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Annexes
1. Legislatorial and political prerequisites

1.1 Provisions of Constitution
The Constitution of Ukraine adopted by Law of Ukraine No. 254/96 dated 29.06.1996 guarantees the following rights of citizens in terms of health care, labour protection and social protection:

The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value.

Human rights and freedoms, and guarantees thereof shall determine the essence and course of activities of the State. The State shall be responsible to the individual for its activities. Affirming and ensuring human rights and freedoms shall be the main duty of the State.

Everyone shall have the right to work, including a possibility to earn a living by labour that he freely chooses or to which he freely agrees.

The State shall create conditions for citizens aimed at enabling full realization of their right to work, guarantee equal opportunities in the choice of profession and of types of labour activities, and implement programmes for vocational education, training, and retraining of personnel according to the needs of society.

The use of forced labour shall be prohibited. Military or alternative (non-military) service, work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the martial or state of emergency laws, shall not be considered the forced labour.

Everyone shall have the right for proper, safe, and healthy labour conditions and remuneration not less than the minimum wage determined by law.

The employment of women and minors for work hazardous to their health shall be prohibited.

Citizens shall be guaranteed protection from unlawful dismissal.

The right to timely payment for work performed shall be protected by law.

Everyone who is employed shall have the right to rest.

This right shall be ensured by providing weekly rest days, paid annual vacation, and by establishing a shorter working day for certain professions and industries, as well as reducing working hours at night.

The maximum duration of work time, the minimum duration of rest and of paid annual vacation, days off and holidays, as well as other conditions for exercising this right shall be determined by law.

Citizens shall have the right to social protection including the right to financial security in cases of complete, partial, or temporary disability, loss of the principal wage-earner, unemployment due to circumstances beyond their control, old age, and in other cases determined by law.

This right shall be guaranteed by the mandatory state social insurance based on insurance payments made by citizens, enterprises, institutions, and organisations, as well as by budgetary and other sources of social security; and by establishing a network of state, communal, and private institutions caring for incapacitated persons.

Pensions and other types of social payments and assistance that are the principal sources of subsistence shall ensure a standard of living not lower than the minimum living standard established by law.

Everyone shall have the right to health protection, medical care and medical insurance.

Health protection shall be ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prevention programmes.

The State shall create conditions for effective medical service accessible to all citizens. State and communal health protection institutions shall render medical care free of charge; the existing network of such institutions shall not be reduced. The State shall provide for the development of physical culture and sports, and ensure sanitary-epidemic welfare.

Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right.

Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret.

Human and citizen rights and freedoms shall be protected by court.

Everyone shall be guaranteed the right to challenge in court the decisions, actions, or inactivity of State power, local self-government bodies, officials and officers.
Everyone shall have the right to appeal for the protection of his rights to the Authorised Human Rights Representative (Ombudsman) to the Verkhovna Rada of Ukraine.

After exhausting all domestic legal instruments, everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone shall have the right to protect his rights and freedoms from violations and illegal encroachments by any means other than prohibited by law.

Everyone shall be guaranteed the right to know his rights and duties.

Laws and other regulatory legal acts defining the rights and duties of citizens shall be brought to the notice of the population in compliance with the procedure established by law.

Laws and other regulatory legal acts defining the rights and duties of citizens, which have not been brought to the notice of the population in compliance with the procedure established by law, shall be invalid.

1.2 Basic laws on labour protection


The fundamental document in labour protection is the Law of Ukraine “On Labour Protection” setting forth basic provisions as regards exercising constitutional right of employed citizens to ensuring occupational safety and health in the course of their labour activity as well as proper, safe and healthy labour conditions. Respective state authorities ensure governing relationship between employers and employees in terms of occupational safety, hygiene and work environment under the Law of Ukraine “On Labour Protection” whereas it also stipulates the single procedure for organising labour protection in Ukraine. Other regulatory legal acts are to comply with both the Constitution of Ukraine and other laws of Ukraine as well as with the said Law in the first instance.

The Law of Ukraine “On Labour Protection” adopted in 1992 has become the first regulatory legal act not only in Ukraine but also within the territory of former Soviet Union, which as opposed to the labour protection norms set forth in Labour Codes of USSR and the Union’s republics, directed legislation at protection of citizens’ interests ensuring prevalence of legal regulation methods in this important field over administrative regulation which used to exist before.

In November 2002, Verkhovna Rada of Ukraine has adopted the new revision of this law. The Law “On Labour Protection” complies with the valid conventions and recommendations of the International Labour Organisation as well as with other international legal norms in this field. The Labour Code of Ukraine was approved by a law of Ukrainian Soviet Socialist Republic dated 10 December 1971 and put into effect on 1 June 1972. The Labour Code underwent numerous changes and amendments. Legal regulation methods in the document related to labour protection are not confined by Chapter XI “Labour Protection”. Labour protection norms are also contained in many articles of other chapters of the Labour Code of Ukraine, such as “Labour Contract”, “Working Time”, “Periods of Rest”, “Women’s Labour”, “Labour of Young People”, “Trade Unions”, “Surveillance and control of adherence to labour legislation”.

In 1999 pursuant to the Constitution of Ukraine, Law of Ukraine “On Labour Protection” and Legislation Basis on Mandatory State Social Insurance the Law of Ukraine “On Mandatory State Social Insurance against Industrial Accident and Occupational Disease which Caused Disability” was adopted. This Law stipulates legal basis, economic mechanism and organisational pattern of mandatory state social insurance of citizens against industrial accident and occupational disease which caused disability or industrial fatality.

1.2.1. Labour protection competence of the Cabinet of Ministers of Ukraine

The Cabinet of Ministers of Ukraine provides for realization of the state labour protection policy; submits national programme of improvement of occupational safety, hygiene and work environment for approval by Verkhovna Rada of Ukraine;
directs and coordinates activity of Ministries and other central executive authorities in terms of creation of safe and healthy labour conditions and surveillance of labour protection;

establishes unified system of state statistical reporting as regards labour protection issues.

Aimed at coordinating activity of state authorities in labour protection (OS&H) the National Council for Safe Conditions for Activities of Population headed by the Vice Prime Minister of Ukraine was established.

