection of Persons with Disabilities for creation of jobs to place persons with disabilities

Item	2007		2008		2009		2010	
	Funded, m UAH	Number of employers	Funded, m UAH	Number of employers	Funded, m UAH	Number of employers	Funded, m UAH	Number of employers
Special-purpose loan	0	0	11.87	3	0.15	1	10.08	5
Financial aid	55.53	57	42.49	62	25.4	43	18.18	26
Subsidies	0	0	7693	10	915	1	0.015	2

Article 15§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- UN Convention on the Rights of Persons with Disabilities, ratified by the Law of Ukraine No. 1767-17, 16.12.2009;
- Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, 21.03.1991, No. 875-XII;
- Decree of the President of Ukraine *On priority measures to provide favourable conditions for life activities of physically handicapped persons*, 1.06.2005, No. 900/2005;
- Decree of the President of Ukraine *On additional urgent measures to provide favourable conditions for life activities of physically handicapped persons*, 18.12.2007. No. 1228/2007;
- Decree of the President of Ukraine *On measures to address urgent problems faced by physically handicapped persons*, 19.05.2011. No. 588/2011;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the 'Barrier-Free Ukraine' action plan for creating an unimpeded life environment for physically handicapped persons and other low-mobile population groups for 2009-2015*, 29.07.2009, No. 784;
- Order of the Cabinet of Ministers of Ukraine *On measures to provide transport services to persons with disabilities and children with disabilities restricted in mobility*, 2.04.2008, No. 568-p;
- Order of the Cabinet of Ministers of Ukraine *On approval of the action plan to improve access of hearing-impaired persons to information by means of subtitling and sign language* 25.02.2009, No. 209-p;
- Order of the Cabinet of Ministers of Ukraine *Some matters on providing transport services to physically handicapped persons*, 3.12.2009, No. 1481-p;
- Order of the Cabinet of Ministers of Ukraine *On urgent measures to implement provisions of Article 23 of the Law of Ukraine on Basics of Social Protection of Persons with Disabilities in Ukraine*, 3.12.2009, No. 1480-p;

- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Procedure for using the funds envisaged in the state budget for physical training and sport rehabilitation and sports of persons with disabilities*, 2.03.2011, No. 198;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the Procedure for providing privileges to persons with disabilities, their family members, legal representatives of persons with disabilities (children with disabilities), enterprises, institutions and organisations of public organisations of persons with disabilities, and of social services to the population for free-of-charge parking and storage of vehicles*, 25.05.2011, No. 585;
- Resolution of the Cabinet of Ministers of Ukraine *Some matters of Invasport centres for physical training and sports of persons with disabilities*, 20.07.2011, No. 766;
- Order of the Ministry of Culture and Tourism of Ukraine *On the approval of the Regulations on Barvy Zhyttia all-Ukrainian creative festival of physically handicapped persons*, 26.05.2009, No. 24.

Public and residential facilities in Ukraine are progressively adapted for unhindered access of persons with disabilities.

According to the Law of Ukraine on the Basics of Social Protection of People with Disabilities in Ukraine, public authorities, enterprises (associations), institutions and organisations (regardless of their form of ownership and economic management) are required to create conditions for persons with disabilities' unhindered access to residential, public and industrial buildings, structures, public transport, and for free movement in settlements.

Planning and building development of settlements, formation of residential areas, development of design solutions, construction and reconstruction of buildings, structures and complexes thereof is not allowed if they are not accommodated for the use by persons with disabilities.

The central executive authority for construction matters has introduced a complex of state norms for design and construction of residential houses, public buildings and structures, planning and building development of rural and urban settlement, which take account of the requirements on unhindered access of low-mobile population groups to the above-mentioned facilities:

DBN (State Construction Norms) 360-92** "Urban construction, Planning and building development of urban and rural settlements";

DBN B.2.2-3-97 "Buildings and structures of educational institutions";

DBN B.2.2-9-99 "Public buildings and structures. Basic provisions";

DBN B.2.3-4-2000 "Transport structures. Motor roads";

DBN B.2.2-10-2001 "Health care facilities";

DBN B.2.2-11-2002 "Consumer service enterprises. Basic provisions";

DBN B.2.2-13-2003 "Sports facilities and physical training facilities";

DBN B.2.2-15-2005 "Residential houses. Basic provisions";

DBN B.2.2-17:2006 “Accessibility of buildings and structures for low-mobile population groups”;

DBN B.2.2-18:2006 “Buildings and structures. Social protection facilities” (in force since 2007).

The state construction norms DBN B.2.2-17:2006 “Accessibility of buildings and structures for low-mobile population groups, in force since 1 May 2007, is a summarising regulatory document on the above-mentioned issue.

The Resolution by the Cabinet of Ministers of Ukraine *On the approval of the ‘Barrier-Free Ukraine’ action plan for creating an unimpeded life environment for physically handicapped persons and other low-mobile population groups for 2009-2015*, 29.07.2009, No. 784, instructed central and local executive authorities to draft and approve regional (local) and sectoral action plans for creating an unimpeded life environment for physically handicapped persons and other low-mobile population groups for 2009-2015.

