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THE TRADE UNION MOVEMENT MUST STAND WITH UKRAINIAN WORKERS!

The new Labour Code is a threat to workers' rights in Ukraine

Tuesday 14 January 2025, by [Ukraine Solidarity Campaign](#) (Date first published: 11 January 2025).

The Ukraine Solidarity Campaign has forged connections between workers' movements in the UK and Ukraine, providing life-saving equipment to miners, firefighters, teachers, rescue squads and others since the start of Russia's invasion. We have been outspoken on the need to protect and advance workers' rights and how post-war reconstruction must centre and improve the conditions of Ukraine's working class.

We are therefore appalled by news that the Ukrainian government's proposed Labour Code contained serious threats to workers' rights.

A smaller piece of negative legislation has been voted down by the Ukrainian parliament – but the new labour code remains serious threat.

The draft of the new Labor Code developed by the Ministry of Economy was sent to trade unions for consultation on New Years eve! The code **contains numerous violations of the Constitution of Ukraine, ILO Conventions and EU directives.**

The threats includes increased workplace surveillance, such as data monitoring without a workers' consent, and the right for employers to unilaterally decide and dictate workers' rights protections – such as maternity leave, breaks, and employer responsibilities.

The new rules could also change the ways in which fixed-term contracts would function, leaving workers at a disadvantage when trying to negotiate with their bosses. The rules ignored the power dynamics between worker and employer, and risked workers being forced onto fixed-term contracts, with all the precarity that brings, rather than getting the benefits of permanent employment.

We are also concerned that the new Labour Code includes exemptions from labour rights for certain employers, such managers of enterprises which have foreign investments. Employees in the gig economy would also be exempt from vital protections.

The Labour Code seeks to put at risk Ukrainian workers' rights for collective bargaining, introducing for the first time the concept of a local lockout – when an employer prevents employees from working or returning to work during a dispute – which could severely inhibit unions' abilities to go on strike. This is a direct attack on the rights of trade unions to defend and improve their members' working conditions.

In his address to the parliament on January 9, 2025, the leader of the Confederation of the Free Trade Unions of Ukraine (KVPU) and an elected member of the parliament, Mykhaylo Volynets, stated that the Code violates Convention 198 of the International Labour Organisation on Regulation

of Employment Relationships which provides that national policies should be put in place to establish measures to provide guidance to parties in establishing the existence of an employment relationship and combating disguised employment.

The plan is to demand employment contracts are redrafted and formalised in accordance with the Labour Code's new rules during 2025.

Already we have seen how neoliberal interests are using Russia's war in Ukraine as an opportunity to further their agenda, at a time when workers solidarity and the need to improve people's working conditions and rights is needed more than ever.

That's why at the Ukraine Solidarity Campaign, we are working with our union colleagues in Ukraine to support their rights. We want to see a fair post-war reconstruction that builds a stronger civil society and advances workers' rights, promotes green policies, and ends discrimination against minority groups. That does not have to be a pipe dream – change is possible when we work together to fight back against capitalist, neoliberal and management diktat. As an international workers' movement standing in solidarity with Ukrainian workers and trade unionists, we can and will build that free and fair future together.

Below is a summary of what the Ukrainian government is attempting to introduce – a Code *that effectively violates an array of the rights of Ukrainians stipulated in the country's Constitution. The changes include the following:*

- Matters such as recruitment and dismissal procedures, basic rights and duties of employees, obligations of the employer, working and rest hours – currently agreed under collective agreements which has to reflect the existing Labour Code and relevant legislation – will now be decided by individual employers;
 - It is made significantly easier to dismiss workers, in turn undermining ability to unionise and organise;
 - Fixed-term contracts (instead of long-term/permanent contracts) can be proposed or selected by the worker. In reality this means workers will be forced or pressured to sign a fixed-term contract;
 - Ukrainian law will not apply to the managers of enterprises with foreign capital investment (reflected in changes to the Law on Foreign Investment) – this will thus affect most postwar rebuilding projects planned to date;
 - Gig economy workers, those identified in the law on stimulating the development of the digital economy and legal residents of the Diia.City programme (special tax and legal space for IT businesses) will be exempt from the rules of the Code;
 - Permission for extensive workplace surveillance and monitoring of correspondence and other data without seeking workers' consent;
 - The establishment of a limit of 180 overtime hours per calendar year, while also saying a collective agreement can allow up to 250 hours;
 - For the first time in Ukrainian law, the concept of a local (enterprise-level) lockout during strikes is introduced.
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