1.3 Laws and regulations directly relating to labour protection

Basic labour protection regulatory legal acts also comprise “Legislation Basis of Ukraine on Health Protection” governing social relationship in this field aimed at ensuring harmonic development of physical and mental potential, high working efficiency and longstanding active life of citizens; elimination of factors negatively influencing people’s health; prevention and mitigation of morbidity, invalidity and mortality as well as improvement of heredity. The legal act “Legislation Basis of Ukraine on Health Protection” stipulates for unified sanitary and hygienic requirements applicable to managing production and other processes involving human labour as well as to quality of machinery, equipment, buildings and other facilities with potential to affect human health (cl. 28). Besides, the document stipulates for compulsory health examination of workers of certain categories including people working under harmful and hazardous labour conditions (cl. 31); as well as provides legal basis for medical and social examination of disability cases (cl. 69).

The Law of Ukraine “On Ensuring Sanitary and Epidemic Safety of the Population” stipulates necessity of hygienic regulations and state registration of hazardous and harmful factors of physical, chemical and biological nature present in environment of human vital activity (cl. 9); establishes requirements to design, development, construction, manufacture and use of new means of production and technologies (cl. 15); determines hygienic requirements to both atmospheric air in inhabited localities and air in production and other premises (cl. 19); stipulates requirements regarding radiation safety (cl. 23) etc.

The Law of Ukraine “On Fire Safety” stipulates for general legal, economic and social basis for ensuring fire safety in Ukraine, governs relationship in this field between state authorities and legal or physical entities regardless of property form or type of activity. Ensuring fire safety is an integral part to production or other activity performed by officials and personnel of enterprises, establishments, organisations and entrepreneurs, which shall be stipulated in labour contracts (agreements) and regulations of an enterprise, establishment and organisation. Ensuring fire safety of enterprises, establishments and organisations shall be responsibility of directors and authorized persons, unless otherwise stipulated by the respective contract (cl. 2).

The Law of Ukraine “On high-risk facilities” stipulates for legal, economic, social and organisational basis of activities related to high-risk facilities and is aimed at protection of life and health of people and environment against harmful influence of accidents at such facilities by means of prevention, isolation (localization) and elimination of aftermath thereof.

Moreover, labour protection legal regulation issues are regarded in many other regulatory legal acts of Ukraine.

Chapter 40 "Liabilities entailed by causing damage" of Civil Code of Ukraine sets forth general basis for reimbursement of damage and in particular establishes liability for health damage and death of an employee resulted from his/her performance of duties at work.

Criminal Code of Ukraine comprises chapter X “Crimes against production» clauses 271-275 of which stipulate liability for violation of labour protection requirements either entailing health damage or death of an employee or creating a situation dangerous for life of people.

Apart from the above-mentioned laws, legal relationship in the field of labour protection is regulated by other national regulatory legal acts, international agreements and conventions, which Ukraine has become a participant to under established procedure, as well as by subordinate legislation: decrees and orders of the President of Ukraine, resolutions of the Government of Ukraine, regulatory normative acts of Ministries and other central state executive authorities. For the time being several dozens of international norms and agreements which Ukraine has become a party to, as well as more than a hundred national laws of Ukraine directly relate to or overlap with the field of labour protection. Aimed at regulation of separate issues regarding labour protection pursuant to the Law “On Labour Protection”
almost 2000 subordinate legal acts are in effect. All these documents form a single legal field in terms of labour protection in our country.


This Law stipulates legal and organisational principles for development and implementation of national standards, technical regulations and procedures for conformity assessment as well as fundamental principles of state policy in the field of standardisation, technical regulating and conformity assessment.

The Law regulates relationship pertaining to activities in the field of standardisation and technical regulating including conformity assessment with further use of its results, and is applicable to economic entities regardless of property form and type of activity, state authorities as well as to respective social organisations. The Law also sets forth general principles of development and implementation of standards, technical regulations and procedures for conformity assessment as well as procedures for development and approval of standards and technical regulations.

1.3.2. Procedure for attestation of workplace labour conditions (approved by Resolution No. 442 dated 1 August 1992 of the Cabinet of Ministers of Ukraine)

Attestation of workplace labour conditions (hereinafter – Attestation) is performed by enterprises and organisations regardless of property form and type of economic activity at which technological process, equipment used, raw materials and materials are potential sources of harmful and hazardous production factors which may negatively influence health of working people as well as their descendants both at current moment and in the future.

The main objective of the Attestation is regulation of relationship between the owner or the body authorized by the latter and the employees in terms of exercising their right to healthy and safe labour conditions, fringe pension benefits, as well as for fringe benefits and compensation for working under unfavourable conditions.

The results of Attestation are used for determining fringe benefit retirement pensions, privileges and compensations at expense of enterprises and organisations; as well as for grounding proposals of entering changes and amendments to lists No. 1 and 2 indicating industries, types of work, professions, job positions and indices which grant the right to fringe pension benefits; and for development of activities aimed at improvement of labour conditions and health of the working people.

1.3.3. Procedure for conducting state examination (verification) of design documentation for construction and renovation of industrial facilities and manufacture of means of production for conformity thereof with regulatory normative acts in labour protection (approved by Resolution No. 431 dated 23 June of the Cabinet of Ministers of Ukraine)

This Procedure stipulates procedure for conducting state examination (verification) of design documentation for construction (renovation, technical re-equipment) of industrial facilities, implementation of new technologies, manufacture of means of production as well as personal and collective protection equipment for conformity thereof with regulatory normative acts in labour protection (hereinafter – Labour protection examination of design documentation).

The Labour protection examination of design documentation is performed by expert technical centres of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine with consideration of reports made by authorities and institutions of sanitary and epidemic service of the Ministry of Health, state fire inspection authorities of the Fire Inspection Administration of the Ministry of Internal Affairs, and State Committee for Nuclear Safety of Ukraine (applicable to facilities under supervision).

Based on results of the Labour protection examination of design documentation expert reports are drawn up. The owner or the body authorized by the latter commencing construction (renovation) of industrial facilities, implementation of new technologies, or manufacture of means of production with no positive expert’s report provided shall be held liable pursuant to the valid legislation.
1.3.4. Resolution No. 956 "On identification and safety declaration of high-risk facilities" dated 11 July 2002 of the Cabinet of Ministers, approving of the following:
- standardised threshold masses of hazardous substances for identification of high-risk facilities;
- standardised threshold masses of certain individual hazardous substances;
- standardised threshold masses of hazardous substances by categories;
- procedure for identification and registration of high-risk facilities.
- the Resolution envisages maintaining of the State Register of High-Risk Facilities, and stipulates Procedure for safety declaration of high-risk facilities.

