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LAW OF UKRAINE

on Employment of the Population

This Law shall specify the legal, economic and organisational grounds for implementation of the state policy on employment of the population and the guarantees of the State concerning protection of the people's right.

Section I GENERAL PROVISIONS

Article 1. Terms and definitions

1. The terms below shall be used herein in the following meanings:

1) unemployment – a socio-economic phenomenon under which some part of individuals have no opportunity of realising their right to work and to wage (remuneration) as a livelihood;

2) unemployed – a working-age person who has no earning or other income provided for by law because of having no job and who is ready and able to set to work;

3) vacancy — a vacant position (job) in which a person can be placed;

4) voucher — a document of a standard form that grants a person according hereto the right to retraining, training at the next education and qualification level, specialisation, and advanced training in educational institutions or with an employer;

5) freely chosen employment – realisation of a person's right to choose an activity not prohibited by law (in particular, not connected with doing a paid job), as well as an occupation and a place of work according to the person's abilities and needs;

6) state regulation of employment – formulation and implementation of the state policy on employment of the population in order to provide conditions for

ensuring full and productive freely chosen employment and securing social protection against unemployment;

7) employment – any activity of individuals not prohibited by law and connected with meeting their personal or social needs, for the purpose of obtaining income (wage) in cash or in other form, as well as any activity of the members of one family who work for free at the enterprises based on their property;

8) registered unemployed — a person registered with a territorial body of the central executive authority realising the state policy on employment of the population and labour migration, as unemployed, ready and able to set to work;

9) worker's competitiveness – a set of a person's qualities that describe his/her ability to work and proficiency in knowledge, competencies and skills;

10) young worker – a graduate of a vocational or higher educational institution who found employment within three months upon completion of studies and continues to work for three years according to the qualification he/she acquired during studies;

11) underemployment – a worker's employment on the part-time basis for less than the standard time provided for by law, which can be established by an agreement between the worker and the employer with remuneration in proportion to time worked or depending on work output;

12) new job – a job created in connection with establishment of a new economic entity (except for that established by means of termination) or by means of increasing the staff number given no reduction (decrease) of the average monthly number of employed during the previous 12 months;

13) working-age persons – persons aged 16 and older who have not attained the pensionable age set forth in Article 26, Law of Ukraine on General Compulsory State Pension Insurance;

14) full employment – a worker's employment according to the standard working time provided for by legislation, a company-level collective agreement, or an employment contract;

15) job placement – a package of legal, economic and organisational measures aimed at ensuring the exercise of the person's right to work;

16) able-bodied persons – persons aged 16 and older residing in the territory of Ukraine and capable, in terms of their state of health, of carrying out intense labour activities;

17) productive employment – employment that gives an opportunity of securing efficient public production and meeting a worker's needs at the level no less than statutory guarantees;

18) vocational education – acquisition and improvement of a person's professional knowledge, competencies and skills according to his/her abilities,

which ensures an appropriate level of occupational qualification for professional activities and competitiveness in the labour market;

19) labour market – a system of legal, industrial, economic and organisational relationships that arise between job seekers, workers, trade unions, employers and their organisations, and public authorities in the course of meeting the workers' need for employment and the employers' need for recruitment according to legislation;

20) workplace – a place (premises) where a worker stays permanently or temporarily in the process of labour activity and that is specified, in particular, on the basis of an employment agreement (contract);

21) social protection against unemployment – a set of measures provided for by general compulsory state social insurance against unemployment and by legislation on employment of the population;

22) economic entity providing job placement mediation services – a legal person, registered in due course, that carries out economic activities, regardless of its ownership pattern, activity and management type, as well as a natural person entrepreneur, which provide mediation services on job placement in Ukraine and/or abroad according to this Law or to other legislative acts;

23) labour migration – movement of the population that involves crossing of the state border or administrative-territorial unit boundaries in order to perform or seek a job;

24) partial unemployment – forced temporary reduction of statutory working hours because of stoppage (cutback) of production output for economic, technological and structural reasons without termination of labour relations.

2. The terms 'employers', 'workers', 'self-employed persons', 'parties to social dialogue', and 'informal vocational education of workers' are used in the meanings specified in the Law of Ukraine on Collection and Accounting of the Single Contribution for General Compulsory State Social Insurance, the Law of Ukraine on Social Dialogue in Ukraine, and the Law of Ukraine on Professional Development of Workers.

Article 2. Legislation of Ukraine on employment of the population

1. Relations in the field of employment of the population shall be governed by this Law, the Code of Labour Laws of Ukraine, the Law of Ukraine on General Compulsory State Social Insurance against Unemployment, and other legislative acts.

2. If an international treaty that the Verkhovna Rada of Ukraine agreed to be bound by establishes rules other than provided in the legislation of Ukraine on employment of the population, provisions of the international treaty shall apply.

Article 3. Right to employment

1. Everyone shall have the right to freely chosen employment.
2. Forcing to labour in any form shall be prohibited.

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

3. Employment of the population shall be ensured by means of establishing relationships regulated by employment agreements (contracts), by carrying out entrepreneurial and other activity types not prohibited by law.

4. Foreigners and stateless persons permanently residing in Ukraine, having been recognised as refugees in Ukraine, having been granted asylum in Ukraine, having been recognised as persons in need of complementary protection, having been granted temporary protection as well as having received a permission to immigrate to Ukraine shall have the right to employment on the grounds and according to the procedure specified for Ukrainian citizens.

Foreigners and stateless persons who arrived in Ukraine for job placement for a fixed period of time shall be hired by employers on the basis of the permit for the use of labour of foreigners and stateless persons issued according to the procedure specified hereby, unless otherwise provided for by the international treaties that the Verkhovna Rada of Ukraine agreed to be bound by.

Article 4. Employed population

1. The employed population shall consist of persons working for hire under the terms of an employment agreement (contract) or under other terms provided for by legislation, self-employed persons (including members of personal peasant farms), persons doing military or alternative service, persons lawfully working abroad and having income from such employment, and persons studying on the full-time basis in general educational, vocational and higher educational institutions and combining study with employment.

Employed population shall also include one of the non-working able-bodied parents, adopters, guardians, or caregivers actually caring for a child with disability, for a person with group I disability, or for an elderly person who, according to a medical report, needs continuous outside care or who has attained 80 years of age, and receiving aid, compensation and/or increment according to legislation.

2. The employed population shall not include foreigners and stateless persons residing in the territory of Ukraine whose employment is related to supporting the work of foreign embassies or missions or to performing their professional or employment duties to an employer not being a Ukrainian resident.

Article 5. Guarantees concerning employment of the population

1. In the field of employment, the State shall guarantee:

- 1) free choice of a place to apply labour and of an activity type, free choice or change of an occupation;
- 2) receipt of wage (remuneration) according to legislation;
- 3) vocational guidance for the purpose of self-determination and realisation of the person's ability to work;
- 4) vocational education according to abilities and with account of labour market needs;
- 5) confirmation of outcomes of informal vocational education in blue-collar occupations;
- 6) free assistance in job placement, in choice of a suitable, and in obtaining information on the labour market situation and development prospects;
- 7) protection against illegal dismissal;
- 8) social protection in case of unemployment;
- 9) protection against discrimination in employment, against groundless refusal to hire, and against illegal dismissal;
- 10) additional assistance to certain population categories in job placement.

Article 6. The person's right to choose a place and type of activity and an occupation

1. Everyone shall have the right to choose freely a place and type of activity and an occupation, and the State shall secure that right by means of providing legal, organisational and economic conditions for such choice.

2. A person shall exercise the right to choose a place and type of activity and an occupation by means of providing him/herself with employment independently, or by means of approaching an employer for job placement, or with assistance from the central executive authority realising the state policy on employment of the population and labour migration, or from an economic entity providing job placement mediation services.

Article 7. The person's right to vocational guidance

1. Everyone shall have the right to vocational guidance that shall be secured by providing a package of vocational guidance services on choice or change of an occupation or activity type and other vocational guidance services.

2. Persons shall have the right to free services on vocational guidance for choosing or changing an activity type, place of employment or work schedule.

Article 8. The person's right to vocational education

1. Everyone shall have the right to vocational education that shall be secured by providing primary vocational training, retraining, specialisation and advanced training, work placement in vocational, higher educational and post-graduate educational institutions, on the on-the-job basis in industry or in the service sector, in order to acquire a necessary qualification or to bring it into conformity with requirements of modern production and the service sector.

Article 9. The person's right to social protection in case of unemployment

1. Everyone shall have the right to social protection in case of unemployment, which shall be exercised by means of:

1) taking part in general compulsory state social insurance against unemployment, which provides for financial support against unemployment;

2) providing free social services, particularly information, consultations and vocational guidance, vocational training, retraining and advanced training with account of demand in the labour market, and assistance in job placement, particularly by means of providing financial support to self-employment and realisation of the entrepreneurial initiative according to legislation.

Article 10. The right to labour activities abroad

1. Ukrainian citizens shall have the right to carry out labour activities abroad unless the activities are prohibited by laws of Ukraine and the host country.

2. The rights of the Ukrainian citizens working abroad shall be protected by laws of Ukraine and the host country unless otherwise provided for by the international treaties that the Verkhovna Rada of Ukraine agreed to be bound by.

Article 11. The person's right to protection against manifestations of discrimination in employment

1. The State shall guarantee the right to protection against any manifestation of discrimination in employment on the grounds of race, colour, political, religious and other beliefs, membership in trade unions or other associations of citizens, sex, age, ethnical and social origin, property status, place of residence, language or other grounds.

2. Implementation of measures for additional assistance in job placement of certain population categories shall not be regarded as discrimination.

3. It shall be prohibited to specify in vacancy announcements (advertisements) any restrictions on age of applicants, to offer jobs only to women or only to men, except for a specific job that can be performed solely by persons of a certain sex, to set forth requirements preferring one of the sexes, and to require job seekers to provide data on their personal life.

Restrictions on the content of vacancy (recruitment and job) announcements (advertisements) and liability for failure to comply with the established procedure of their dissemination shall be specified in the Law of Ukraine on Advertising.

Article 12. The person's right to access information on employment of the population

1. Everyone shall have the right to free information on labour force supply and demand, particularly on vacant jobs (positions), employment opportunities and conditions in the territory of Ukraine and abroad, on vocational guidance, vocational education and other services provided for by legislation.

2. The State shall secure access to information on employment of the population through public authorities and mass media.

Article 13. The person's right to protection of the rights concerning employment of the population

1. Everyone shall have the right to appeal against the decisions, actions or omission of public authorities, local governments, enterprises, institutions and organisations regardless of their ownership patterns, activity and management types, of natural persons using hired labour, as well as against the actions or omission of officials that resulted in infringement of a person's rights to employment, in accordance with legislation.