In all regions, accommodation of special facilities for persons with disabilities is provided for in the development of design and construction documents for building, reconstruction of buildings and structures, land improvement, and building development of land plots.

When examining design and estimate documents, local services of Ukrinvestekspertiza (Ukrainian Investment Expert Examination State Enterprise) check for availability of envisaged design facilities. No positive comprehensive opinion is issued for design documents if regulatory requirements on the above-said issue are not met.

The Joint Order by the Ministry of Construction, Architecture and Housing and Utility Services of Ukraine and the Ministry of Labour and Social Policy of Ukraine No. 300/339 of 8.09.2006 approved the Model Regulations on the committees ensuring accessibility of social and engineering transport infrastructure facilities for persons with disabilities and other low-mobile population groups

According to the Regulations, the accessibility committees are established by local public administrative bodies to coordinate the work related to providing to persons with disabilities and other low-mobile population groups in a given area unhindered access to social infrastructure facilities and to ensuring their use of the road transport network, transport, communications and information means.

At present, local executive authorities in all oblasts have established the working ‘accessibility committees’ that ensure and exercise public control over compliance of civil facilities with requirements of the existing construction norms, prepare proposals for improvement of norms and standards concerning unhindered access of physically handicapped persons, and provide analytical, informational and consulting assistance on matters within their competence.

In pursuance of the Decree by the President of Ukraine *On additional urgent measures to provide favourable conditions for life activities of physically handicapped persons*, 18.12.2007, No. 1228/2007, all regions of Ukraine developed relevant oblast-level programmes to create an unhindered environment for the low-mobile population, and funds were disbursed for implementation of the programmes from local budgets. According to the programmes, all oblast districts

prepared a list of facilities subject to immediate accommodation to the handicapped people's needs, including pharmacies, shops, post offices, hospitals, administrative buildings, etc. The buildings that were once constructed with no consideration of the requirements concerning possible access of persons with disabilities to them are gradually being reconstructed.

According to the Executive Order by the Cabinet of Ministers of Ukraine *On measures to provide transport services to persons with disabilities and children with disabilities restricted in mobility*, 2.04.2008, No. 568-p, every bus, tramway and trolleybus route must have, beginning from 1 January 2015, at least one vehicle accommodated to transport persons with disabilities. During procurement of vehicles, including buses for transportation of pupils in rural areas, purchase of vehicles accommodated for transport of persons with disabilities must be ensured.

At present, procedures and rules of provision of services to the population by railway, air and motor transport, tramways and trolleybuses mention certain specificities of transportation of handicapped persons. Such documents are periodically reviewed and improved.

In pursuance of the Cabinet of Ministers of Ukraine Resolution No. 1310 of 3.12.2009, when conducting tenders for passenger transportation, local executive authorities must be guided by interests of the low-mobile population groups, i.e. give preference to the economic entities having specially equipped vehicles. They also consider whether convenient seats are provided for persons with disabilities (near doors), whether stop names are announced (broadcasted), whether central railings can be dismantled, and whether seats in rear areas can be removed.

According to the Cabinet of Ministers of Ukraine Resolution *Some matters of certification of vehicles, their parts and equipment*, 9.06.2011, No. 738, unified technical prescriptions will be introduced from 1 January 2013 for vehicles that transport persons with disabilities and other low-mobile population groups, imported to Ukraine's customs area, and manufactured in Ukraine.

Meanwhile, the State Inspectorate Ukraine for Consumer Rights Protection (Derzhspozhyvstandart) issued the Order *On the approval of national standards of Ukraine and cancellation of some regulatory documents*, 25.02.2011, No. 69. The act approved, inter alia, the following national standards of Ukraine:

- State Standard of Ukraine (DSTU) 7254:2011 "Underground carriages accommodated for transportation of persons with disabilities. Technical requirements";

- DSTU 7255:2011 "Tramway cars accommodated for transportation of persons with disabilities. Technical requirements".

Earlier, Derzhspozhyvstandart had already approved the following standards:

- DSTU GOST 30478:2006 "Buses for transportation of persons with with disabilities. General technical requirements";

- DSTU ISO 9386-1:2005 "Power-operated lifting platforms for persons with impaired mobility – Rules for safety, dimensions and functional operation – Part 1: Vertical lifting platforms";

- DSTU ISO 9386-2:2005 “Power-operated lifting platforms for persons with impaired mobility – Rules for dimensions and functional operation – Part 1: Powered stairlifts for seated, standing and wheelchair users moving in an inclined plane”;

- DSTU-H ISO/IEC Guide 71: 2005 “Guides for standards developers to address the needs of older persons and persons with disabilities”.

In the capital of Ukraine, a transport department for services to persons with musculoskeletal disorders is working under the city territorial centre for social services to pensioners and single disabled persons. Such services are also under formation in other regions.

According to the Law of Ukraine on the Basics of Social Protection of Persons with Disabilities in Ukraine, local public authorities and departments of social protection are required to ensure to persons with disabilities necessary conditions for free access to and use of cultural and entertainment centres and sports facilities to engage in physical training and sports activities, as well as to provide them with special sports equipment. Persons with disabilities use the above-listed services free of charge or on preferential terms.