1.3.5. Labour protection (OS&H) activities and means effecting and purchasing expense of which are incorporated in total costs (approved by Resolution No. 994 dated 27 June 2003 of the Cabinet of Ministers of Ukraine)

Objectives of effecting labour protection (OS&H) activities and using OS&H means are as follows:
- elimination of hazardous and harmful factors’ influence on workers or bringing their level at workplaces to conformity with requirements of labour protection regulatory legal acts (labour protection regulatory legal acts);
- conducting both attestation of workplaces for conformity with labour protection regulatory legal acts and occupational safety and health audits; provision of informative stands, respective equipping of offices, arranging exhibitions, purchase of essential regulatory legal acts, reference materials, literature on labour protection (OS&H), posters, videos, models, software etc;
- special training in the field of labour protection for personnel, conduct of respective seminars and contests on condition that relevant expenses do not exceed 2% of taxable income of the taxpayer in the latest accounting year;
- provision of special clothes, footwear and individual protection means for personnel pursuant to established norms (including provision of detergents and washing agents neutralizing hazardous effects of harmful substances on human organism or skin in cases of performing types of work which may entail contamination by such substances);
- provision of special nutrition, milk or equivalent food products and aerated mineral salt water for personnel working under harmful conditions;
- conduct of compulsory preliminary, periodical and unplanned health examination of personnel engaged in hard work, performing types of work under harmful or hazardous labour conditions, or where more professional personnel are required, etc.

1.3.6. Procedure for issuing licences by the State Committee for Supervision of Occupational Safety and Health (Derzhnaglyadokhoronpratsi) and its regional offices (approved by Resolution No. 1631 dated 15 October 2003 of the Cabinet of Ministers of Ukraine)

This Procedure stipulates issuing and cancellation of licences by the State Committee for Supervision of Occupational Safety and Health (Derzhnaglyadokhoronpratsi) and its regional offices and does not apply to state emergency rescue services and their respective units which underwent attestation according to the established procedure.

Economic entities intending to commence (proceed with) high-risk work or operation of high-risk facilities, machinery, mechanisms and equipment under specifications furnished in Annexes 1 and 2, or intending to conduct occupational safety and health training of personnel of other economic entities, as well as vocational training, retraining and qualification improvement training of personnel performing high-risk work, must obtain respective licence from the State Committee for Supervision of Occupational Safety and Health or its relevant regional office.

Pursuant to legislation the expert examining body conducting the examination shall bear responsibility for comprehensiveness, authenticity and objectivity of the expert report.

The State Committee for Supervision of Occupational Safety and Health and its regional offices keep records of issued licences pursuant to the established procedure.

State surveillance over adherence to the licence terms is effectuated by officials of the said committee or its relevant regional office by means of conducting verification audits pursuant to procedure stipulated by legislation.

The Procedure for issuing licences comprises the following data:
Type specification of high-risk work (88 items);
Specification of high-risk facilities, machinery, mechanisms and equipment (33 items)

1.3.7. Procedure for conducting inspection, testing and/or expertise (technical diagnostics) of high-risk machinery, mechanisms and equipment (approved by Resolution No. 687 dated 26 May 2004 of the Cabinet of Ministers of Ukraine)

This Procedure is applicable to all economic entities conducting inspection, testing and/or expertise (technical diagnostics) of high-risk machinery, mechanisms and equipment (hereinafter – Equipment) which are specified by the Cabinet of Ministers of Ukraine, whereas it also applies to enterprises, establishments and organisations regardless of property form and type of (economic) activity and physical entities using hired labour and intending to commence or proceed with operation of such Equipment.

1.3.8. Procedure for investigating and recording of industrial accidents, occupational diseases and emergencies (approved by Resolution No. 1112 dated 25 August 2004 of the Cabinet of Ministers of Ukraine)

This Procedure stipulates investigation and recording of industrial accidents, occupational diseases and emergencies occurred at enterprises, establishments and organisations regardless of property form and type of economic activity or at their subsidiaries, representative offices and other detached departments as well as of those occurred to physical economic entities using hired labour pursuant to legislation (hereinafter – Enterprise), and of those occurred to persons independently providing themselves with work on condition of their voluntarily payment of contribution to state social insurance against industrial accident and occupational disease.

1.4 Regulatory and subordinate legal acts relating to labour protection (OS&H) elaborated by ministries

1.4.1. Model regulations on procedure for conducting labour protection (OS&H) training and knowledge examination (approved by Order No. 15 dated 26.01.05 of the State Committee for Supervision of Occupational Safety and Health, registered under No. 231/10511 dated 15 February 2005 by the Ministry of Justice of Ukraine)

The model regulations aimed at Ukraine-wide implementing of the system of continual occupational safety and health training of officials and other personnel comprising issues of rendering first aid and acting in emergencies.

Requirements of the model regulations are binding on all central and local executive authorities, local self-government bodies, budget-funded and economic entities (hereinafter – Enterprises) regardless of property form and types of activity. Economic entities intending to conduct occupational safety and health training of personnel of other economic entities, as well as vocational training, retraining and qualification improvement training of personnel performing high-risk work, shall give respective notification in written to the regional office of the designated central executive authority in occupational safety and health surveillance of (hereinafter - State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine).

Surveillance of adherence to the requirements of this model regulations is performed by state OS&H surveillance authorities, whereas control thereof is effected by Labour Protection Services at central and local executive authorities, local self-government bodies and Enterprises.

1.4.2. Provision on development of emergency response plans (approved by Order No. 112 dated 17 June 1999 of the State Committee for Supervision of Occupational Safety and Health, registered under No. 424/3717 dated 30 June 1999 by the Ministry of Justice of Ukraine)

This regulatory act applies to potentially hazardous enterprises and critical infrastructure (hereinafter – Critical Infrastructure) at which accidents may occur accompanied by salvo emissions of explosive and toxic products, explosions and combustion (fires) in equipment, industrial premises and external constructions, which may entail destruction of houses, buildings, technological equipment as well as human injuries and negative environmental influence.
Objective of the emergency response plan is setting forth actions (interactions) of enterprise personnel, special response teams, population, central and local executive authorities and local self-government bodies aimed at isolation and elimination of accidents and mitigation of their aftermath.