Article 14. Citizen categories having additional guarantees of assistance in job placement

1. The citizen categories having additional guarantees of assistance in job placement shall be as follows:

1) one of the parents or a surrogate parent:

maintaining children aged up to 6;

bringing up, without a spouse, a child aged up to 14 or a child with disability;

maintaining, without a spouse, a person disabled since childhood (regardless of age);

2) orphan children and children deprived of parental care;

3) persons released after completion of sentence or compulsory medical treatment;

4) young persons who graduated from, or terminated study in, general educational, vocational technical and higher educational institutions, discharged from compulsory military or alternative (non-military) service (within three

months after graduation or termination of study or service) and are being recruited for the first time;

5) persons with ten years or less left until attainment of the entitlement to old-age pension according to Article 26, Law of Ukraine on General Compulsory State Pension Insurance;

6) persons with disabilities that have not attained the statutory pensionable age.

2. For job placement of the citizens specified in part one of this Article (except for the persons with disabilities who have not attained the statutory pensionable age), the following quota shall be set for enterprises, institutions and organisations having more than 20: up to 5 percent of the average accounted number of staff members for the preceding calendar year.

3. Employers shall calculate the quota specified in part two of this Article by themselves, taking account of the number of persons already working at enterprises, institutions and organisations and belonging to uncompetitive ones in the labour market (except persons with disabilities), and shall ensure job placement of such persons by themselves or with the assistance from the central executive authority realising the state policy on employment of the population and labour migration.

A mandatory condition for employers' adherence with the quota shall consist of job placement of such individuals according to requirement in part two of this Article, on which employers shall inform the central executive authority realising the state policy on employment of the population and labour migration on the annual basis.

Section II

STATE POLICY ON EMPLOYMENT OF THE POPULATION

Article 15. The goal and core areas of the state policy on employment of the population

1. The goal of the state policy on employment of the population shall consist of:

1) securing equal opportunities for citizens in the exercise of their right to work;

2) promoting a higher professional level of the able-bodied population according to social needs;

3) fostering employment of the population, including in rural areas and depressed territories;

4) providing the economy with skilled human resources;

5) balancing labour force demand (creating a proper quantity of jobs) and supply (providing conditions for professional development and decent working conditions);

6) the priority of securing full and productive freely chosen employment;

7) securing people's social protection in case of unemployment;

8) strengthening social and legal protection of the Ukrainian citizens working abroad, including through more active international cooperation and conclusion of international agreements relating to protection of labour migrants' rights.

2. Principal directions of the state policy on employment of the population shall be as follows:

1) providing conditions for economic development and promoting creation of new jobs;

2) meeting the demand of priority economic branches for highly skilled workers;

3) strengthening motivation to legal and productive employment;

4) activating the entrepreneurial initiative and people's self-employment;

5) improving the vocational training system with account of personality interests, economic needs and labour market demands;

6) assisting enterprises, institutions and organisations, regardless of their ownership patterns, activity and management type, in professional development of their workers;

7) balancing demand and supply concerning the labour force quantity and qualification level in the labour market by means of systematic forecasting of economic needs;

8) promoting employment of the population;

9) ensuring the creation of equal opportunities for economic entities to implement infrastructural projects and targeted programmes financed from public funds;

10) coordinating and supervising the activity of economic entities that provide job placement mediation services;

11) returning the unemployed to productive employment;

12) international cooperation on ensuring social protection of the Ukrainian citizens working abroad;

13) interaction between executive authorities, local governments, employers, and trade unions in order to secure full and productive freely chosen employment, in particular taking measures to promote employment of the population;

14) ensuring efficient and intended use of the funds aimed at realisation of the state policy on employment of the population.

Article 16. Realisation of the state policy on employment of the population

1. The State shall ensure realisation of the policy on employment of the population by means of:

1) pursuing tax, fiscal, investment, budgetary, social, foreign economic and innovation policies in order to expand the scope of labour application, ensure full, productive and freely chosen employment, and improve the level of skills and competitiveness of labour force;

2) specifying indicators of labour market development and employment in nation-wide programmes of economic and social development, programmes of economic and social development of the Autonomous Republic of Crimea, oblasts, districts and cities, and evaluating them based on results of implementation of such programmes;

3) including in the labour market regulation system the measures to encourage domestic production to create new jobs in priority economic branches;

4) promoting higher competitiveness of labour force and employment of the population;

5) social protection of people in case of unemployment;

6) promoting self-employment by encouraging the start of own business, including in rural settlements and depressed areas;

7) developing rural agrarian tourism and clusters of folk artistic crafts;

8) creating conditions to ensure higher competitiveness and mobility of labour force;

9) forecasting and estimating impact of the employment policy upon the labour market;

10) licensing activities on mediation in job placement abroad.

Article 17. Bodies that ensure formulation and realisation of the state policy on employment of the population

1. Formulation and realisation of the state policy on employment of the population shall be ensured, within the scope of their powers, by the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the central executive authority for social policy, other central executive authorities, the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea, local state administrations, and local governments.

2. The central executive authority for social policy shall be the chief authority in the system of central executive authorities on the formulation and realisation of the state policy on employment of the population.

3. For the purpose of realising the state employment policy, the Cabinet of Ministers shall develop and approve the basic directions of realisation of the state policy on employment of the population for a medium-term period, which specify ways and methods of addressing employment problems and provide for measures to consolidate efforts of all the parties of social dialogue aimed at regulating the processes going on in the labour market to increase the employment rate.

The basic directions of realisation of the state policy on employment of the population shall be developed on the basis of core forecasted parameters of socioeconomic development of Ukraine, state, sectoral and regional programmes concerning their impact upon employment of the population and upon development of labour potential, and a mechanism for their implementation shall be defined.

Implementation of the basic directions of the state policy on employment of the population shall be coordinated and supervised by the central executive authority for social policy involving the central executive authority realising the state policy on employment of the population and labour migration.

Responsibility for implementation of the basic directions of the state policy on employment of the population shall be placed on ministries and other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, and local governments.

Article 18. Territorial and local employment programmes

1. Territorial and local employment programmes shall be aimed at implementing the basic directions of the state policy on employment of the population in regions and shall form part of their socioeconomic development programmes.

2. Territorial and local employment programmes shall be developed by local state administrations and submitted to the Council of Ministers of the Autonomous Republic of Crimea, oblast councils, Kyiv and Sevastopol city state councils.

3. Territorial and local employment programmes shall specify basic labour market indicators and measures aimed at balancing labour force demand and supply in territorial labour markets, social protection of the unemployed, and ensuring employment of the persons having additional guarantees for promotion of job placement.

4. Coordination of work for taking measures envisaged by the territorial and local employment programmes shall be assigned to the Ministry of Labour and Social Protection of the Autonomous Republic of Crimea, to structural units for labour and social protection in oblast state administrations, Kyiv and Sevastopol city state administrations, to territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, and to local governments.

Article 19. Coordinating committees for promoting employment of the population

1. Coordinating committees for promoting employment of the population may be established according to Article 9 of the Law of Ukraine on Social Dialogue in Ukraine.

Article 20. Financing for activities on realisation of the state policy on employment of the population

1. Financing for activities on realisation of the state policy on employment of the population shall be provided from the resources of the state and local budgets, the Fund for Social Protection of Persons with Disabilities, the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, and other financing sources according to legislation.

Section III

THE CENTRAL EXECUTIVE AUTHORITY REALISING THE STATE POLICY ON EMPLOYMENT OF THE POPULATION AND LABOUR MIGRATION

Article 21. The central executive authority realising the state policy on employment of the population and labour migration

1. Activities of the central executive authority realising the state policy on employment of the population and labour migration shall be directed and coordinated by the Minister heading the central executive authority for social policy.

2. The central executive authority realising the state policy on employment of the population and labour migration shall exercise its powers directly and through its territorial bodies.

Territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration in the Autonomous Republic of Crimea, oblasts, Kyiv and Sevastopol cities, districts, city districts, and cities shall be legal persons of public law.

The management scope of the central executive authority realising the state policy on employment of the population and labour migration may include enterprises, institutions and organisations.

3. Activities of the central executive authority realising the state policy on employment of the population and labour migration shall be financed from the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment.

4. The services provided by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration according to the tasks assigned thereto shall be free of charge.

Article 22. Tasks and functions of the central executive authority realising the state policy on employment of the population and labour migration

1. Main tasks of the central executive authority realising the state policy on employment of the population and labour migration shall be as follows:

- 1) implementing the state policy on employment of the population;
- 2) submitting proposals for the formulation of the state policy on employment of the population to the Minister heading the central executive authority for social policy;
- 3) assisting citizens in selection of suitable jobs;
- 4) providing staff recruitment services to employers;
- 5) engaging in the organisation of welfare and temporary works;
- 6) assisting citizens in the organisation of entrepreneurial activities, in particular by means of providing individual and group consultations;
- 7) implementing programmes aimed at prevention of mass release of workers, preventing loss occurrences, promoting labour force mobility and employment in regions showing the highest unemployment rates;
- 8) organising training, retraining and advanced training of the unemployed;
- 9) vocational guidance of the population;
- 10) providing additional assistance for job placement of some population categories uncompetitive in the labour market;
- 11) supervising the use of resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment;
- 12) providing social and other services to individuals, paying financial unemployment benefits according to the Law of Ukraine on General Compulsory State Social Insurance against Unemployment.

2. The central executive authority realising the state policy on employment of the population and labour migration shall, according to the tasks assigned thereto:

1) exercise operational management of financial resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment within the limits of the Fund's approved budget;

2) ensure functioning of the Uniform Information Analysis System, in particular form a database of vacant jobs (positions) based on the information arriving from employers and economic entities that provide job placement mediation services;

3) keep record of persons approaching for assistance in job placement and of services provided thereto;

4) register unemployed persons and keep record of services provided thereto;

5) organise vocational education of the registered unemployed with account of the current and future labour market needs;

6) organise the work on confirmation of professional qualifications resulting from informal vocational education in blue-collar occupations;

7) inform the population, executive authorities and educational institutions on labour force demand and supply in the labour market, and on the rights and guarantees concerning employment and in case of unemployment;

8) carry out, according to the statutory procedure, collection, processing, submission and dissemination of administrative data on labour force demand and supply in the labour market, and provision of social services to the population and employers;

9) analyse labour force demand and supply indicators, and submit proposals on labour market development forecasting to the central executive authority for social policy;

10) take part in development of the basic directions of realisation of the state policy on employment of the population for a medium-term period, territorial employment programmes and in their implementation;

11) promote job placement of the unemployed at the enterprises involved in realisation of state target programmes and infrastructural projects according to the procedure specified by the Cabinet of Ministers of Ukraine;

12) interact with employers on the issues related to identification of the current and future labour force requirements, vocational education of the population, and staffing of vacant jobs;

13) maintain the list of economic entities that provide job placement mediation services;

14) exchange information with the Pension Fund of Ukraine to ensure compliance of requirements set forth herein and in the Law of Ukraine on General Compulsory State Social Insurance against Unemployment;

15) take part in scientific research on employment, functioning of the labour market and social protection against unemployment, study international experience in order to implement innovative forms of employment promotion, and act as a customer of scientific works, research and methodological support;

16) take part in international cooperation to address the problems related to employment of the population, social protection against unemployment, and labour migration;

17) issue permits for the use of labour of foreigners and stateless persons to employers, foreigners and stateless persons, and keep records of such permits;

18) investigate insured events and justification of financial aid payment according to the procedure established by the central executive authorities for social policy, state tax policy and the Pension Fund of Ukraine. Such investigation shall be conducted by means of comparing the data specified in the insurer's documents with the database of the Pension Fund of Ukraine and the central executive authority ensuring the realisation of the uniform state tax policy and, if required, by means of carrying out on-site scheduled and unscheduled inspections of insurers;

19) supervise the use of resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, apply financial penalties according to a statutory procedure, and impose administrative fines.