One of the top-priority objectives for cultural facilities and institutions concerning the services to handicapped people consists of providing conditions for unhindered visits to such institutions. At present, work is underway in all Ukrainian regions to equip cultural facilities for unhindered access of persons with disabilities.

In 1993, the Government of Ukraine established the Invasport Ukrainian Centre for Physical Training and Sports of Persons with Disabilities, and 27 regional Invasport centres.

At present, working in Ukraine are 106 units of regional Invasport centres in cities and districts, 168 physical training and sports clubs of people with disabilities, and 27 sports schools for children and youth with disabilities have been opened. More than 30 thousand persons with disabilities and 20 thousand schoolchildren with disabilities visit physical-training rehabilitation groups and groups on 27 sports. More than 250 championships, contests and cup competitions on 19 sports are held every year among persons with impairments of vision, hearing, musculoskeletal system and intellect. The *Believe in Yourself* all-Ukrainian sports competition among children with disabilities is held every year; more than 30 thousand children with disabilities take part in qualifying rounds for the competition.

Pursuant to the President’s decrees, the National Centre for Paralympic and Deaflympic Training and Rehabilitation of Persons with Disabilities and the Western Rehabilitation and Sports Centre were established to secure proper conditions for physical-training and sports rehabilitation of persons with disabilities.

Creation of the centres aimed at providing conditions for physical-training and sports rehabilitation and rendering health-promotion services to persons with disabilities as well as at securing conditions for the study and training process of paralympic and deaflympic sportspersons.

Key tasks and functions of the centres include, inter alia, creation of an integral system of psychological, social and physical-training and sports rehabilitation of persons with disabilities and their preparation for integration into society.

The state budget finances the operation and development of the above-mentioned facilities as well as preparation of sports facilities for relevant international competitions.

Status of financing for the construction of the National Centre for Paralympic and Deaflympic Training and Rehabilitation of Persons with Disabilities and the Western Rehabilitation and Sports Centre

Facility name	2002	2003	2004	2005	2006	2007	2008	2009	2010
National Centre for Paralympic and Deaflympic Training and Rehabilitation of Persons with Disabilities	11.5	15.029.9	29.99	29.5	26.5	21.9	19.05	10.0	10.44
Western Rehabilitation and Sports Centre	x	x	x	x	1.0	7.5	17.0	19.5	16.88

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

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

and recognise:

4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties

Information to be submitted

Article 18§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Law of Ukraine on Legal Status of Foreigners and Stateless Persons, 4.02.1994, No. 3929-XII;
- Code of Labour Laws of Ukraine, 10.12.1971, No. 322-VIII;
- Economic Code of Ukraine, 16.01.2003, No. 436-IV;
- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the procedure for issuance, extension and cancellation of permits to use labour of foreigners and stateless persons*, 8.04.2009, No. 322.

According to the Constitution of Ukraine, foreigners and stateless persons lawfully staying in Ukraine enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

According to the Law of Ukraine on the Legal Status of Foreigners and Stateless Persons, foreigners and stateless persons enjoy the same rights and freedoms and perform the same duties as citizens of Ukraine, unless otherwise provided for by the Constitution, this and other laws of Ukraine as well as by international treaties of Ukraine.

Foreigners and stateless persons are equal before the law irrespective of their origin, social and property status, race and ethnicity, sex, language, attitude to religion, type and nature of occupation, and other circumstances.

Foreigners and stateless persons who have immigrated for permanent residence or arrived for temporary employment receive permits for permanent or temporary residence, respectively.

Foreigners and stateless persons have the right to engage in investment activities as well as in foreign economic and other entrepreneurial activities in Ukraine provided for by legislation of Ukraine. In that, they have the same rights and duties as citizens of Ukraine unless otherwise provided for by the Constitution and laws of Ukraine.

Foreigners and stateless persons permanently residing in Ukraine and those having been granted the refugee status in Ukraine have the right to work at enterprises, in institutions and organisations or engage in other labour activities on the grounds and according to the procedure established for citizens of Ukraine.

Foreigners and stateless persons who have arrived in Ukraine for job placement for a fixed term may engage in labour activities according to the employment authorisation received in due course. Job placement in Ukraine of foreigners and stateless persons hired by an investor within the limit and to positions (specialty) specified by a production sharing agreement is effected with no employment authorisation.

According to the Code of Labour Laws of Ukraine, labour relationships of Ukrainian citizens working outside Ukraine as well as labour relationships of foreign citizens working at enterprises, institutions and organisations in Ukraine are regulated by the Law of Ukraine on International Private Law (Article 8).

According to the Economic Code of Ukraine, economic entities include citizens of Ukraine, foreigners and stateless persons engaged in economic activities and registered according to law as entrepreneurs.

In carrying out economic activities in Ukraine, foreign legal persons have the same status as Ukrainian legal persons, with some peculiarities provided for by the Economic Code, other laws as well as international treaties agreed to by the Verkhovna Rada of Ukraine as binding.

Article 18§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on chancery dues and other charges payable by foreign workers or their employers for work and/or residence permits and on the average time taken to issue these permits.

General legal framework

- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the procedure for issuance, extension and cancellation of permits to use labour of foreigners and stateless persons*, 8.04.2009, No. 322.