Specification of the plant (industrial shops, departments and sections) and separate facilities for which the emergency response plan is to be developed shall be drawn up and approved by the owner (director) of the enterprise followed by its approval by the regional offices of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance, and regional authorities of the Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath.

1.4.3. Provision on providing work clothes, footwear and other personal protective equipment to personnel (approved by Order No. 53 dated 24 March 2008 of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine, registered under No. 446/15137 dated 21 May 2008 by the Ministry of Justice of Ukraine)

This Provision applies to enterprises, establishments and organisations regardless of property form and type of activity and stipulates procedure for provision of individual protection means obligatory for use by personnel in their work.

Pursuant to clause 8 of Law of Ukraine “On Labour Protection” and article 163 of Labour Code of Ukraine, personnel involved in work under harmful and hazardous labour conditions as well as in work concerned with contamination or performed under unfavourable weather conditions shall be provided with working clothes, footwear and other personal protection equipment free of charge and according to the established standards.

Employer shall at his own expense ensure purchasing, completing, issuing to personnel and maintaining of personal protection means pursuant to labour protection regulatory legal acts and the labour contract.

This Provision includes basic requirements of the 89/656/EEC Council Directive on the Minimum Health and Safety Requirements for the Use by Workers of Personal Protective Equipment at the Workplace adopted on 30 November 1989.

1.4.4. Regulations on compulsory preventive health examination of certain professional personnel engaged in organisations and types of manufacture aimed at servicing population, which may cause spreading of infectious diseases (approved by the Order No. 280 dated 23 July 2002 of the Health Ministry of Ukraine, registered under No. 639/6927 dated 08 August 2002 by the Ministry of Justice of Ukraine)

Specification of professions, types of production and organisations personnel engaged in which are subject to compulsory preventive health examination as well as procedure for conducting such examination are stipulated by Resolution No. 559 dated 23.05.2001 of the Cabinet of Ministers of Ukraine.

Preventive health examination is performed aimed at prevention of spreading infectious and parasitic diseases among population.

1.4.5. Limit weight norms for lifting and moving heavy loads by women (approved by the Order No. 241 dated 10 December 1993 of the Health Ministry of Ukraine, registered under No. 194 dated 22 December 1993 by the Ministry of Justice of Ukraine)

The limit weight norms for lifting and moving heavy loads by women are defined for the following kinds of work:

- lifting and moving heavy loads with performing other kind of work in turn;
- continual lifting and moving heavy loads during work shift;
- as regards total load moved during each hour of the work shift.

1.4.6. Specification of heavy work and types of work under harmful and hazardous conditions at which women's labour is prohibited (approved by Order No. 256 dated 29 December 1993 of the Ministry of Health of Ukraine, registered under No. 51/260 dated 30 March 1994 by the Ministry of Justice of Ukraine)

The specification applies to the following types of economic activity:
1. Metal processing  
2. Construction, assembly, repair and engineering operations  
3. Mining operations  
4. Geological exploration, topographic and geodesic operations  
5. Borehole drilling  
6. Oil and gas extraction  
7. Ferrous metallurgy  
8. Non-ferrous metallurgy  
9. Repair of equipment at electric power stations and electricity supply network  
10. Abrasive production  
11. Electrical production  
12. Radio and electronic production  
13. Aircraft production and repair  
14. Ship-building and repair  
15. Various chemical production  
16. Production of cellulose, paper, cardboard paper and products thereof  
17. Production of building and construction materials  
18. Production of glass and products thereof  
19. Textile and light industry  
20. Food industry  
21. Railway transport and underground railroad  
22. Automobile transport  
23. Sea transport  
24. River transport  
25. Operational, pilot training institutions and civil aviation flight-test centres  
26. Communications  
27. Printing industry  
28. Manufacture of music instruments  
29. Agriculture  
30. Professions common for all branches of social production

1.4.7. Specification of heavy work and types of work under harmful and hazardous conditions at which labour of minors is prohibited (Order No. 46 dated 31 March 1994 of the Ministry of Health of Ukraine, registered under No. 176/385 dated 28 July 1994 by the Ministry of Justice of Ukraine)

The specification stipulates the following:
- employment of minors at production types, by professions and for work with hard and harmful labour conditions (pursuant to the specification) is prohibited at all enterprises, establishments and organisations regardless of property form and type of activity;
- admission to study aimed at gaining professions listed in the Specification is permitted, providing that the student attains 18 years of age by the moment of completing the study;
- during practical training (industrial training) persons studying at vocational schools who have not yet attained 18 years of age may attend industrial facilities and sites by professions listed in the Specification for not more than 4 hours, providing that both valid sanitary norms and regulations as well as occupational safety and health regulations and requirements are strictly adhered to.

1.4.8. Hygienic classification of work types based on harmful and hazardous occupational factors and work stress (approved by Order No. 528 dated 27 December 2001 of the Ministry of Health of Ukraine)

The hygienic classification of work types based on harmful and hazardous occupational factors and work stress is aimed at hygienic assessment of conditions and kind of work at workplaces in order to ensure the following:
- control of labour conditions of personnel and their conformity with the valid sanitary and hygienic norms and regulations, as well as respective hygienic reporting;
- attestation of workplaces in terms of labour conditions;
- defining priority as regards conduct of health-improving activities;
- creation of a differentiated labour conditions database with data for ascending levels such as enterprise, district, city, region, country;
- development of recommendations for professional selection and professional qualification;
- sanitary and hygienic examination of industrial facilities;
- sanitary and hygienic certification of industrial and agricultural enterprises;
- application of administrative discipline in cases of violating sanitary regulations; imposing disciplinary and criminal liability sanctions;
- study of correlation between health state of personnel and respective labour conditions (epidemiologic health studies, periodic medical examination);
- drawing up sanitary and hygienic characteristics of labour conditions;
- investigating cases of occupational diseases and occupational poisoning;
- determination of occupational risk levels for further development of preventive actions and grounding of social protection activities for personnel.