Article 23. The Uniform Information Analysis System of the central executive authority realising the state policy on employment of the population and labour migration

1. The Uniform Information Analysis System of the central executive authority realising the state policy on employment of the population and labour migration shall function for:

1) providing informational support for the realisation of the state policy on employment of the population;

2) establishing an integral system of informational interaction among the public authorities that take measures to promote employment of the population;

3) monitoring of the labour market, analysis of labour force demand and supply;

4) ensuring performance by the central executive authority realising the state policy on employment of the population and labour migration of the functions and tasks assigned thereto.

2. The Uniform Information Analysis System of the central executive authority realising the state policy on employment of the population and labour migration shall include information arriving from its territorial bodies in the course of their work, particularly from citizens, employers, economic entities providing job placement mediation services, and public authorities.

3. Information from the Uniform Information Analysis System of the central executive authority realising the state policy on employment of the population and labour migration shall be provided and used according to the Law of Ukraine on Information and the Law of Ukraine on Protection of Personal Data.

Section IV

PROMOTING EMPLOYMENT OF THE POPULATION

Article 24. Measures to promote employment of the population

1. Measures to promote employment of the population shall be aimed at:

1) ensuring compliance of the professional qualification level of able-bodied persons with the labour market requirements;

2) creating conditions for active job search by the unemployed;

3) improving competitiveness of persons in the labour market.

2. Measures to promote employment of the population shall include:

1) vocational guidance and vocational education;

2) encouraging the employers' activities aimed at creating new jobs and placing the unemployed;

3) creating conditions for self-employment of the population and supporting the entrepreneurial initiative;

4) assisting in provision of the first job to young people, and introducing incentives for internship of students at enterprises, institutions and organisations regardless of their ownership patterns, activity and management types, and natural persons using hired labour;

5) promoting employment of persons with disabilities;

6) ensuring participation of the unemployed in welfare and temporary works.

3. An employer who, during a year, ensured creation of new jobs, placed workers therein and paid them wages no less than three times the minimum wage per month per person shall have the right next year to pay the single contribution for general compulsory state social insurance for every person placed in a new job in the previous year at the rate decreased by 50 percent of the single contribution sum charged for such a person.

In case of decrease in the staff number of workers and the labour remuneration fund, the employer shall lose this right.

The procedure of entitling the employer to reduce the single contribution for general compulsory state social insurance and to include the service period for persons placed in jobs according to this part shall be approved by the Cabinet of Ministers of Ukraine.

Article 25. Promoting employment of the population during the implementation of state target programmes that provide for creation of new jobs and infrastructural projects

1. The initiator of development of state target programmes that provide for creation of new jobs and infrastructural projects shall determine quantities of new jobs to be created, according to the methodology of new jobs creation specified by the central executive authority responsible for formulation and implementation of the state economic and social development policy, and shall have the number of the unemployed to be placed in the newly created jobs agreed with the central executive authority realising the state policy on employment of the population and labour migration.

2. The funds administrators specified in the state target programmes that provide for creation of new jobs and in infrastructural projects shall submit to the list of employers involved in the implementation of such programmes and projects to the central executive authority realising the state policy on employment of the population and labour migration.

Such employers may conclude with the central executive authority realising the state policy on employment of the population and labour migration an agreement on job placement of a certain number of the unemployed in the course of implementation of relevant programmes and projects.

3. The central executive authority realising the state policy on employment of the population and labour migration shall monitor job placement of the unemployed in newly created jobs in the course of implementation of state target programmes and projects, and submit data on monitoring results to the central executive authority for social policy to inform the Cabinet of Ministers of Ukraine.

Article 26. Encouraging job placement of the persons insufficiently competitive in the labour market

1. An employer placing the persons mentioned in part one, Article 14 hereof to new jobs, as referred by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, for at least two years, shall be compensated, on the monthly basis, actual costs in the amount of the single contribution for general compulsory state

social insurance for a relevant person for the month for which the contribution was paid.

The compensation shall be paid within a year from the date of the person's job placement, at the expense of the resources envisaged in the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, resources of the State Budget of Ukraine allocated to provide young persons who acquired vocational or higher education with the first job in the chosen occupation (specialty), and resources of the Fund for Social Protection of Persons with Disabilities (in case of job placement of such persons), according to the procedure specified by the Cabinet of Ministers of Ukraine.

2. In case of dismissal of a worker, for whom compensation was paid according to part one of this Article, on the employer's initiative or by agreement of the parties before expiry of a two-year period from the day of job placement, the amount paid shall be fully repaid to the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment or the Fund for Social Protection of Persons with Disabilities, depending on the compensation source, or another unemployed person shall be placed in his/her job as referred by the central executive authority realising the state policy on employment of the population and labour migration, within the two-year period.

3. The compensation mentioned in part one of this Article shall not be paid if the employer:

1) has arrears on payment of the single contribution for general compulsory state social insurance and/or insurance contributions for general compulsory state pension insurance;

2) has been declared bankrupt in due course or bankruptcy procedures have been initiated concerning him.

Article 27. Encouraging self-employment of the population and creation of new jobs by small business entities

1. To encourage self-employment of the population and the entrepreneurial initiative, the central executive authority realising the state policy on employment of the population and labour migration shall ensure provision of free individual and group consultations on the organisation and management of entrepreneurial activities involving, on the pro bono basis, public authority employees according to the procedure established by the central executive authority for social policy.

The unemployed from among insured persons who showed their willingness to carry out entrepreneurial activities shall be paid an unemployment benefit on the lump-sum basis to organise such activities and may also receive other financial support according to laws.

In case of termination of entrepreneurial activities within two years from the date of state registration of a legal person or a natural person entrepreneur, such a person shall have no right to a regular lump-sum unemployment benefit for organisation of entrepreneurial activities.

2. Small business entities that place in new jobs unemployed persons as referred by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration for at least two years shall be compensated, on the monthly basis, actual costs incurred to pay the single contribution for general compulsory state social insurance in the amount no greater than the minimum single contribution for general compulsory state social insurance for a relevant person for the month for which the contribution was paid.

The compensation shall be paid within a year from the date of the unemployed person's job placement at the expense of the resources envisaged for such purposes in the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment and resources of the Fund for Social Protection of Persons with Disabilities (in case of job placement of such persons), according to the procedure specified by the Cabinet of Ministers of Ukraine.

3. In case of dismissal of a worker, for whom compensation was paid according to part two of this Article, on the employer's initiative before expiry of a two-year period from the day of job placement, the amount paid shall be fully repaid to the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment or the Fund for Social Protection of Persons with Disabilities, depending on the compensation source.

4. The compensation mentioned in part two of this Article shall not be paid if the employer:

1) has arrears on payment of the single contribution for general compulsory state social insurance and/or insurance contributions for general compulsory state pension insurance;

2) has been declared bankrupt in due course or bankruptcy procedures have been initiated concerning him.

Article 28. State support for young workers engaged to work in villages and townships

1. In order to engage to work in positions according to a relevant occupation in villages and townships, a young worker who has entered into an employment agreement for at least three years with enterprises, institutions and organisations situated in such settlements shall be granted a lump-sum targeted aid equal to five times the minimum wage from resources of the State Budget of Ukraine, according to the procedure and the list of specialties approved by the Cabinet of Ministers of Ukraine.

Article 29. Enhancing opportunities for increasing competitiveness of young people

1. Students of higher educational institutions and pupils of vocational educational institutions, who have acquired qualifications according to such educational and qualification level as 'skilled worker', 'young specialist', 'bachelor' or 'specialist' and continue studies at the next educational and qualification level, shall have the right to undertake internship at enterprises, in institutions and organisations regardless of their ownership patterns, activity and management types, or with natural persons using hired labour, on terms and conditions specified by an internship agreement or by a fixed-term employment agreement.

The goal of internship shall consist of acquiring experience in the fulfilment of professional tasks and duties, and improving professional knowledge, competencies and skills.

The procedure for concluding an internship agreement and a model form thereof shall be approved by the Cabinet of Ministers of Ukraine.

The total period of internship may not be longer than six months.

An entry about internship shall be made by the employed in a labour book.

In case of internship on the basis of a fixed-term employment agreement, the employer shall pay a wage in the amount of no less than the minimum wage, and may not pay the single contribution for general compulsory state social insurance.

2. Internship may take place according to an individual programme under the guidance of a worker of an enterprise, institution, organisation or a natural person using hired labour whose service record in the corresponding occupation (specialty) is at least three years.

3. If, during the period of internship, the person mentioned in part one of this Article performs professional tasks and duties assigned thereto by a internship agreement or a fixed-term employment agreement, all the rights and privileges established for workers occupying relevant similar positions (jobs) shall be applied to that person.

4. Higher and vocational educational institutions, together with employers, shall assist students and pupils in access to information on internship opportunities.

Article 30. Enhancing opportunities for increasing competitiveness of persons older than 45

1. Persons older than 45 whose insurance service period is no less than 15 years shall have the right to receive, prior to attainment of the pensionable age specified in Article 26 of the Law of Ukraine on General Compulsory State

Pension Insurance, a one-time voucher for maintaining their competitiveness by means of retraining, specialisation or advanced training in occupations and specialties for priority economic activities. An occupation (specialty) from an approved list, a form and place of training shall be chosen by the person him/herself.

2. The cost of the voucher shall be set within the limits of the cost of training but may not exceed ten times the minimum of subsistence fixed by law for able-bodied persons.

The voucher is paid for from resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment subject to its financial capability.

3. The procedure of issuance of vouchers by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, and the list of occupations, specialties and advanced training areas for which a voucher may be issued shall be approved by the Cabinet of Ministers of Ukraine.

Article 31. Organisation of welfare and temporary works

1. Welfare works shall be a type of paid works of public utility in the interests of a territorial community, organised for additional financial support for the unemployed and other categories of persons and performed thereby on the voluntary basis.

2. Welfare works meeting the needs of a certain territorial community or social needs of territorial communities shall be organised by local state administrations, executive committees of village, township and city councils involving territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, on the contractual basis.

The procedure for organisation of welfare and temporary works shall be approved by the Cabinet of Ministers of Ukraine.

3. Types of welfare works shall be specified by local state administrations and executive committees of village, township and city councils according to the following criteria:

- 1) temporary nature; permanent jobs and vacancies may not be used for their organisation;
- 2) they may be performed on the part-time basis;
- 3) they are of economic, social and environmental utility for the region;
- 4) they allow for temporary job placement of unemployed persons needing no additional special, educational and skill training.

4. Fixed-term employment contracts shall be concluded with persons involved in welfare works for placement in created temporary jobs for a period that may not exceed 180 calendar days cumulatively during a year.