According to the Law of Ukraine on Employment of the Population, employers have the right to use labour of foreigners and stateless persons on terms of an employment contract only if the employer has a permit to use labour of foreigners and stateless persons issued by the public employment service unless otherwise provided for by international treaties agreed to by the Verkhovna Rada of Ukraine as binding. The procedure for issuance, extension and cancellation of permits to use labour of foreigners and stateless persons is specified by the Cabinet of Ministers of Ukraine (Resolution of 8.04.2009 No. 322).

If an employer uses labour of foreigners or stateless persons on terms of an employment contract without the above-mentioned permit, the public employment service levies a fine from the employer for each such person, equal to 20 times the statutory minimum wage. The procedure of imposing the fine is specified by the central executive authority responsible for labour and social policy.

If the employer fails (or refuses) to pay the said fine within a month voluntarily, the fine is levied according to the procedure set forth by law. Receipts from the fines levied are transferred to the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment.

The number of foreigner employment authorisations decreased by 22% in 2010 year-on-year (6,300 against 8,000 in 2009) and was considerably less than in 2008 (20,400) and in 2007 (16,300).

Article 18§3

- 1) Please describe the general legal framework.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General legal framework

- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Resolution of the Cabinet of Ministers of Ukraine *On the approval of the procedure for issuance, extension and cancellation of permits to use labour of foreigners and stateless persons*, 8.04.2009, No. 322.

According to the Resolution of the Cabinet of Ministers of Ukraine *On the approval of the procedure for issuance, extension and cancellation of permits to use labour of foreigners and stateless persons*, 8.04.2009, No. 322 (hereinafter referred to as the Procedure), a permit to use labour of a foreigner and stateless person (hereinafter referred to as the foreigner) allowing the employer to use temporarily the foreigner's labour at a specific workplace or in a specific position is issued to the employer provided that there are no workers able to perform such works in the country (region) or that sufficient justification of reasonability of using the foreigner's labour is presented, unless otherwise provided for international treaties of Ukraine agreed to by the Verkhovna Rada of Ukraine as binding.

The permit to use labour of a foreigner is issued to the employer by the Public Employment Centre or, on its behalf, by the employment centre of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol city employment centres (hereinafter referred to as the employment centre).

The permit to use labour of a foreigner is issued to the employer registered with the employment centre as a payer of insurance contributions to the Fund for General Mandatory State Social Insurance of Ukraine against Unemployment (hereinafter referred to as the Fund) and having no debt to the Fund.

To process the documents submitted by the employer and provide relevant recommendations, a commission is established under the employment centre that includes representatives of bodies of internal affairs, security service, state border guard service, state tax service, and other authorities concerned.

The decision to issue, or to deny issuance of, the permit to use labour of a foreigner, or to extend its validity is made by the employment centre director or deputy director.

According to Article 5 of the Procedure, the employer must submit the following documents to the employment centre to receive a permit to use labour of a foreigner:

- application;
- two colour photographs 3.5x4.5 cm;
- justification of reasonability of using the foreigner's labour and of the possibility of providing the foreigner with proper conditions for stay and work;
- document (order, excerpt from protocol, instruction, etc.) drawn up in due course, which certifies the person's right to represent the employer's interests to the employment centre;
- state tax service body's certificate of the employer's payment of taxes and dues (mandatory payments);
- employment centre's certificate of the employer's having no debt to the Fund;
- receipt on payment of the fee for processing of the application;
- copy of a draft employment contract (agreement) certified by the employer;
- reference sealed and signed by the employer (if the enterprise has a security regime department – also signed by the department manager) to the effect that the workplace or position in which the foreigner's labour will be used does not require, according to legislation, Ukrainian citizenship and state secret clearance;
- reference from a body of internal affairs that the foreigner staying in Ukraine at the time of execution of the permit does not have (or has) any prior conviction;
- reference from the authorised body of the country of origin (stay) that the foreigner staying in Ukraine at the time of execution of the permit does not serve a sentence for committing a crime and is not on remand;
- copy of the employer's statute certified in due course;
- copies of documents on the foreigner's education or qualification;
- copies of the foreigner's passport document pages containing basic identification data;
- extract or excerpt from the Unified State Register of Legal Persons and Natural Person Entrepreneurs.

According to Article 6 of the Procedure, to obtain a permit to use labour of a foreigner seconded by a foreign economic entity to Ukraine for performing a certain scope of work or rendering services based on an agreement (contract) entered into between the Ukrainian and foreign economic entities, the employer submits the documents specified in Article 5 of the Procedure (except for documents provided for by the fourth and ninth paragraphs) as well as a copy of the agreement (contract).

According to Article 7 of the Procedure, to obtain a permit to use labour of a foreigner belonging to the category of 'internal corporate assignees' or 'persons providing services without commercial presence in Ukraine', the employer submits the documents specified in Article 5 of the Procedure (except for documents provided for by the fourth and ninth paragraphs) as well as:

- the foreign economic entity's decision to transfer the foreigner to Ukraine for working;
- copy of the foreigner's contract with the foreign economic entity on transfer to Ukraine for working, specifying the period of work in Ukraine;
- copy of the contract for direct provision of services in Ukraine (for foreigners belonging to the category of 'persons providing services without commercial presence in Ukraine').