1.4.9. Limit weight norms for lifting and moving heavy loads by minors (approved by Order No. 59 dated 22 March 1996 by the Ministry of Health of Ukraine, registered under No. 183/1208 dated 16 April 1996 by the Ministry of Justice of Ukraine)

Limit weight norms are valid within the whole territory of Ukraine and apply to all enterprises, establishments, organisations and educational institutions as well as to legal and physical entities using labour of minors aged 14 – 18. It is prohibited to appoint minors to performing work concerning exclusively lifting, holdup or moving of heavy loads.

Minors without any medical counterindications which shall be proven by a respective doctor’s certificate may be appointed to work concerning lifting and moving of heavy loads, whereas employment of minors under 15 for continual work concerning lifting and moving of heavy loads is prohibited.

The employer shall ensure compulsory preliminary health examination as well as subsequent periodic health examination of minors employed.

Established total duration of working hours for minors shall not exceed 24 hours per week for minors aged 14-15, and 36 hours for minors aged 16-17. Equal distribution of weekly working hours shall be provided with consideration of five or six working days per week as applicable.

Moreover it is envisaged that minors’ work concerning handling of heavy loads shall not exceed 1/3 of working hours.


Procedure for conducting health examination of certain professional personnel which was developed to administer clause 17 of Law of Ukraine “On Labour Protection” stipulates conducting preliminary health examination (during initial hiring procedure) and periodic health examination (during labour activity) of personnel performing hard work, working under harmful or hazardous labour conditions or where more professional personnel are required, and mandatory annual health examination of persons under 21 years.

The Procedure is applicable to:
- personnel performing hard work, working under harmful or hazardous labour conditions or where more professional personnel are required, and persons under 21 years employed by enterprises, establishments and organisations including branch offices or other detached departments regardless of property form or type of economic activity;
- sole proprietors – business entities, using hired labour pursuant to legislation;
- persons independently providing themselves with work; institutions of state sanitary-and-epidemiologic service;
- medical and prophylactic institutions, military medical commissions and respective commissions at ministries and other central executive authorities performing health examination of personnel,
specialized medical and prophylactic institutions diagnosing occupational diseases, departments and courses of occupational diseases at higher educational medical institutions of III - IV accreditation levels;

The Procedure envisages:
- general requirements to conducting preliminary and periodic health examination of personnel;
- conduct of health examination by the employer;
- organisation and conduct of health examination at medical and prophylactic institutions and sanitary-and-epidemiologic institutions.

1.4.11. Technical Regulations on conformity certification of personal protective equipment
(approved by Order No. 208 dated 27 September 2004 of the State Committee of Ukraine for Technical Regulation and Consumer Policy, registered under No. 1307/9906 dated 13 October 2004 of the Justice of Ukraine)

The Technical Regulations apply to manufacturers and residents of Ukraine authorized by them, or authorized persons responsible for introduction of individual protection means (in cases when the manufacturer or the authorized person does not perform activities within the territory of Ukraine); as well as to central executive authorities responsible for technical control and safety monitoring of individual protection means, and to authorized bodies for certification of individual protection means requirements to which are stipulated by the resolution No. 376 "On approving of the procedure for authorizing certification bodies for performing activities aimed at conformity certification within the legal field" dated 28.03.2002 by the Cabinet of Ministers of Ukraine.

1.4.12. Technical Regulations on conformity certification of machinery and equipment


The document sets forth requirements to design and manufacture of safety machinery and appliances in terms of safety thereof and protection of human health, as well as stipulates procedure for conformity assessment.

1.4.13. Procedure for identification and registering of high-risk facilities
(approved by Resolution No. 956 dated 11 July 2002 of the Cabinet of Ministers of Ukraine)

The Procedure is applicable to all economic entities which possess of or make use of facilities (hereinafter – Critical Infrastructure) at which hazardous substances can be used or are produced, processed, stored or transported, as well as to all economic entities intending to commence construction of Critical Infrastructure.

An economic entity possessing of or making use of at least one type of Critical Infrastructure, or intending to commence construction of such infrastructure shall ensure procedure for its identification.

Authorized bodies keep records of high-risk facilities based on identification results.

1.5. National programme for improvement of occupational safety, hygiene and work environment

This Programme is developed by ministries and other central executive authorities with participation of the Social Insurance Fund against accidents and all-Ukrainian associations of employers and trade-unions.

Proposals to the National Programme are summarized by the National Research Institute of Occupational Health and Safety.

Agreeing of the National Programme pursuant to the established procedure is followed by its approval by the Cabinet of Ministers of Ukraine.
The Programme envisages improvement of the system of state surveillance and control of occupational safety, labour protection and medicine; popularization of safe and non-harmful labour conditions, training of personnel, including training and qualification improvement of labour protection specialists; improvement of regulatory support related to labour protection; solving issues of labour medicine; implementation of activities regarding adherence to sanitary regulations and norms; prevention of occupational diseases; development of activities for individual protection of personnel; development of activities for collective protection based on newest materials, methods and technologies; rendering support of scientific research aimed at solving high-priority labour protection issues; solving social and economic issues related to occupational health and safety.

1.6. Summary table of hazardous processes and substances

<table>
<thead>
<tr>
<th>Instructions for OS&amp;H in the current regulations</th>
<th>Yes</th>
<th>No</th>
<th>Applied?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification and determination of occupational hazards</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Prohibition, limitation and other means of reducing exposure</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Assessment of risks</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Prohibition or limitation of using hazardous processes, machinery and substances etc.</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Specification of occupational exposure limits</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Surveillance and monitoring of work environment</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prevention of hazardous work and related authorisation and licensing requirements</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Classification and labelling of hazardous substances</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Provision of data sheet</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Provision of personal protective equipment</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Safe methods for handling and disposal of hazardous waste</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Working time arrangements</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Adaptation of work installations, machinery, equipment and processes to capacities of workers (ergonomic factors)</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design, construction, layout and maintenance of workplaces and installations</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provision of adequate welfare facilities</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Law of Ukraine "On Labour Protection" and regulatory legal acts adopted in conformity with the labour protection legislation

1.7. As-Is analysis and recommendations

Labour protection legislation of Ukraine and relevant regulatory legal acts in the first instance underwent improvement and adjustment aimed at achieving their compliance with requirements of international legislation, EU Directives and International Labour Organization conventions. Ministries, state offices, executive authorities, trade unions and representative offices of employers participated in this kind of activity.