5. Persons engaged in welfare and temporary works shall be covered by the state social guarantees provided for, inter alia, by the legislation on labour and employment of the population and on general compulsory state social insurance.

Labour remuneration to such persons shall be paid for work actually done and may not be lower than the minimum wage.

6. Organisation of welfare works shall be financed from the funds of local budgets, employers, and other sources not prohibited by law.

If registered unemployed persons are engaged in welfare works, organisation of such works shall be financed in equal proportions from local budgets and the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment.

7. If workers lose a part of wages due to forced 50 percent reduction of their statutory working hours because of termination (reduction) of production output, they shall have the right to take part in welfare works without termination of their employment relations, including welfare works paid from resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, within the limits of the production termination (reduction) period.

8. Temporary works shall mean paid works in the interests of employers of all ownership patterns, organised for additional financial support for the unemployed and other categories of persons and performed thereby on the voluntary basis.

Temporary works shall be organised by an employer to substitute for temporarily absent workers or to perform seasonal works.

9. Fixed-term employment contracts shall be concluded with unemployed persons involved in temporary works for a period that may not exceed 180 calendar days cumulatively during a year.

Organisation of temporary works shall be financed from the funds of employers or other sources not prohibited by law.

10. The unemployed persons taking part in welfare or temporary works shall, after performance of such works, continue to receive unemployment benefits in the amount and on the dates fixed according to law.

Section V
VOCATIONAL GUIDANCE AND VOCATIONAL EDUCATION

Article 32. Vocational guidance

1. Vocational guidance of the population shall mean a set of interlinked economic, social, medical, psychological and pedagogical measures aimed at intensifying the process of a person's professional self-determination and realisation of ability to work, identification of the person's faculties, interests, opportunities and other factors that affect the occupational choice or change of labour activity type.

2. Vocational guidance shall be provided by educational institutions, health care facilities, rehabilitation institutions, medico-social expert commissions, territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, vocational guidance centres, youth labour centres, military commissariats, sentence execution institutions, enterprises, institutions and organisations regardless of ownership patterns and activity and management type, as well as by persons that provide vocational guidance services.

Article 33. Vocational guidance for the persons who approached territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration

1. Vocational guidance for the persons who approached territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration shall be provided by means of:

1) professional information sharing that consists of providing data on labour activity and its role in a person's professional self-determination, information on the labour market situation, contents and development prospects of contemporary occupations and requirements to a person, forms and conditions for mastering of occupations, opportunities of professional and qualification and career development, which shall promote shaping of a person's professional interests, intentions and motivations to choose or change a labour activity type, occupation, qualification or job;

2) vocational counselling aimed at optimising a person's professional self-determination based on identification of his/her individual and psychological characteristics, peculiarities of life situations, professional interests, aptitudes, state of health, and with account of the labour market needs;

3) professional selection that consists of establishing if a person meets the requirements specified for concrete professional activities and positions.

2. The procedure for providing services on vocational guidance shall be approved by the central executive authority realising the state policy on employment of the population and labour migration.

Article 34. Vocational education

1. Vocational education shall mean acquisition and improvement of a person's professional knowledge, competencies and skills according to his/her aptitude abilities, which ensures an appropriate level of occupational qualification for professional activities and competitiveness in the labour market.

2. The vocational education system shall cover:

1) persons undergoing primary vocational training in the educational institutions and other establishments that carry out or ensure training of skilled workers and specialists;

2) workers undergoing primary vocational training, retraining and advanced training in the course of their labour activities;

3) unemployed persons seeking a job and needing primary vocational training, retraining or advanced training.

3. Workers' competitiveness in the labour market shall be increased according to the requirements of modern production and services by means of ensuring efficient operation and development of the vocational education system, and assisting in workers' vocational training, retraining and advanced training at enterprises, in institutions and organisations regardless of their ownership patterns, activity and management types.

4. An employer shall have the right to conclude agreements on referral to educational institutions for vocational training, retraining and advanced training with workers or other persons not having employment relations therewith.

The above-mentioned agreement may impose on the worker or other person referred to training a duty of working for such an employer, upon completion of training, during the period agreed by the parties, which must be comparable with the duties undertaken by the employer concerning the payment for and duration of training, but no longer than three years.

5. If a worker or other person refuses to work for the employer during the period agreed with the latter or retires before expiry of that period, the worker or other person shall be required to reimburse the employer for the costs incurred to pay for training or for a part of such costs proportional to the period worked, on terms specified by the agreement. The worker or other person shall not be required to reimburse the employer for the costs related to training if the worker or other person has not started working or has been dismissed on the following grounds:

1) establishment of disability;

2) dismissal on the employer's initiative not connected with the worker's committing unlawful acts;

3) induction into military service or referral to alternative (non-military) service;

4) on his/her own initiative because of the employer's having violated labour legislation, collective agreements including a company-level collective agreement, or an employment agreement.

6. The procedure for confirmation of outcomes of informal vocational education in blue-collar occupations shall be specified by the Cabinet of Ministers of Ukraine.

Article 35. Vocational education of the registered unemployed

1. Vocational education of the registered unemployed shall consist of vocational training, retraining and advanced training aimed at acquisition and improvement of professional knowledge, competencies and skills and increase of competitiveness in the labour market, provided at the expense of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment.

The procedure of vocational training, retraining and advanced training of the registered unemployed shall be approved by the central executive authority realising the state policy on employment of the population and labour migration jointly with the central executive authority for education and science, youth and sports and agreed upon with representative all-Ukrainian associations of employers' organisations according to the legislation on social dialogue.

2. Vocational education of the registered unemployed shall be organised by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration against an employer's order or for self-employment or entrepreneurial activities, considering wishes of the unemployed, and shall be provided at vocational and higher educational institutions, enterprises, institutions and organisations regardless of their ownership patterns, activity and management types.

To improve competitiveness of the unemployed in the labour market and promote their self-employment, territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration shall organise vocational education in aggregate (integrated) blue-collar occupations and other occupations in demand in the labour market.

3. Vocational education of the unemployed shall be organised by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, on contractual terms with the unemployed, employers and educational institutions according to the procedure approved by the central executive authority realising the state policy on employment of the population and labour migration.

Employers acting as staff customers shall take part in definition of training contents and in qualification appraisal of the unemployed, and shall provide workplaces for their in-service training, work placement or internship.

4. The unemployed person undergoing vocational training as referred by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration shall continue to receive unemployment benefit in the amount and according to the schedule fixed according to laws.

5. The unemployed can confirm outcomes of their informal vocational education in blue-collar occupations as referred by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, according to the procedure specified by the Cabinet of Ministers of Ukraine.

Section VI JOB PLACEMENT MEDIATION SERVICES

Article 36. Activities of the economic entities providing job placement mediation services

1. Activities of the economic entities providing job placement mediation services and other economic entities recruiting workers for further performance of work thereby in Ukraine for other employers shall be regulated by this Law and other legislative acts of Ukraine.

2. Job placement mediation services shall include job search and assistance in a person's job placement, and selection of workers according to orders of employers (including foreign ones) within the scope of the agreements (contracts) concluded with employers.

3. The list of economic entities providing job placement mediation services and other economic entities recruiting workers for further performance of work thereby in Ukraine for other employers shall be formulated and maintained by the central executive authority realising the state policy on employment of the population and labour migration according to the procedure specified thereby.

4. The economic entities providing job placement mediation services and other economic entities recruiting workers for further performance of work thereby in Ukraine for other employers shall be required to:

1) provide citizens with full and reliable information on the employer's demand for labour force (vacancies), the employer's requirements to qualification, working experience, working conditions, nature of work, and labour remuneration;

2) cooperate with enterprises, institutions and organisations, trade unions and associations thereof, employers' organisations and associations thereof;

3) secure protection of any information received from individuals approaching them for job placement, observance of the rules of use and dissemination of such information as specified by the Law of Ukraine on Information and the Law of Ukraine on Protection of Personal Data, and confidentiality of employers' commercial information according to law;

4) submit data on the persons they placed in jobs to territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration according to the procedure established by the central executive authority realising the state policy on employment of the population and labour migration as agreed upon with the central executive authority ensuring realisation of the state policy on statistics.

Article 37. Activities of the economic entities providing mediation services for job placement in Ukraine

1. The economic entities providing mediation services for job placement in Ukraine shall cooperate with territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration by means of:

1) concluding agreements on cooperation in specific activity areas, including for exchange of data on vacant jobs (vacancies);

2) implementing joint activities (projects);

3) consulting in order to improve professional practices and provide services to employers and job seekers, including those having additional guarantees of assistance in job placement.

2. The economic entities providing mediation services for job placement in Ukraine shall be barred from receiving fees, commissions and other rewards from the persons whom the above-mentioned services have been provided. Job placement services are paid for solely by the employer whom such services have been provided.

Article 38. Activities of the economic entities providing mediation services for job placement abroad

1. Activities of the economic entities providing mediation services for job placement abroad shall be subject to licensing and regulated by the Law of Ukraine on Licensing of Certain Economic Activities, the Law of Ukraine on Foreign Economic Activities, this Law, and other legislative acts of Ukraine.

Mediation services for job placement abroad shall be provided according to applications of a foreign employer (its counterpart) concerning vacant jobs (vacancies) and only within the scope of the foreign economic agreements (contracts) concluded by foreign economic entities on provision of mediation services for job placement to assist in signing of an employment agreement

(labour contract). A draft employment agreement certified by the foreign employer shall be a mandatory appendix to a foreign economic agreement (contract) on provision of mediation services for job placement abroad.

The economic entity providing mediation services for job placement abroad shall be responsible, according to legislation, for worsening of terms and conditions of the employment agreement concluded between an individual and a foreign employer, and a copy of the agreement shall be kept by the above-mentioned entity for three years.

2. Mediation services for job placement abroad shall be provided after conclusion of an agreement on provision of mediation services for job placement abroad between an individual and an economic entity. The economic entity providing mediation services for job placement abroad shall have no right to obtain from persons whom such services have been provided any payment before a certificate of completion has been signed.

3. The economic entity providing mediation services for job placement abroad shall assist the individuals whom such services have been provided in addressing the issues of legal and social protection, and shall inform them on a mechanism of voluntary participation in the general compulsory state social insurance.

4. During the period of work abroad individuals shall have the right to take part in general compulsory state social insurance, particularly pension insurance, according to the Ukrainian legislation that grants them the right to social protection in case of relevant insured events.

Article 39. Activities of the economic entities recruiting workers for further performance of work thereby in Ukraine for some other employer

1. Economic entities shall recruit workers for further performance of work thereby in Ukraine for some other employer based on employment agreements. Such economic entities shall refer workers to perform work for some other employer provided it is envisaged by a company-level collective agreement of such an employer and a primary trade union, and they shall be required to:

1) conclude an agreement with the employer on the use of the worker's labour;

2) pay the worker a wage in the amount no less than the statutory minimum wage and than the wage a worker is paid by the employer for doing the same work;

3) secure the worker the work time and rest time on the terms specified for the employer's workers, which is envisaged by a company-level collective agreement and internal work order regulations;

4) accrue and pay the single contribution for general compulsory state social insurance in the worker's favour according to the production occupational risk class in which the employer using the worker's labour has been included;

5) not prevent conclusion of an employment agreement between the worker and the employer for which the former performed the work.