All the documents issued by a foreign country and drawn up in a foreign language, specified in Articles 5, 6 and 7 of the Procedure, must be translated into Ukrainian, certified according to the issuing state's legislation, and legalised in the Ministry of Foreign Affairs unless otherwise specified in the international treaties of Ukraine agreed to by the Verkhovna Rada of Ukraine as binding.

The decision to issue or deny issuance of a permit to use labour of a foreigner or to extend its validity is made within a term that may not exceed 30 calendar days from the day of receipt of the package of documents provided for by this Procedure.

The employment centre notifies the employed in written on the decision made.

The permit to use labour of a foreigner is issued for the period of up to one year. To extend validity of the permit, the employer should submit the documents specified in Article 5 or 6 of the Procedure to the employment centre no later than one month prior to expiry of the permit's validity.

The permit to use labour of a foreigner belonging to the category of 'internal corporate assignees' or 'persons providing services without commercial presence in Ukraine' is issued for the period of no more than three years. Validity of such permit may be extended for two years. For that purpose, the employer should submit the documents specified in Article 7 of the Procedure to the employment centre no later than one month prior to expiry of the permit's validity.

The permit to use labour of a foreigner constitutes a ground for the foreigner to receive a corresponding type of visa, have his/her place of temporary residence in Ukraine registered, and have a temporary residence permit drawn up for the permit's validity period.

Extension of validity of the permit to use labour of a foreigner constitutes a ground for the employer and the foreigner to apply to a territorial body or unit of the State Department for Citizenship, Immigration and Registration of Natural Persons for extending the foreigner's period of stay in Ukraine and for receiving a new temporary residence permit.

The employer submits duly certified copies of the permit to use labour of a foreigner to the latter, sends them to a Ukrainian consular institution at the foreigner's permanent place of residence in order to have a necessary type of visa issued for the foreigner to entry Ukraine, as well as to a territorial body or unit of the State Department for Citizenship, Immigration and Registration of Natural Persons for registering the foreigner's place of temporary residence in Ukraine.

Employers have the right to use labour of foreigners permanently residing in Ukraine and other foreigners in cases envisaged by international treaties agreed to

by the Verkhovna Rada as binding, without drawing up a permit to use labour of a foreigner.

Regardless of the labour market situation and development patterns, a permit to use labour of a foreigner is not issued, and its validity period is not extended, if:

- documents submitted for drawing up a permit contain data contradicting the requirements of laws and international treaties of Ukraine agreed to by the Verkhovna Rada of Ukraine as binding;
- an employment agreement (contract) provides for a foreigner worse conditions of work and a lesser wage than for Ukrainian citizens doing similar work;
- the employer intends to hire a foreigner for doing work that, according to law, is related to having Ukrainian citizenship and/or requires state secret clearance;
- any facts of the employer's having submitted deliberately false data or forged documents have been revealed;
- competent authorities have decided to expel the foreigner from Ukraine;
- less than a year has passed since the previous denial of IM-1 visa issuance or since the previous permit cancellation;
- the employer has a debt to the Fund;
- the foreigner at the time of execution of the permit is serving a sentence for committing a crime or is on remand;
- the employer failed to observe the time limit for submitting documents to have the permit validity extended;
- due to labour market changes in the country (region), there is no more need for the employer to use the foreigner's labour.

The employer is charged a fee equal to four minimum wages for processing of the application to issue a permit to use labour of a foreigner or to extend its validity. Receipts of the fees are transferred to the Fund.

A permit to use labour of a foreigner is cancelled in case of:

- early termination of an employment agreement (contract) with the employer;
- discovering that documents are forged or the employer submitted false data in the documents based on which the permit was issued (or its validity extended);
- reducing the foreigner's temporary residence period in Ukraine according to law or expelling the foreigner from Ukraine;
- revealing that the foreigner's labour was used on terms other than specified in the permit to use labour of the foreigner or by other employer.

The employer is charged a fee equal to four minimum wages for processing of the application to issue a permit to use labour of a foreigner or to extend its validity. Receipts of the fees are transferred to the Fund.

The employment centre concerned notifies bodies of internal affairs and state border guard service about cancellation of the permit to use labour of a foreigner within three working days using an integrated information and

telecommunications system or, given no possibility of using the system, sends a written notice thereto.

The employer notifies, within three working days from the foreigner's work commencement and termination dates, the employment centre concerned on the commencement and termination dates, secures registration of the foreigner's passport document with a relevant territorial body or unit of the State Department for Citizenship, Immigration and Registration of Natural Persons, and informs the employment centre thereabout within five working days.

If a foreigner, without valid excuse, has not begun work by the date prescribed by an employment agreement (contract), the employer must inform relevant bodies of internal affairs, state border guard service, and the employment centre to that effect within three working days. If a permit to use labour of a foreigner has been cancelled or if a foreigner, without valid excuse, has not begun work by the date prescribed by an employment agreement (contract), the foreigner may be expelled from Ukraine. The employer who invited such a foreigner to work for him indemnifies the State for any costs related to expelling the foreigner according to the procedure specified by law.