Recommendations:
Apart from the work already performed the following actions need to be taken:
- proceeding with work aimed at approximation of labour protection legislation of Ukraine to the EU legislation and Directives;
- preparation for ratification of the following International Labour Organization conventions: 136, 162, 170, 176;
- development of strategic documentation in the field of labour protection;
- reviewing and improving of the labour protection legislation in cooperation with the International Labour Organization.

2. Compliance with international standards

2.1. Incorporating requirements of international standards in national legislation and in practice

Ukraine has ratified 55 ILO conventions, out of which 36 were ratified with Ukraine being still a Soviet Republic.

During the Independence of Ukraine the following ILO conventions were ratified: Nos. 81, 105, 129, 131, 132, 133, 135, 140, 144, 147, 150, 153, 154, 156, 158, 159, 173, 182. There are occupational safety and health conventions among these, namely: No. 81 On Labour Inspection, No. 129 On Labour Inspection (Agriculture), No. 135 Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, No. 150 Labour Administration: Role, Functions and Organisation, No. 154 Promotion of Collective Bargaining, No. 159 Vocational Rehabilitation and Employment of Disabled Persons, No. 182 Prohibition And Immediate Action For The Elimination Of The Worst Forms Of Child Labour.

General agreement between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers and entrepreneurs, All-Ukrainian trade-unions and professional associations envisages ratification of the following ILO conventions in 2008 – 2009: No. 139 On Occupational Cancer, No. 152 Cargo Gear Safety and Health in Dock Work, No. 155 On Occupational Safety and Health, No. 161 Occupational Health Services, No. 162 On Asbestos.

Due to potential EU integration of Ukraine the issue of adapting Ukrainian legislation to that of EU grows ever pressing.

Resolution No. 615 of the President of Ukraine dated 11 June 1998 approved of the EU Integration Strategy of Ukraine identifying basic priorities in the activity of executive authorities for the period till 2007 during which pre-requisites for gaining EU affiliation were to be provided for. The integration strategy shall ensure entry of Ukraine to the European political, economic and legal areas and gaining associate EU member status.

Pursuant to the Partnership and Co-operation Agreement (PCA) and Integration Strategy, Resolution No. 852 dated 12 June 1998 by the Cabinet of Ministers of Ukraine provided for the procedure of adapting Ukrainian legislation to the EU legislation envisaging responsibility of the Ministry of Justice concerning coordination of the said approximation activities and establishment of the Interdepartmental Coordination Council at the Ministry of Justice for adapting Ukrainian legislation to the EU legislation with the Council headed by the Minister of Justice of Ukraine. Aimed at enhancing activities concerning issue of draft regulatory legal acts the Comparative Law Centre was established at the Ministry of Justice of Ukraine. Relevant Provision on the Centre was approved by Order No. 53/5 dated 1 November 2000 by the Ministry of Justice of Ukraine.

Decree No. 145 "On actions aimed at improvement of norm creating activities of executive authorities" by the President of Ukraine dated 09 February 1999 stipulated further development of the Conception of adapting Ukrainian legislation to the EU legislation along with establishing the European Law Translation Centre by the Ministry of Justice.

Further development of the Conception of adapting Ukrainian legislation to the EU legislation pursuant to the said Decree resulted in subsequent approving of the Concept which was effected by means of the Resolution of the Cabinet of Ministers of Ukraine dated 16 August 1999.

According to this Conception "basic provisions of EU legislative norms shall be taken into consideration to the extent which is expeditious for Ukraine regarding economical, political and social consequences of adopting respective regulatory norms adapted to the requirements of EU legislation aimed at ensuring approximative adequacy of Ukrainian legislation to that of EU". The Conception also envisages translation of EU legislative acts and rendering consultancy by the European Law Translation Centre in terms of using legal terminology. Relevant Provision on the Centre was approved by Order No. 70/5 dated 2 November 1999 by the Ministry of Justice of Ukraine.

Aimed at accelerating implementation of the Partnership and Co-operation Agreement and realisation of the EU Integration Strategy, the EU Integration Programme of Ukraine was approved by the Decree No. 1072 of the President of Ukraine dated 14 September 2000. According to the Programme starting with 2001 the Cabinet of Ministers of Ukraine shall develop and approve annual plans of
implementing priority provisions of the Programme. These plans shall be further developed based on proposals submitted by relevant ministries and other central executive authorities and after their maintenance by the Interdepartmental Coordination Council furnished to the Cabinet of Ministers of Ukraine for further approval.

Chapter 9.1.4 "Occupational safety and occupational diseases" of the Programme set forth short-term (2000 – 2001), medium-term (2002 – 2003) and long-term priorities (2004 – 2007) in adapting Ukrainian legislation in the mentioned field to that of EU. In particular, it is stated that the primary importance task is adapting those Ukrainian regulatory acts in the first place which regulate relationship between employers and employees ensuring the proper degree of social protection. These adapted regulatory acts shall become the basis for developing the EU legislation-adapted system of norms stipulating the occupational safety levels for performing certain types of economic activity with the safety levels complying with the European requirements.

A system of regulatory technical norms harmonized with the European requirements was developed (construction and safe operation, occupational safety standards etc.) along with norms regulating product certification issues. Approximation of this system of norms to EU requirements shall provide for prerequisites for entry of Ukrainian products into All-European market and their free turnover in EU states.

Specific issues of organizing approximation of Ukrainian legislation to EU requirements are governed by the following documents approved by the Interdepartmental Coordination Council:

- Provision on organising work of central executive authorities in the field of approximation of Ukrainian legislation to EU legislation (5.11.1999);
- Provision on developing plan of work in the field of approximation of Ukrainian legislation to EU legislation (28.09.2001);
- Provision on work groups for drafting regulatory legal acts of Ukraine comprising basic provisions of EU legislation (28.09.2001);
- Temporary provision on procedure for conducting economic and financial expertise of consequences of implementing regulatory normative acts of Ukraine developed with consideration of basic provisions of EU legislation (28.09.2001);
- Reference specification of EU norms to which Ukrainian legislation should be adapted during 2002 – 2004 (28.09.2001).