2. The economic entity may recruit workers for further performance of work thereby in Ukraine for natural persons based on an agreement concluded between the economic entity and the natural person on provision of services.

3. The economic entity shall be barred from referring workers to work for the employer that:

- 1) reduced the number (staff) of workers during the year;
- 2) failed to comply with the standard number of workers of basic occupations involved in engineering processes of primary production;
- 3) engages workers to perform works in harmful, hazardous and heavy conditions as well as works in basic occupations of an engineering process of primary production.

Article 40. Associations of economic entities providing job placement mediation services

1. The economic entities providing job placement mediation services may establish associations according to legislation.

2. An association of the economic entities providing job placement mediation services shall have the right to:

- 1) submit proposals on formulation and realisation of the state policy on employment of the population;
- 2) protect their members' rights and represent their interests in public authorities.

Article 41. State regulation of the activities of economic entities providing job placement mediation services

1. State regulation of the activities of economic entities providing job placement mediation services shall be exercised, in particular, by means of:

- 1) maintaining a list of such economic entities;
- 2) providing legal support for the activities of economic entities providing job placement mediation services that render services on job search and job placement assistance to individuals and on staff selection to employers;
- 3) exercising supervision and control over compliance with the legislation on labour and employment, which shall be carried out by the designated

authority for realisation of the state policy on state supervision and control over compliance with legislation on employment.

Section VII USING LABOUR OF FOREIGNERS AND STATELESS PERSONS IN UKRAINE

Article 42. Using labour of foreigners and stateless persons in Ukraine

1. Enterprises, institutions and organisations shall have the right to use labour of foreigners and stateless persons in the territory of Ukraine given a permit issued by territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration for the period of up to one year, unless otherwise provided for by the international treaties that the Verkhovna Rada of Ukraine agreed to be bound by.

2. A permit for the use of labour of a foreigner or a stateless person shall be issued to an employer provided that Ukraine (the region) has no skilled workers able to perform this type of work or if reasonability of the use of their labour is sufficiently substantiated, unless otherwise provided for by international treaties that the Verkhovna Rada of Ukraine agreed to be bound by.

A permit shall also be issued for the use of labour of:

foreigners sent to Ukraine by a foreign employer to perform a certain scope of works (services) under the agreements concluded between Ukrainian and foreign economic entities, provided that the percentage of skilled foreigners engaged within the agreement framework is not greater than a half of the total number of persons to work under the agreements;

foreigners belonging to the 'intracorporate cessionaries' category according to the schedule of specific commitments in the sector of services under the Protocol on the Accession of Ukraine to the WTO (Article II, General Agreement on Trade in Services);

persons concerning whom it has been decided to draw up documents for refugee status determination.

3. The procedure of issuance, extension and annulment of the permit for the use of labour of foreigners and stateless persons as well as the rate of payment for the issuance of the permit, which shall be included in the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, shall be specified by the Cabinet of Ministers of Ukraine.

4. Foreigners and stateless persons shall have the right to carry out investment, foreign economic and other activities in Ukraine according to legislation.

5. Foreigners and stateless persons may not be appointed to a position or engage in labour activities if appointment to such positions or engagement in

such activities requires, according to legislation, Ukrainian citizenship, unless otherwise provided for by the international treaties that the Verkhovna Rada of Ukraine agreed to be bound by.

6. No permit for job placement shall be required for:

- 1) foreigners permanently residing in Ukraine;
- 2) foreigners having been granted the refugee status according to Ukrainian legislation or having received a permission to immigrate to Ukraine;
- 3) foreigners having been recognised as those in need of complementary protection or having been granted temporary protection in Ukraine;
- 4) representatives of foreign sea (river) fleet and airline companies servicing such companies in the territory of Ukraine;
- 5) workers of foreign mass media accredited to work in Ukraine;
- 6) sportspersons having acquired the professional status, actors and artists for working in Ukraine in their specialties;
- 7) workers of emergency rescue services to perform urgent works;;
- 8) staff of foreign missions registered in the territory of Ukraine according to the procedure established by law;
- 9) members of the clergy being foreigners and staying in Ukraine temporarily at the invitation of religious organisations to carry out canonical activities only in these organisations and as officially agreed upon with the authority that registered the respective religious organisation's statute (regulations);
- 10) foreigners who arrived in Ukraine to take part in implementation of international technical assistance projects;
- 11) foreigners who arrived in Ukraine to carry out teaching activities in their specialities at state higher educational institutions at the latter's invitation;
- 12) other foreigners in cases provided for by laws and by the international treaties of Ukraine that the Verkhovna Rada of Ukraine agreed to be bound by.

7. Engagement of highly skilled foreign specialists and workers the need for which is appreciable for national economy shall be done on the grounds specified in the Law of Ukraine on Immigration.

Section VIII UNEMPLOYMENT

Article 43. The unemployed status

1. The unemployed status may be granted to:

1) a working-age person until assignment of pension (including on privileged terms or long-service pension) who has no earning or other statutory income because of having no job, is available and ready for work;

2) a person with disabilities who has not attained the pensionable age specified by Article 26 of the Law of Ukraine on General Compulsory State Pension Insurance and receives a disability pension or a social benefit according to the Law of Ukraine on State Social Assistance to Persons Disabled Since Childhood and to Children with Disabilities and the Law of Ukraine on State Social Assistance to Persons Not Entitled to Pension and Persons with Disabilities;

3) a person under 16 who worked and was dismissed because of changes in the organisation of production and work, including termination or conversion of enterprises, institutions or organisations, reduction in the number of workers or staff size.

2. The unemployed status shall be granted to the persons specified in part one of this Article upon their personal applications in case of there being no suitable job, since the first day of registration with territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, regardless of their registered place of residence or stay.

The procedure for registration, re-registration and recording of job seekers and unemployed persons with territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration shall be specified by the Cabinet of Ministers of Ukraine.

Article 44. Rights and duties of the registered unemployed

1. The registered unemployed persons shall have the right to:

1) receive freely from territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration:

services on search for a suitable job and promotion in job placement, including to welfare and temporary works;

advisory, information and vocational guidance services for the purpose of choosing or changing an activity type (occupation);

information on their rights and duties as unemployed;

data on themselves contained in the Uniform Information Analysis System;

2) receive unemployment benefit and social services as per the Law of Ukraine on General Compulsory State Social Insurance against Unemployment and this Law;

3) retain the entitlement to unemployment benefit for the period of participation in welfare and temporary works (for up to 180 days, particularly in

case of substitution for a temporarily absent worker), in the amount specified prior to their conclusion of a fixed-term employment agreement for participation in such works.

2. The registered unemployed persons shall be required to:

1) carry out active job search, independently or with the assistance of territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, that shall consist of taking purposeful measures for job placement, particularly participation in competitive selection by employers;

2) attend the territorial body of the central executive authority realising the state policy on employment of the population and labour migration at the place of residence, at a time specified and agreed upon with it, but no less than once every thirty calendar days;

3) comply with the written individual recommendations concerning job placement promotion, particularly take part in the activities related to promoting employment of the population;

4) inform the public employment service on any change in the circumstances that affect decision-making on provision of social services and assignment (payment) of benefit (temporary employment, change of the place of residence, departure from Ukraine for job placement or other activities aimed at earning a profit, etc.);

inform the territorial body of the central executive authority realising the state policy on employment of the population and labour migration within three working days on the registration termination circumstances specified in part one, Article 45 hereof.

3. The registered unemployed persons shall be responsible for reliability of the data and documents submitted to the territorial body of the central executive authority realising the state policy on employment of the population and labour migration, based on which a decision is made concerning registration of the unemployed person and assignment of financial benefit and provision of social services.

Article 45. Termination of an unemployed person's registration

1. Registration of an unemployed person with the territorial body of the central executive authority realising the state policy on employment of the population and labour migration shall be terminated if:

1) the person has become employed;

2) the person has been reinstated in a job by a court decision that has taken legal effect;

- 3) the person has personally filed a written application on de-registration or on refusal from services;
- 4) the person has declined for two times without good excuse a suitable job offer or (for unemployed persons seeking a job for the first time and having no occupation (specialty)) a vocational education offer;
- 5) the person has declined for two times without good excuse a suitable job in the occupation (specialty) acquired by referral of the territorial body of the central executive authority realising the state policy on employment of the population and labour migration;
- 6) the person has terminated without good excuse vocational training he/she was referred to by the territorial body of the central executive authority realising the state policy on employment of the population and labour migration;
- 7) the person has failed to visit without good excuse the territorial body of the central executive authority realising the state policy on employment of the population and labour migration during thirty working days from the day on which a decision on such a visit was made (presence of good excuses shall be confirmed by appropriate documents);
- 8) it has been found that the person submitted unreliable data and documents based on which the decision was made to grant him/her the unemployed status, assign (pay) unemployment benefit and provide social services;
- 9) it has been found that the unemployed person performs paid work (provides services);
- 10) a court verdict on sentencing the person to imprisonment for a certain term, limitation of freedom or arrest (expect release from completion of sentence with a trial period) has taken legal effect;
- 11) the person has entered an educational institution for full-time study;
- 12) the person has been called out for military or alternative (non-military) service;
- 13) the person has attained the statutory pensionable age specified in Article 26 of the Law of Ukraine for General Compulsory State Pension Insurance, or pension on privileged terms or long-service pension has been assigned;
- 14) the person has filed an application on his/her desire of taking care of a child until 3 years old or during the period specified in a medical report;
- 15) the unemployed person has died or has been recognised by court as dead or missing, incapable or limitedly capable;
- 16) since the date of issuance of a certificate to the report on examination by a medico-social expert commission containing conclusions that declare a person with disabilities incapable of work;

17) on other grounds provided for by the procedure of registration, re-registration and recording of job seekers and unemployed persons.

2. In case of termination of registration according to items 5-9, part one of this Article, the unemployed person shall have the right to next registration with a territorial body of the central executive authority realising the state policy on employment of the population and labour migration no earlier than 90 calendar days from the de-registration date.

Article 46. A suitable job for an unemployed person

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

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

2. For persons having no occupation (specialty) and seeking a job for the first time, a suitable job shall mean a job requiring primary vocational training, including directly on the on-the-job basis; for persons wishing to restart their labour activities after a break of longer than six months, a suitable job shall mean a job in the occupation at their most recent of employment or a job requiring preliminary retraining in the new occupation (specialty) by referral of a territorial body of the central executive authority realising the state policy on employment of the population and labour migration.

3. If it is not possible to give an unemployed person a job in the occupation within six months from the date of registration with a territorial body of the central executive authority realising the state policy on employment of the population and labour migration, the person is offered a suitable job considering his/her abilities, state of health and professional experience, types of training available to him/her, and the labour market demand.

4. For persons who did not work in the previously acquired occupations (specialties) for more than 12 months, a suitable job shall mean a job that they performed at their most recent place of employment, and a job in the previously acquired occupations (specialties) may be suitable given prior advanced training with account of the labour market demand.