Employment centres conduct surveys of employers concerning their capability to provide necessary conditions for foreigners' stay and work, analyse efficiency of the use of foreigners' labour during the validity period of the permits to use labour of a foreigner, and inform the Public Employment Centre as appropriate.

Denial of issuance of a permit to use labour of a foreigner or of its extension may be appealed against to the Public Employment Centre or to a court.

The forms of permits to use labour of a foreigner are printed to the Public Employment Centre's order according to the procedure specified by the Cabinet of Ministers of Ukraine Resolution No. 283 of 19 April 1993, and are accountable forms.

The procedure for accounting and storage of the forms of permits to use labour of a foreigner and for exterminating spoiled forms is specified by the Public Employment Centre.

Upon expiry of the permit's validity period, the permit must be returned by the employer to the employment centre.

Article 18§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Law of Ukraine on Employment of the Population, 01.03.1991, No. 03-XII;
- Law of Ukraine on the Procedure of Ukrainian Citizens Deputure from Ukraine and Entry in Ukraine, 21.01.1994, No. 3857-XII.

According to the Constitution of Ukraine, everyone lawfully staying in the territory of Ukraine is guaranteed freedom of movement, free choice of the place of residence, the right to leave the territory of Ukraine freely, except for restrictions prescribed by law.

A citizen of Ukraine may not be deprived of the right to come back to Ukraine at any time.

According to the Law of Ukraine on the Employment of the Population, citizens have the right to engage in labour activities when temporarily staying abroad unless the activities are in conflict with existing laws of Ukraine and of the receiving country. Interests of Ukrainian citizens temporarily working abroad are protected by agreements concluded between Ukraine and other states. A citizen of Ukraine has the right to leave Ukraine, except for cases provided for by this Law, and to enter Ukraine.

The citizens of Ukraine submitting an application to leave Ukraine are covered by all provisions of laws in force; they enjoy all the rights and bear the duties specified by law. Any property, funds, securities and other values belonging to citizens of Ukraine as private ownership are retained for them in the territory of Ukraine. Any restriction of their civil, political, social, economic or other rights is now allowed.

The procedure of entering a foreign state is regulated by the state's legislation.

A citizen of Ukraine may not be restricted in the right to enter Ukraine for any grounds.

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

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Information to be submitted²

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

² States party that have accepted Article 20 of the European Social Charter (revised) do not have to reply to questions concerning Article 483, but must take account of these questions in their answers on Article 20.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Law of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men, 8.09.2005;
- Law of Ukraine on Remuneration of Labour, 24.03.1995, No. 108/95;
- ILO Convention No. 111 on Discrimination (Employment and Occupation), 1958 (ratified on 04.08.1961);
- ILO Convention No. 100 on Equal Remuneration, 1951 (ratified on 10.08.1956).

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

There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

Equality of the rights of women and men is ensured: by providing women with opportunities equal to those of men in public, political and cultural activities, in obtaining education and in professional training, in work and remuneration for it; by taking special measures for occupational safety and protection health of women; by establishing pension privileges; by creating conditions that make it possible for women to combine work and maternity; by adopting legal protection, pecuniary and moral support of maternity and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers.

Article 2-1 of the Code of Labour Laws of Ukraine (hereinafter referred to as CLL) provides for “equality of labour rights of all citizens regardless of their origin, social and property status, race and nationality, sex, language, political opinions, religious beliefs, type and nature of occupation, place of residence, and other circumstances”.

Article 22 CLU points to prohibition of any direct or indirect restriction of rights as well as prohibition of providing any direct or indirect preferences in the conclusion, amendment and termination of an employment agreement depending on origin, social and property status, race and nationality, sex, language, political opinions, religious beliefs, membership in a trade union or other citizens’ association, type and nature of occupation, or place of residence.

Requirements to a worker’s age, educational attainment and state of health may be established by legislation of Ukraine.

Other special laws regulating labour relationships, namely the Law of Ukraine on the Employment of the Population and the Law of Ukraine on the Labour Remuneration, also contain provisions aimed at preventing discrimination.

Article 17 of the Law of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men provides for ensuring equal rights and opportunities of women and men in employment, job promotion, professional development and retraining.

Article 18 of the Law envisages provision of equal opportunities in conclusion of collective agreements.

An actual pay gap between women and men occurs only because women exercise their right to work on the part-time basis to dedicate more time to caring for their families and bringing up their children. Besides, women are not employed in works with harmful and arduous working conditions (for example, in underground work) where increased labour remuneration is envisaged.

Self-supporting enterprises address the matters of labour remuneration for their workers by themselves.

Considering agreement-based regulation of labour remuneration, it is an enterprise that is the place where, by means of social dialogue between employers and trade unions as employees' representatives, the issue of specifying concrete conditions and rates of employees' labour remuneration in collective agreements is addressed.

Labour remuneration organisation in Ukraine is based on a tariff system that includes tariff scales, tariff rates, and salary schemes.

This labour remuneration system is used to divide works depending on their complexity and workers depending on their qualification.