2.2 Summary table of the approximation to the ILO Conventions and EU Directives

2.2.1. The degree of compliance with ILO OS&H conventions

<table>
<thead>
<tr>
<th>Convention</th>
<th>Ratified</th>
<th>Provisions incorporated in national law</th>
<th>Provisions used as guidance</th>
<th>Intention to ratify in near future</th>
</tr>
</thead>
<tbody>
<tr>
<td>155 on Occupational Safety and Health, 1981</td>
<td></td>
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<tr>
<td>161 on Occupational Health Services, 1985</td>
<td></td>
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<tr>
<td>81 on Labour Inspection, 1947</td>
<td></td>
<td>V</td>
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<tr>
<td>129 on Labour Inspection (Agriculture) 1969</td>
<td></td>
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<td>115 on Radiation Protection, 1960</td>
<td></td>
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<td>119 on Guarding of Machinery, 1963</td>
<td></td>
<td>V</td>
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<tr>
<td>127 on Maximum Weight, 1967</td>
<td></td>
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<tr>
<td>136 on Benzene, 1971</td>
<td></td>
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<tr>
<td>139 on Occupational Cancer, 1974</td>
<td></td>
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<tr>
<td>148 on Working Environment (Air Pollution, Noise and Vibration), 1977</td>
<td>V</td>
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<td>162 on Asbestos, 1986</td>
<td>V</td>
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<tr>
<td>167 on Safety and Health in Construction, 1988</td>
<td>V</td>
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<td>170 on Chemicals, 1990</td>
<td>V</td>
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<tr>
<td>174 on Prevention of Major Industrial Accidents, 1993</td>
<td>V</td>
<td></td>
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<tr>
<td>176 on Safety and Health in Mines, 1995</td>
<td>V</td>
<td></td>
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<tr>
<td>184 on Safety and Health in Agriculture, 2001</td>
<td>V</td>
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</tr>
</tbody>
</table>

Source: Ministry of Labour and Social Policy of Ukraine and National Research Institute of Occupational safety and health

### 2.2.2 Degree of approximation with EU Directives

<table>
<thead>
<tr>
<th>EU Directives</th>
<th>Requirements transposed entirely</th>
<th>Partially transposed</th>
<th>Requirements used as guidance</th>
<th>Intention to transpose near future</th>
</tr>
</thead>
<tbody>
<tr>
<td>89/391/EEC “Framework Directive” on OS&amp;H</td>
<td></td>
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<tr>
<td>89/654/ EEC on minimum safety and health requirements for the workplace</td>
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<tr>
<td>89/655/ EEC on use of work equipment</td>
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<tr>
<td>89/656/ EEC on use of personal protective equipment</td>
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<td>90/270/ EEC on work with display screen equipment</td>
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<tr>
<td>90/269/ EEC on manual handling</td>
<td>V</td>
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<tr>
<td>90/394/ EEC on carcinogens</td>
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<tr>
<td>2000/54/ EEC on biological agents</td>
<td>V</td>
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<td>92/58/ EEC on safety signs</td>
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<td>92/85/ EEC on pregnant workers</td>
<td>V</td>
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<tr>
<td>92/91/ EEC on mineral-extracting industries (drilling)</td>
<td>V</td>
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<tr>
<td>92/104/ EEC on mineral-extracting industries</td>
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<tr>
<td>93/103/ EEC on fishing vessels</td>
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<td>98/24/ EC on chemical agents</td>
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<tr>
<td>92/57/ EEC on temporary or mobile construction sites</td>
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<td></td>
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<td>V</td>
</tr>
<tr>
<td>2002/44/ EC on physical agents (vibration)</td>
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<tr>
<td>2003/10/ EC on physical agents (noise)</td>
<td></td>
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<td>V</td>
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<tr>
<td>91/383/ EEC on Temporary Workers</td>
<td></td>
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<tr>
<td>94/33/ EC on young people</td>
<td>V</td>
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<tr>
<td>99/92/ EC on explosive atmospheres</td>
<td>V</td>
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</tr>
<tr>
<td>83/477/ EEC on asbestos</td>
<td></td>
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<td>V</td>
</tr>
</tbody>
</table>
2.3. As-Is analysis and recommendations

Ukraine has ratified numerous ILO Conventions directly relating to occupational health and safety. General agreement between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers and entrepreneurs, All-Ukrainian trade-unions and professional associations envisages further ratification of a number of ILO conventions.

For 2009 it is also envisaged to study issues of compliance with regulatory normative acts and possibilities of ratifying the following ILO Conventions:

- No. 139 „On Occupational Cancer”;
- No. 152 „On Cargo Gear Safety and Health in Dock Work”;
- No. 155 „Occupational Safety and Health”;
- No. 161 „Occupational Health Services”;
- No. 162 „On Asbestos”.

The following recommendations are provided concerning approximation of Ukrainian legislation to international standards:

- to proceed with approximation of Ukrainian legislation to EU Directives in occupational health and safety;
- to ensure study related to compliance of Ukrainian legislation and regulatory normative acts in occupational safety and health with requirements of ILO Conventions aimed at subsequent ratification of the Conventions;
- to ensure training and seminars for state and private establishments in the field of practical realization of agreements and directives.

3. Organisational structure and surveillance mechanisms relating to adherence to legislation

3.1. Competent Authorities in Labour Protection (OS&H)

State surveillance of adherence to legislation and other regulatory norms on occupational safety and health is effected by the following competent authorities:

- designated central executive authority for occupational safety and health supervision;
- designated state authority for radiation safety issues;
- designated state authority for fire safety issues;
- designated state authority for occupational hygiene issues;

State surveillance authorities for occupational safety and health are not dependant upon any economic authorities or entities, civil associations, political formations, local state authorities and self-government authorities, nor are they subordinate and answerable to such.

Activity of the state surveillance authorities for occupational safety and health is governed by the following Laws of Ukraine: "On Labour Protection", "On Use of Nuclear Power and Radiation Security", "On Fire Safety", "On Ensuring Sanitary and Epidemiological Welfare of Population" as well as by other regulatory normative acts and provisions concerning these surveillance authorities which are subject to approval by the President or the Cabinet of Ministers of Ukraine.