5. If an unemployed person changes his/her occupation by referral of a territorial body of the central executive authority realising the state policy on employment of the population and labour migration, a suitable job shall mean a job in the acquired occupation and in the previous occupation (specialty).

6. Suitable job matching for persons with disabilities shall be done according to their professional skills, knowledge, and recommendations of a medico-social expert commission, with due account of their wishes concerning conditions of work.

7. For persons having no occupation or persons who worked in positions requiring no special training and have been registered with a territorial body of the central executive authority realising the state policy on employment of the population and labour migration for more than 6 months, a suitable job shall also mean participation in welfare and temporary works for more than 1 month.

For persons wishing to restart their labour activities after a long (over 12 months) break (except for persons with two and less years left until the attainment of the general established pensionable age), a suitable job shall also mean participation in welfare and temporary works for more than 1 month that correspond to their education, occupation (specialty), and professional experience, particularly in related occupations.

8. A job may not be considered as suitable to an unemployed person if:

the workplace is situated outside the accessibility range of transport services established by decisions of a local state administration or an executive authority of a corresponding council;

conditions of work do not meet the rules and regulations established by the legislation on labour and occupational safety;

conditions of work at the offered workplace do not meet the person's state of health, which is confirmed by a medical certificate.

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

Article 47. Partial unemployment benefit

1. Partial unemployment benefit shall be provided by a territorial body of the central executive authority realising the state policy on employment of the population and labour migration to insured persons if they have lost some part of their wage due to forced reduction of statutory working hours because of stoppage (reduction) of production output without termination of employment relations if:

stoppage (reduction) of production output at an enterprise or in a shop or section having a closed production cycle (a structural unit of the enterprise where all stages of an engineering process for manufacture of a certain product within such a unit are implemented), which is inevitable and temporary, lasts for at least three months and does not exceed six months, does not depend on workers and the employer, covered at least 30 percent of staff of the enterprise or a shop or a section where reduction of working hours is 50 and more percent per month;

stoppage (reduction) of production output and working hours of workers is forced because all possible measures to prevent it have been exhausted.

An employer shall be required to inform a territorial body on possible stoppage (reduction) of production output in written according to the form and within the time limit specified by the central executive authority realising the state policy on employment of the population and labour migration.

2. The right to partial unemployment benefit shall be granted to insured persons who worked no less than for six calendar months during 12 months preceding the month in which reduction of the statutory working hours began, paid insurance contributions and for whom reduction of the statutory working hours is 50 and more percent per month.

3. Partial unemployment benefit shall not be granted if:

1) stoppage (reduction) of production output is seasonal or is caused solely by organizational and production reasons;

2) there is an opportunity for job placement (temporary transfer) of workers for the period of stoppage (reduction) of production output in other sections or shops;

3) the worker:

has refused placement in (temporary transfer to) a suitable job at the enterprise on the full-time basis;

has a second job at the enterprise;

does alternative (non-military) service.

4. Partial unemployment benefit shall be fixed for every hour by which the worker's statutory working hours were reduced, based on two-thirds of the tariff rate (salary) set for the worker of the corresponding grade. The amount of benefit shall be determined during the approval of the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, proceeding from financial capabilities, and it may not exceed the statutory minimum of subsistence fixed for able-bodied persons.

5. Partial unemployment benefit shall be paid to workers by the enterprise beginning from the first day of reduction of their working hours from resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment within the limits of the production stoppage (reduction) period, but for no longer than 180 calendar days during a year.

6. In case of failure to comply with guarantees of employment for persons, whom partial unemployment benefit was paid (termination of an employment agreement within six months (if the benefit was paid for less than 180 calendar days – within a period equal to the benefit payment period)), since the day on which benefit payment was terminated on the grounds specified in Article 40(1), Article 36(1) and part three, Article 38 of the Code of Labour Laws of Ukraine,

the funds shall be fully repaid to the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment.

7. An enterprise may not apply to the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment for next receipt of funds to pay workers partial unemployment benefit earlier than a year after expiry of the partial unemployment benefit payment period.

8. The procedure for granting partial unemployment benefit shall be specified by the central executive authority on social policy.

Article 48. Mass release of workers on the employer's initiative

1. Mass release on the employer's initiative (except when a legal person is liquidated) shall consist of one-time release or release during:

1) one month:

of 10 and more workers at an enterprise, institution or organisation having between 20 and 100 staff;

of 10 and more percent of workers at an enterprise, institution or organisation having between 101 and 300 staff;

2) three months - of 20 and more workers at an enterprise, institution or organisation regardless of the staff number.

2. Parameters of mass release of workers, measures to prevent them and to minimise their negative consequences shall be established by company-level collective agreements and collective agreements concluded on the national, sectoral and regional levels.

3. A package of measures to secure employment of workers subject to release shall be designed by respective executive authorities and local governments involving the parties to social dialogue.

4. If mass release of workers has caused rapid unemployment growth by three or more percentage points in a given region or area, the labour market situation shall be regarded as critical.

To take measures for preventing rapid unemployment growth during mass release of workers, special commissions may be established according to the procedure specified by the Cabinet of Ministers of Ukraine.

Article 49. A special guarantee for unemployed persons of pre-pensionable age who lost their job because of changes in the organisation of production and work

1. Workers whose employment contracts were terminated on the initiative of the owner or a body authorised thereby because of changes in the organisation of production and work, including liquidation, reorganisation,

bankruptcy, conversion of enterprises, institutions or organisations, reduction in the number of workers or staff size, as well as military servicemen discharged from military service because of reduction in force or staff without pension entitlement who at the discharge date have no more than 18 months left to the pensionable age established in Article 26 of the Law of Ukraine on General Compulsory State Pension Insurance or the age entitling to the pension according to the Laws of Ukraine on Civil Service, on the Status of a People's Deputy of Ukraine, on the Public Prosecution, and on the Scientific and Scientific and Technological Activities, given their registration with a territorial body of central executive authority realising the state policy on employment of the population and labour migration and given no suitable job shall be guaranteed the right to early retirement provided that they have the pensionable service required for assignment of minimum old-age pension specified the first paragraph, part one, Article 28 of the Law of Ukraine on General Compulsory State Pension Insurance.

The first paragraph of this part shall also apply to workers who resigned from enterprises, institutions and organisations regardless of their ownership patterns, activity and management types because of forced or voluntary resettlement from a radioactively contaminated area and registered, within a month upon resignation, with a territorial body of the central executive authority realising the state policy on employment of the population and labour migration.

2. Any expenses incurred for early assigned pensions shall be reimbursed to the Pension Fund of Ukraine from the resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment according to the procedure established by the central executive authority for social policy and the Pension Fund of Ukraine.

A request for early retirement of unemployed persons shall be submitted according to the procedure of registration, re-registration and recording of the unemployed.

Section IX

SOCIAL DIALOGUE IN THE LABOUR MARKET

Article 50. Participation of employers in securing employment of the population

1. The rights and powers of employers and their associations as to securing employment of the population and protection of workers against unemployment and its consequences shall be specified by this Law, the Law of Ukraine on Employers' Organisations, the Law of Ukraine on Social Dialogue in Ukraine, other regulatory legal acts, company-level collective agreements, and collective agreements concluded on the national, sectoral and regional levels.

2. Employers shall take part in the implementation of measures aimed at securing employment of the population by means of:

- 1) providing conditions for the exercise by citizens of their right to work;
- 2) complying with requirements of the legislation on labour, on employment of the population and on general compulsory state social insurance against unemployment.
- 3) agreeing upon contents of vocational education;
- 4) exercising the right to choose educational institutions, enterprises, institutions and organisations for vocational education of the unemployed person according to specified requirements;
- 5) taking part in state qualification certification, in state certification of individuals based on results of vocational education, and in confirmation of occupational qualification in blue-collar occupations of the persons wishing to confirm outcomes of their informal education;
- 6) submitting proposals to draft legislative acts on employment and labour migration;
- 7) taking part in supervision of compliance with legislation on employment, labour migration, vocational education, and confirmation of qualifications.

3. Employers shall be required to:

- 1) inform territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration on the reasons for denial of job placement of the persons referred thereby;
- 2) inform primary trade union organisations, no later than three months in advance, on scheduled mass staff release, its terms, number and categories of staff likely to be affected, and hold consultations with trade unions for designing measures to prevent release, mitigate its consequences, and reduce the number of staff to be released;
- 3) take other measures to promote employment of the population as provided for by company-level collective agreements and collective agreements concluded on the national, sectoral and regional levels;
- 4) as agreed upon with the central executive authority for securing realisation of the state policy on statistics, submit to territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration the information on:

demand for labour force (vacancies);

scheduled mass release of workers because of changes in the organisation of production and work, including liquidation, reorganisation or conversion of enterprises, institutions or organisations, reduction in the number of workers or staff of enterprises, institutions or organisations regardless of their ownership patterns, activity and management types, two months prior to the release;

5) coordinate with a primary trade union organisation, with which a company-level collective agreement has been concluded, the engagement of workers of other employers, particularly workers of the economic entities providing job placement mediation services.

5. Employers shall have the right to:

1) select personnel directly or through territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, or the economic entity providing job placement mediation services;

2) take part, through employers' representative bodies, in the management of general compulsory state social insurance;

3) interact with the central executive authority realising the state policy on employment of the population and labour migration in the creation of a databank on vacant jobs (positions), in promotion of job placement of unemployed persons, and in identification of the future staff requirement;

4) use labour (services) of foreigners and stateless persons according to the procedure established by law;

5) receive free information on labour force supply, services on selection and referral of unemployed persons and persons specified in part one, Article 14 hereof, and other job seekers for job placement, from the central executive authority realising the state policy on employment of the population and labour migration;

6) take part in the organisation and implementation of welfare works and temporary works;

7) hold interviews with job applicants in order to identify correspondence of their professional knowledge, competencies and skills to established requirements;

8) appeal in due course against actions or inaction of the central executive authority realising the state policy on employment of the population and labour migration;

9) take part in financing measures for promotion of employment according to legislation;

10) receive compensation from territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration, in the amount and according to the procedure specified by this Law and other legislative acts.

5. Employers shall be barred from:

1) specifying any discriminatory requirements in job announcements (advertisements) and during staff selection as well as requiring job seekers to provide data on their personal life;

2) using labour of individuals without proper legalisation of employment relations or taking measures aimed to conceal employment relations;

3) engage workers hired by the economic entities providing job placement mediation services for further performance of work thereby in other enterprises, institutions and organisations if such an employer:

reduced the number (staff) of workers during the year;

failed to comply with the standard number of workers of basic occupations involved in engineering processes of primary production;

engages workers to perform works in harmful, hazardous and heavy conditions as well as works in basic occupations of an engineering process of primary production.

6. Employers' organisations and associations thereof shall be involved in:

1) taking measures to ensure employment of the population;

2) drafting regulatory legal acts on employment of the population and labour migration;

3) managing general compulsory state social insurance against unemployment according to law, in particular formulating indicators of the draft budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment;

4) developing and updating occupational standards (job descriptions), promoting development of the system of staff training, retraining and advanced training, securing its proper quality;

5) organising and conducting research on the current and future labour market demands.