The Law of Ukraine on the Labour Remuneration states that the wage rate depends on complexity and conditions of the work done, the worker's professional and business qualities, his/her work results, and the enterprise's economic activities. Accordingly, more skilled workers must receive a greater wage for doing a more difficult and more responsible work, which in turn forces low-skilled workers to develop their skills.

Article 22 of the Law of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men establishes that a person who thinks that she/he is a victim of sexual discrimination or became an object of sexual harassment has the right to appeal to the Commissioner for Human Rights, the specially authorised central executive body on ensuring equal rights and opportunities of women and men, authorised persons/coordinators on ensuring equal rights and opportunities of women and men in executive bodies and local authorities, as well as state law enforcement bodies and courts.

Persons of any sex or groups of persons have the right to submit notification of violation of the equality of rights and opportunities of women and men to the UN Committee on Elimination of Discrimination against Women, provided that domestic remedies have been exhausted or if there is an unjustified delay in the application of such remedies.

According to Article 23, a person has the right to compensation for pecuniary and non-pecuniary damage caused by sexual discrimination or sexual harassment. Non-pecuniary damage is compensated irrespective of pecuniary damage subject to compensation and its amount.

The procedure for compensation of pecuniary and non-pecuniary damage caused by sexual discrimination and sexual harassment is stipulated by the law.

According to Article 24 of the Law, persons guilty of violating the requirements of legislation on ensuring equal rights and opportunities of women and men bear civil, administrative and criminal liability according to the law.

The draft text of the new Labour Code, which was adopted at the first reading (as a basis) by the Verkhovna Rada Resolution of 20 May 2008, contains a specific article on prevention of discrimination at work:

“Article 4. Prevention of discrimination at work

1. Any discrimination at work, including any violation of the principle of equal rights and opportunities or any direct or indirect restriction of employees’ rights on the basis of race, colour, political, religious or other beliefs, sex, ethnic, social and foreign origin, age, state of health, disability, HIV/AIDS suspicion or presence, marital or property status, family responsibilities, residence, membership in a trade union or other citizen association, participation in a strike, recourse or intention of recourse to court or other authorities to protect one’s own rights or support other employees in protection of their rights, language or other grounds not related to the type of work or conditions of work, shall be prohibited.

Discrimination on the grounds of sex shall include sexual harassment taking any form of acts of sexual nature expressed verbally (threats, intimidation, scurrilities) or physically (touching, slapping) that humiliate or offend persons being in the relationships of labour, service, material or other subordination.

2. Restriction of rights and opportunities or provision of some benefits to employees depending on certain types of work that concern age, education, state of health, sex, or other relevant circumstances as well as the need for strengthened social and legal protection of some categories of persons shall not be considered as discrimination at work if such restriction or provision is envisaged in this Code or other laws. Laws and statutes of economic companies (except joint stock companies), production cooperatives, farming enterprises, or public organisations may establish benefits for their founders (participants) and members in provision of employment, transfer to another job, or continuation of employment during staff release”.

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

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Appendix to Article 24

1. It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
 - a. workers engaged under a contract of employment for a specified period of time or a specified task;
 - b. workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;
 - c. workers engaged on a casual basis for a short period.
3. or the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
 - a. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
 - b. seeking office as, acting or having acted in the capacity of a workers' representative;
 - c. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
 - d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
 - e. maternity or parental leave;
 - f. temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Information to be submitted

- 1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Constitution of Ukraine, 28.06.1996, No. 254/96-BP;
- Code of Labour Laws of Ukraine, 10.12.1971, No. 322-VIII;
- Law of Ukraine on Trade Unions, Their Rights and Guarantees of Their Activities, 15.09.1999, No. 1045-XIV;
- ILO Convention No. 158 on Termination of Employment, 1982 (ratified on 16.05.1994).

The Constitution of Ukraine guarantees citizens protection against unlawful dismissal (Article 43).

According to Article 55, human and citizen's rights and freedoms are protected by court.

Everyone is guaranteed the right to appeal to court against decisions, actions, or inactivity of public authorities, local governments, officials and officers.

Everyone has the right to apply to the Authorised Human Rights Representative of the Verkhovna Rada of Ukraine for protection of his/her rights.

After all domestic legal instruments have been exhausted, everyone has the right to apply for the protection of his/her rights and freedoms to relevant international judicial institutions or to relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone has the right to protect his rights and freedoms against violations and unlawful illegal infringements by any means other than prohibited by law.

According to parts one and two, Article 235, Code of Labour Laws of Ukraine, in case of dismissal without valid reasons or unlawful transfer to some other job, the worker in question must be reinstated in the previous job by the body considering the labour dispute.

When making its decision on reinstatement in a job, the body considering the labour dispute also makes a decision on paying the worker average earnings for the period of forced absence or a difference in earnings for the period of doing a less-paid job, but at most for one year. If an application to reinstate in a job is under consideration for more than one year not through the worker's fault, the

body considering the labour dispute decides to pay average earnings for the entire period of forced absence.

The decision to reinstate in a job a worker unlawfully dismissed or transferred to some other job, made by the body considering the labour dispute, is subject to immediate implementation.