7. Employers' organisations shall have the right to submit proposals to executive authorities and local governments on employment of the population, and the proposals shall be binding for consideration.

Article 51. Participation of trade unions and their associations in securing employment of the population

1. The rights and duties of trade unions and their associations as to securing employment of the population and protection against unemployment and its consequences shall be specified by this Law, the Law of Ukraine on Trade Unions, Their Rights and Guarantees of Their Activities, the Law of Ukraine on Social Dialogue in Ukraine, other regulatory legal acts, company-level collective agreements, and collective agreements concluded on the national, sectoral and regional levels.

2. Trade unions and their associations shall:

1) participate in:

implementing measures to ensure employment of the population;

drafting legislative acts on employment of the population and labour migration;

developing a mechanism and supervising compliance with legislation on employment of the population, labour migration, vocational education, and confirmation of qualifications;

designing measures to secure social protection of the workers released from enterprises, institutions and organisations on the employers' initiative;

managing general compulsory state social insurance according to law, in particular formulating indicators of the draft budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment;

conducting research on the current and future labour market demands.

2) hold consultations on employment of the population with employers' organisations and associations thereof, executive authorities and local governments.

3. Trade unions and their associations shall have the right to submit proposals to executive authorities, local governments, employers and employers' organisations on improving the mechanism for ensuring employment of the population, and the proposals shall be binding for consideration.

Section X

SUPERVISION AND LIABILITY IN THE FIELD OF EMPLOYMENT OF THE POPULATION

Article 52. Supervision over compliance with the legislation on employment of the population

1. State supervision over observance of the legislation on employment of the population shall be exercised by the designated authority for realisation of the state policy on state supervision and control over observance of the legislation on employment of the population and the central executive authority realising the state policy on employment of the population and labour migration, within the scope of their powers.

2. Public control in the field of employment of the population shall be exercised by trade unions, associations thereof, employers and associations thereof.

Article 53. Liability for infringement of the legislation on employment of the population

1. The officials of executive authorities and local governments, enterprises, institutions and organisations and the natural person entrepreneurs guilty of infringement of the legislation on employment of the population shall be held liable according to law.

2. If an employer fails to meet, during a year, the quota for job placement of the individuals specified in part one of Article 14, a fine shall be imposed for each person not placed in a job within the quota, amounting to two statutory minimum wages in force at the moment the breach was found.

3. If an economic entity carries out activity on provision of job placement mediation services without state registration, a fine shall be imposed equal to twenty times the minimum wage in force at the moment the breach was found.

4. If an economic entity providing job placement mediation services fails to submit, according to this Law, data on persons placed thereby or fails to comply with the procedure of submitting such data, a fine shall be imposed amounting to two minimum wages in force at the moment the breach was found.

5. If an employer uses labour of foreigners or stateless persons and persons concerning which it was decided to draw up documents for refugee status determination:

under an employment or other agreement without a permit for the use of labour of a foreigner or stateless person, a fine shall be imposed for each person equal to twenty times the minimum wage in force at the moment the breach was found;

on terms other than envisaged by the above-mentioned permit or by some other employer, a fine shall be imposed for each person equal to ten times the minimum wage in force at the moment the breach was found.

6. If an employer fails to submit the data envisaged by the third paragraph, item 4, part three, Article 50 hereof or fails to comply with the procedure of submitting such data, a fine shall be imposed amounting to four minimum wages in force at the moment the breach was found.

7. If an economic entity providing mediation services for job placement in Ukraine fails to comply with the requirements in part two, Article 37 hereof, a fine shall be imposed equal to ten times the minimum wage in force at the moment the breach was found.

8. If an economic entity providing mediation services for job placement abroad fails to comply with the requirements of this Law and the Law of Ukraine on Licensing of Certain Economic Activities, a fine shall be imposed equal to ten times the minimum wage in force at the moment the breach was found.

9. The fines imposition of which is envisaged by this Article shall be financial sanctions and shall not belong to the administrative economic penalties specified by Article 27 of the Economic Code of Ukraine.

The fines specified in parts two-seven of this Article shall be imposed by the designated authority for realisation of the state policy on state supervision and control over observance of the legislation on employment of the population according to the procedure established by the Cabinet of Ministers of Ukraine.

10. If a person fails (or refuses) to pay the fines envisaged by this Article within a month, they shall be levied judicially. The sums of the fines specified in parts two, five and six of this Article shall be entered into the budget of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, and those specified in parts three, four, seven and eight shall be entered into the State Budget.

11. The officials of an economic entity providing job placement mediation services who violated legislative requirements during provision of such services shall be held liable according to legislation. Failure of an economic entity providing job placement mediation services to meet legislative requirements during provision of such services shall constitute a ground for deciding to terminate its activity or to cancel its licence by a licensing body.

Section XI FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall take effect on 1 January 2013.

2. The following acts shall be deemed to have lost force:

the Law of Ukraine on Employment of the Population (Vidomosti Verkhovnoi Rady URSR, 1991, No. 14, p. 170; Vidomosti Verkhovnoi Rady Ukrainy, 1992, No. 12, p. 169; 1993, No. 2, p. 3; 1994, No. 45, p. 408; 1996, No. 3, p. 11, No. 9, p. 42; 1997, No. 8, p. 62; 1998, No. 11-12, p. 44; 1999, No. 1, p. 6, No. 4, p. 33; 2000, No. 3, p. 22, No. 38, p. 318; 2001, No. 9, p. 38, No. 27, p. 133; 2002, No. 29, p. 194; 2003, No. 27, p. 209; 2005, No. 13, p. 233; 2006, No. 1, p. 18, No. 22, p. 184, No. 32, p. 271; 2007, No. 7-8, p. 66, 2009, No. 18, p. 247; No. 32-33, p. 485; 2010, No. 8, p. 54; 2012, No. 12-13, p. 82);

the Resolution of the Ukrainian RSR Verkhovna Rada *On the procedure of giving effect to the Ukrainian RSR Law on Employment of the Population* (Vidomosti Verkhovnoi Rady URSR, 1991, No. 14, p. 171; No. 32, p. 328);

the Law of Ukraine on Providing Initial Jobs to Young Persons Having Received Higher or Vocational Education, with a Subsidy to an Employer (Vidomosti Verkhovnoi Rady Ukrainy, 2005, No. 2, p. 40).

3. The following legislative acts of Ukraine shall be amended as specified below:

1) Article 188²³, Code of Ukraine on Administrative Offences (Vidomosti Verkhovnoi Rady URSR, 1984, annex to No. 51, p. 1122):

the article title after the words “the Pension Fund of Ukraine” shall be supplemented with the words “the central executive authority realising the state policy on employment of the population and labour migration”;

the first paragraph: after the words “the Pension Fund of Ukraine” the words “the central executive authority realising the state policy on employment of the population and labour migration” shall be added, and the words “the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment” shall be deleted;

2) the Budget Code of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2010 p., № 50—51, p. 572):

1) Article 43 shall be supplemented with part six as follows:

“6. When carrying out operations connected with the use of resources of the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment, treasury services shall be used according to the procedure established by the Cabinet of Ministers of Ukraine.”;

2) part three, Article 65 shall be supplemented with a paragraph as follows:

“If receipts from income tax payment for a certain month of the current year are higher than such receipts for the corresponding month of the previous year, with account of wage growth rates in a relevant area during the recent 12 months, the amount of surplus shall be fully entered into revenues of the budgets of villages, their associations, settlements, and towns of district subordination.”;

3) item “6”, part one, Article 34, Law of Ukraine on Local Self-Governance in Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 1997, No. 24, p. 170):

sub-item 7: the words “paid public works” shall be replaced with “welfare and temporary works”;

sub-item 12 shall be revised to read as follows:

“making decisions on creation of special workplaces for persons with disabilities at enterprises, in institutions and organisations, organising vocational training of such persons; agreeing upon liquidation of such workplaces”;

4) Article 24, Law of Ukraine on Local State Administrations (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No. 20-21, p. 190; 2010, No. 8, p. 54):

in item 3, the words “paid public works” shall be replaced with “welfare works and temporary works”;

the Article shall be supplemented with items 7-13 as follows:

“7) develop and implement measures to realise the state policy on promoting employment of the population on the regional level;

8) examine processes going on in the labour market, in the field of employment and vocational education, assess them, forecast labour force demand and supply, and inform the population and executive authorities on the labour market situation;

9) ensure realisation of state guarantees in the world of work;

10) take measures for timely prevention of mass unemployment;

11) identify directions for expanding the application of labour in the region by means of creating jobs in priority branches of economy, developing small business, entrepreneurial activities, peasant (farmer) holdings, etc.;

12) develop and implement measures to promote job placement of released workers, in particular vocational guidance and vocational education;

13) carry out other work to promote employment of the population.”;

5) Law of Ukraine on General Compulsory State Social Insurance against Unemployment (Vidomosti Verkhovnoi Rady Ukrainy, 2000, No. 22, p. 171; 2006, No. 32, p. 271):

Article 1:

items 3, 4, 7 and 10 shall be deleted;

part two shall be included as follows:

“Terms ‘insured person’, ‘insurers’ and ‘employers’ shall be used in this Law in the meaning provided in the Law of Ukraine on Collection and Accounting of the Single Contribution for General Compulsory State Social Insurance;

the ninth paragraph, Article 2 shall be deleted;

part two, Article 6 shall be revised to read as follows:

“2. The right to benefit and social services according to this Law shall also be granted to young persons who graduated from, or terminated study in, general educational, vocational technical and higher educational institutions, discharged from compulsory military or alternative (non-military) service and who need assistance in placement in the first job, given these persons have been registered as unemployed in due course.”;

Article 7:

the third and fourth paragraphs in part one shall be deleted;

part two:

the fourth paragraph shall be revised to read as follows:

“search for suitable job and promotion in job placement, including by organising welfare and temporary works for the unemployed according to the procedure specified by the Cabinet of Ministers of Ukraine,”;

the part after the fourth paragraph shall be supplemented with new paragraphs as follows:

“providing the employers that place the persons specified in part one, Article 14, Law of Ukraine on Employment of the Population, compensation according to Article 26, Law of Ukraine on Employment of the Population;

providing the employers being small business entities that place the unemployed, compensation according to Article 27, Law of Ukraine on Employment of the Population;

providing persons older than 45 whose insurance service period is no less than 15 years, with a voucher for maintaining their competitiveness by means of retraining, specialisation or advanced training in occupations and specialties for priority economic activities;”.

In view thereof, paragraphs 5-8 shall be regarded as paragraphs 8-11, respectively;

in the seventh paragraph, Article 7¹ the words and figures “Articles 24-26 hereof” shall be replaced with the words and figures “Article 47, Law of Ukraine on Employment of the Population ”;

Article 9: paragraphs 9-13 shall be deleted;

Article 10:

the first paragraph of part two:

the first sentence shall be revised to read as follows: “The Fund shall be managed by the Board of the Fund.”;

in the second sentence, figures “15” shall be replaced with “5”;

the Article shall be supplemented with part six as follows:

“6. The central executive authority realising the state policy on employment of the population and labour migration and its territorial bodies shall be the Executive Body of the Board of the Fund. The head of the central executive authority realising the state policy on employment of the population and labour migration shall be a voting member of the Board of the Fund.”;

Article 11 shall be revised to read as follows:

“Article 11. Powers of the Board of the Fund

1. The Board of the Fund shall:

define the Fund’s future and current tasks;

elect the Chair and Deputy Chairs of the Board of the Fund;

approve the Statute of the Fund;

submit to the Minister heading the central executive authority for social policy a substantiated representation on dismissal in case the head or deputy

heads of the central executive authority realising the state policy on employment of the population and labour migration have infringed legislation;

submit a conclusion to the draft budget of the Fund for its consideration during approval by the Cabinet of Ministers of Ukraine;

hear a report on execution of the Fund's budget;

submit proposals to the central executive authority for social policy on the amount of the part of the single contribution for general compulsory state social insurance to be used for unemployment insurance;

address other matters according to the Statute of the Fund.”;

Articles 12 and 13 shall be deleted;

part one, Article 14: the words “specially designated” and “labour and” shall be deleted;

part three, Article 15 shall be deleted;

Article 16 shall be revised to read as follows:

“Article 16. The Fund's budget

1. Sources of the Fund's budget shall include:

1) proceeds from payment of the single contribution for general compulsory state social insurance that are directed to general compulsory state social insurance against unemployment in the amount specified by law;

2) sums of the financial sanctions imposed according to this Law, the Law of Ukraine on Employment of the Population, and other laws to enterprises, institutions, organisations and natural person entrepreneurs for failure to comply with the established procedure of payment of insurance contributions and use of the Fund's resources and to comply with legislation on employment of the population as well as sums of administrative fines imposed according hereto on officials and citizens for such failure;

3) resources of the state budget directed to the Fund in cases specified by law;

4) revenues from investment of temporarily free resources, including the reserve of the Fund's resources;

5) charitable contributions of enterprises, institutions and organisations.

2. Resources of the Fund's budget shall be used to:

1) pay benefits and provide social services envisaged by Article 7 hereof and implement measures envisaged by Article 7¹ hereof;

2) implement activities according to the Law of Ukraine on Employment of the Population;

3) reimburse the Pension Fund of Ukraine for expenses related to early retirement of the persons specified in part two, Article 20 hereof;

4) finance expenses to maintain and support activities of the central executive authority realising the state policy on employment of the population and labour migration, its territorial bodies, enterprises, institutions and organisations belonging to its management scope;

5) form a reserve of resources.

3. Resources of the Fund's budget to ensure payment of unemployment benefits are protected. Appropriate expenditures shall be undertaken on the first-priority basis.

4. Treasury service shall be applied to the unemployment insurance resources according to the procedure provided for servicing of the State Budget of Ukraine.

5. The Fund's budget shall be approved by the Cabinet of Ministers of Ukraine.

The central executive authority realising the state policy on employment of the population and labour migration shall prepare a draft of the Fund's budget and, upon its consideration by the Board of the Fund, shall submit it in due course to the Minister heading the central executive authority for social policy for submission to the Cabinet of Ministers of Ukraine for consideration.

6. In order to secure the Fund's financial stability, a reserve of resources shall be formed.

The procedure for formation and use of the reserve of the Fund's resources shall be established by the Cabinet of Ministers of Ukraine.

7. Procurement of goods, works and services from the resources of general compulsory state social insurance against unemployment shall be carried out according to the Law of Ukraine on Public Procurement.”;

part one, Article 17:

add item 2¹ as follows:

“2¹) taking measures to promote employment of the population according to the Law of Ukraine on Employment of the Population;”;

the third paragraph in item 3 shall be revised to read as follows:

“financing expenses to maintain and support activities of the central executive authority realising the state policy on employment of the population and labour migration, its territorial bodies, enterprises, institutions and organisations belonging to its management scope;”;

the second paragraph, part one, Article 20: the words “The Executive Directorate of the Fund and its working bodies, in order to implement the tasks assigned thereto according to this Law” shall be replaced with the words “The central executive authority realising the state policy on employment of the population and labour migration, its territorial bodies in order to implement the

tasks assigned thereto according to this Law and the Law of Ukraine on Employment of the Population”;

part three, Article 21 shall be revised to read as follows:

“3. The insurance service period shall be counted in months. If an insured person was subject to unemployment insurance or took voluntary part in the unemployment insurance system, an incomplete month of work shall be included in the insurance service period as a complete month provided that the sum of the insurance contributions paid for that month is no less than the minimum insurance contribution.

If the sum of insurance contributions paid for a relevant month is less than the minimum insurance contribution, that period shall be included in the insurance service period as a complete month provided that a necessary additional payment to the sum of insurance contributions is made, according to the procedure specified by the Board of the Pension Fund of Ukraine, so that the total sum of funds paid for a relevant month was no less than the minimum insurance contribution.

If the above-mentioned additional payment was not made, the period calculated for each month for which insurance contributions were paid according to the following formula shall be included in the insurance service record:

$$PL - Sc : C,$$

where PL is the duration of the period to be included in the insurance service record and calculated in months;

Sc is the sum of the single contribution for general compulsory state social insurance paid for a relevant month;

C is the minimum insurance contribution for a relevant month.”;

Article 22:

the first paragraph in part one shall be revised to read as follows:

“1. The entitlement to unemployment benefit, depending on the insurance service record, shall be granted to insured persons declared unemployed in due course whose insurance service record during 12 months preceding the person's registration as unemployed is at least six months according to the State Register of General Compulsory State Social Insurance.”;

part two shall be revised to read as follows:

“2. Insured persons declared unemployed in due course whose insurance service record during 12 months preceding the person's registration as unemployed is at least six months according to the State Register of General Compulsory State Social Insurance, or dismissed from their most recent place of employment on the grounds envisaged by Article 37, Article 40(3)(4)(7)(8), Articles 41 and 45 of the Code of Labour Laws of Ukraine, and persons

specified in part two, Article 6 hereof, shall have be entitled to unemployment benefit in the minimum amount.”;

in the first paragraph, part four, after the word “years”, the following words and figures shall be added: “and 180 calendar days for the persons specified in part two, Article 6 hereof”;

the first sentence in part seven, after the word “works” the following words shall be added: “except for persons specified in part two, Article 6 hereof”;

parts eight and nine shall be deleted;

parts two and four, Article 23 shall be revised to read as follows:

“2. Unemployment benefit shall be pad to the persons specified in part two, Article 22 hereof in the minimum amount that shall be established by the Cabinet of Ministers of Ukraine on the annual basis during approval of the Fund’s budget.”;

“4. The average monthly wage (income) for calculation of unemployment benefit shall include all the categories of payments insurance contributions were accrued on. The unemployment benefit may not be higher than four times the statutory minimum of subsistence for able-bodied persons.”;

Articles 24-27 and 30 shall be deleted;

Article 31:

item 4, part one shall be revised to read as follows:

“4) expelling from an educational institution;”;

part two shall be deleted;

in part three, the words “financial assistance in the period of vocational training, retraining or advanced training” shall be deleted;

Article 33 shall be deleted;

Article 35:

part two:

in sub-item 1, the words “bodies of the Fund” shall be replaced with the words “territorial bodies of the central executive authority realising the state policy on employment of the population and labour migration,”;

in sub-item 2:

in the first paragraph, the words “the Executive Directorate of the Fund” shall be replaced with the words “the central executive authority realising the state policy on employment of the population and labour migration,”;

the third paragraph shall be revised to read as follows:

“the amount of wage and the use of workers’ working hours;”;

in the first sentence, the first paragraph, part three, the words “the Executive Directorate of the Fund” shall be replaced with the words “the central executive authority realising the state policy on employment of the population and labour migration

part five, Article 38 shall be revised to read as follows:

“5. The right to apply financial sanctions and impose administrative fines on the Fund’s behalf shall be granted to the head of the central executive authority realising the state policy on employment of the population and labour migration, his/her deputies, heads and deputy heads of territorial bodies.”;

in item 3, Section VIII “Final provisions”, the second and fifth paragraphs shall be deleted;

6) Article 7, Law of Ukraine on Promotion of Social Consolidation and Development of Youth in Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2000, No. 27, p. 211):

first sentence, part five: the word “jobs” shall be deleted; the words “shall be specified by local executive authorities and local governments” shall be replaced with “shall be fixed for enterprises, institutions, and organisations”;

part six shall be revised to read as follows:

“In case of refusal to hire young persons within the established quota, a fine shall be imposed on enterprises, institutions and organisations in the amount fixed by part two, Article 53, Law of Ukraine on Employment of the Population.”;

part seven shall be deleted;

in part ten, the word “information” shall be replaced with the words “access to information”;

7) Law of Ukraine on Advertising (Vidomosti Verkhovnoi Rady Ukrainy, 2004, No. 8, p. 62; 2006, No. 31, p. 268; 2007, No. 43, p. 1705; 2008, No. 18, p. 197; 2010, No. 34, p. 486; 2011, No. 23, p. 160; 2012, No. 7, p. 53):

new Article 24¹ shall be added as follows:

“Article 24¹. Advertising of job placement services

1. In announcements (advertisements) on vacancies (recruitment), it shall be prohibited to specify age of candidates, offer jobs only to women or only to men (except for specific jobs that can be done solely by persons of certain sex), put forward requirements preferring females or males, representatives of a certain race or colour (except for cases specified by law and except specific jobs that can be done solely by persons of certain sex), political, religious or other beliefs, membership in trade unions or other associations of citizens, ethnical or social origins, property status, place or residence, language or other attributes.

2. The text of an advertisement on the work of an economic entity providing mediation services for job placement in Ukraine must contain a note stating that it is prohibited to receive fees, commissions or other rewards from the persons whom services were provided for job search and promotion in job placement.

3. In case of a breach of this Article the advertiser shall pay to the Fund for General Compulsory State Social Insurance of Ukraine against Unemployment a fine equal to ten times the statutory minimum wage valid at the moment the breach was found.”;

part one, Article 26 shall be supplemented with a paragraph as follows:

“the central executive authority realising the state policy on employment of the population and labour migration and its territorial bodies – concerning vacancy (recruitment) advertising.”;

part one, Article 27 shall be supplemented with a paragraph as follows:

“Provisions in this Article shall not apply to the breaches specified in Article 24¹ hereof.”;

8) Article 25, Law of Ukraine on Central Executive Authorities (Vidomosti Verkhovnoi Rady Ukrainy, 2011, No. 38, p. 385): after the words “the State Budget of Ukraine”, the words “except for cases specified by law” shall be added;

9) part four, Article 14, Law of Ukraine on Professional Development of Workers (Ofitsiiny Visnyk Ukrainy, 2012, No. 11, p. 395): the words “the central executive authority for social policy as agreed with the central executive authority for education and science, youth and sports” shall be replaced with the words “the Cabinet of Ministers of Ukraine”.

**Chairman
of the Verkhovna Rada of Ukraine**