According to Article 235, Code of Labour Laws of Ukraine, if the owner or a body authorised thereby delays with implementation of the decision made by the body that considered the labour dispute on reinstatement in a job of a worker unlawfully dismissed or transferred, the body adjudges to pay the worker average earnings or a difference in earnings for the period of delay.

Besides, Article 237-1, Code of Labour Laws of Ukraine, provides that the owner or a body authorised thereby must indemnify the worker for moral damages if violations of the worker's legitimate rights resulted in moral suffering, loss of normal life relations and require the worker to apply additional efforts to organise his/her life.

According to Article 259, Code of Labour Laws of Ukraine, supervision and control over observance of labour legislation is exercised by specially authorised bodies and inspectorates that do not depend in their work on the owner or on the body authorised thereby.

Central executive authorities exercise control over observance of labour legislation at enterprises, in institutions and organisations functionally subordinated thereto, except for state tax service bodies that have the right to exercise such control, in order to inspect compliance with taxation laws, at all enterprises, institutions and organisations regardless of their form of ownership and subordination.

Supreme supervision over observance and correct application of labour laws is exercised by the Prosecutor-General of Ukraine and by prosecutors subordinated thereto.

Community supervision over observance of labour legislation is exercised by trade unions and their associations.

According to Article 1 of the Regulations on the State Labour Inspectorate of Ukraine, approved by the Decree of the President of Ukraine No. 386 of 6.04.2011, the State Labour Inspectorate of Ukraine (legal successor of the State Department for the Supervision over Labour Legislation Observance) ensures realisation of the state policy on supervision and control over observance of legislation on labour, employment and general mandatory state social insurance to the extent related to assignment, calculation and payment of benefits and compensations, provision of social services and other types material support in order to ensure observance of the insured persons' rights and guarantees.

According to Article 4 of the said Regulations, the State Labour Inspectorate of Ukraine (hereinafter referred to as Derzhpratsi) exercises state supervision and control, inter alia, over:

- observance of labour legislation by enterprises, institutions and organisations regardless of their form of ownership, activity and economic management, by natural persons using hired labour and labour of natural persons,

by the Council of Ministers of the Autonomous Republic of Crimea, and by executive authorities and local governments (hereinafter referred to as employers) concerning: labour relations, hours of work and rest, labour rate setting, labour remuneration, provision of guarantees and compensations, privileges for workers combining work and study, compliance with work discipline, working conditions for women, youth and persons with disabilities, provision of privileges and compensations for harmful and arduous working conditions, provision with special clothes, special footwear, individual protection gear, cleaning and decontaminating agents, milk and healthful and dietary meals, mandatory medical examination of certain worker categories;

- adherence with work regimes and other legislative provisions;
- observance of legislation on employment **concerning the citizens' rights in case of hiring and the workers' rights in case of dismissal;**
- use of labour of foreigners and stateless persons;
- observance of the rights and guarantees concerning job placement of persons who need social protection and are unable to compete in the labour market on equal terms.

According to Article 188-6 of the Code of Ukraine on Administrative Offences, failure to comply with lawful requirements of officials of the bodies of the specially designated executive authority for state supervision over observance of labour legislation concerning elimination of breaches of the legislation on labour and on general mandatory state social insurance, or creation of obstacles for these bodies' work entails imposition of a fine on officials equal to between 50 and 100 non-taxable minimal individual incomes.

According to Article 43, Code of Labour Laws of Ukraine, termination of an employment agreement on the grounds specified by items 1 (except for liquidation of an enterprise, institution or organisation), 2-5, 7, Article 40, and items 2 and 3, Article 41 of the Code may only be done upon prior consent of the elected body (trade union representative) of the primary trade union organisation the worker is a member of.

If termination of an employment agreement with a worker was done by the owner or by a body authorised thereby without applying to the elected body of the primary trade union organisation (trade union representative), the court stops proceedings in the case, requests consent of the elected body of the primary trade union organisation (trade union representative), and, after receiving it or after refusal of the elected body of the primary trade union organisation (trade union representative) to give its consent to the worker's dismissal (part one of this article), considers the dispute on its merits.

Besides, persons guilty of violation of labour legislation requirements may be held administratively or criminally liable.

According to 41 of the Code of Ukraine on Administrative Offences, failure to comply with the prescribed time limits for payment of pensions, stipends, wages, or their payment not in full, and other breaches of labour legislation requirements entail imposition of a fine, equal to between 30 and 100 non-taxable

minimum individual incomes, on officials of enterprises, institutions and organisations regardless of their form of ownership and on entrepreneurial entities.

According to Article 172 of the Criminal Code of Ukraine, unlawful dismissal of a worker on personal grounds as well as any other gross breach of labour legislation is punished with a fine equal to up to 50 non-taxable minimum individual incomes, or with deprivation of the right to occupy certain positions or engage in certain activities for the period of up to three years, or with correctional labour for the period of up to two years.

The same actions committed towards a minor, a pregnant woman, or a mother having a child under 14 or a child with disabilities are punished with a fine equal to from 50 to 100 non-taxable minimum individual incomes, or with deprivation of the right to occupy certain positions or engage in certain activities for the period of up to five years, or with correctional labour for the period of up to two years, or with detention for the period of up to six months.