Ministries and other central executive authorities competent in the field of occupational safety and health perform the following:

- maintaining single scientific and technical policy in the field of occupational health and safety;
- development and implementation of branch-specific programmes for improving occupational safety, hygiene and environment with participation of trade unions;
- methodical management of enterprises in the field of OS&H;
- concluding agreements concerning issues of improving labour conditions and safety with respective branch-specific trade unions;
- participating in further development and reviewing of regulatory legal acts in the field of occupational health and safety;
- organizing training and attestation in the field of occupational health and safety;
- establishing emergency rescue services in case of need and effecting management thereof;
ensuring realization of other legal requirements governing relationship in emergency rescue field; effecting compliance control of occupational safety and health status at enterprises on branch basis.

Aimed at coordination, improvement and monitoring of occupational safety and health activities structural occupational safety and health departments are formed in ministries and other central executive authorities.

3.1.1. State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine (Provision approved by Resolution No. 1640 dated 23 November 2006 of the Cabinet of Ministers of Ukraine)

The State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine (Derzhihirpromnahlyad) is a designated central executive authority in occupational health and safety, state mining surveillance and governing in the field of safe handling of industrial explosives, activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine. In performance of its activities the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

Main objectives of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine comprise the following:

- elaboration and ensuring realization of the national policy in the field of occupational health and safety, performance of state mining surveillance, governing in the field of safe handling of industrial explosives, protection of natural resources;
- effecting complex management in the field of occupational safety and labour protection, as well as monitoring performance of duties in the field of national labour protection management by ministries, other central executive authorities, Council of Ministers of Autonomous Republic of Crimea, local public administration bodies and self-government authorities;
- organisation and performance of state surveillance of adherence to legislation and regulatory norms concerning the following:
  labour protection (occupational safety), safe performance of activities by legal and physical entities using hired labour in conformity with legislation;
  geological exploration of natural resources, use and protection thereof, as well as use and processing of mineral raw materials;
  occupational safety in handling explosives, safe performance of activities for disposition of regular types of ammunition, rocket fuel and military explosives.

The State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine cooperates with central and local executive authorities, self-government authorities, enterprises, establishments and organisations regardless of property form as well as with respective bodies of foreign states.

Resolutions adopted by the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine within its competence are binding upon all ministries, other central executive authorities, the Council of Ministers of Autonomous Republic of Crimea, local public administration bodies, self-government authorities, legal and physical entities using hired labour in conformity with legislation.

3.1.2. Ministry of Labour and Social Policy of Ukraine (Provision approved by Resolution No. 1543 dated 2 November 2006 of the Cabinet of Ministers of Ukraine)

The Ministry of Labour and Social Policy of Ukraine is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry is the primary central executive authority in the field of ensuring realization of the national policy concerning employment and labour migration, social protection of the population, mandatory social insurance, social and labour relationship and surveillance of adherence to labour protection legislation including issues of payments, labour norms and stimulating, professional classification of work types and professions, labour conditions, pension provision, social service for
citizens, collective bargaining regulation of social and economic interests of employees and employers, developing of social dialogue.

In performance of its activities the Ministry of Labour and Social Policy of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

Within its competence, the Ministry provides for realization of regulatory legal acts and systematic monitoring thereof, expands practical application of legislation falling within its scope, elaborates proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Main objectives of the Ministry of Labour and Social Policy of Ukraine comprise the following:
- participating in elaboration and ensuring realization of the national policy in the field of employment and labour migration, social protection of citizens including the handicapped persons, disabled war veterans, labour veterans, military service veterans and citizens injured by Chernobyl disaster; social insurance, social and labour relationship and surveillance of adherence to labour legislation including issues of payments, labour norms and stimulating, professional classification of work types and professions, labour conditions, pension provision, social service for citizens, collective bargaining regulation of social and economic interests of employees and employers, developing of social dialogue;
- effecting state surveillance in the field of social insurance and adherence to legislation requirements concerning granting (recalculation) and payment of solidarity system pensions, cooperation of the Pension Fund of Ukraine with Ukrainian funds of mandatory state social insurance, monitoring of performance of duties by the Pension Fund of Ukraine;
- organising collective negotiations for concluding the general agreement on the basis of social partnership between employers (enterprises) having employed the majority of workers, or their designated bodies united for collective negotiations and concluding the general agreement, and professional associations united for collective negotiations and concluding the general agreement; analysing realisation of the provisions of the said general agreement by ministries, other central executive authorities, the Council of Ministers of Autonomous Republic of Crimea, regional public administrations, Kyiv municipal public administration, Sevastopol municipal public administration; providing the Cabinet of Ministers of Ukraine with summarized data on the general agreement realization status by ministries and other central executive authorities; initiating consideration of the general agreement realization status at sessions of the joint committee of the parties to the collective negotiations;
- ensuring conduct of state expertise of labour conditions, determining procedure and effecting control related to attestation of workplaces
- participation in specifying types of hard work and those implying harmful and hazardous labour conditions performance of which by employing labour of women and minors is prohibited along with prohibition of using labour of women and minors for lifting and moving of heavy loads;
- effecting surveillance and control of adherence to the labour legislation.

3.1.3. Health Ministry of Ukraine (Provision approved by Resolution No. 1542 dated 2 November 2006 of the Cabinet of Ministers of Ukraine)

Health Ministry of Ukraine is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine. The Ministry is the primary (leading) central executive authority in the field of ensuring realization of the national policy concerning public health care, sanitary and epidemiological welfare of population, as well as development, manufacture, quality control and sales of pharmaceuticals and medicinal products.

In performance of its activities the Health Ministry of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

Within its competence, the Ministry provides for realization of regulatory legal acts and systematic monitoring thereof, expands practical application of legislation falling within its scope, elaborates
proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Main objectives of the Health Ministry of Ukraine comprise the following:
- ensuring realization of the national policy concerning public health care, sanitary and epidemiological welfare of population, as well as development, manufacture, quality control and sales of pharmaceuticals and medicinal products;
- elaboration, coordination and surveillance of realisation of national programmes for health care development, including prevention of diseases, rendering medical assistance, development of medical and microbiological industries;
- organising rendering of gratis medical assistance to population by state and public health care institutions;
- organising of rendering immediate medical care in emergencies, performing activities within its competence related to elimination of Chornobyl disaster aftermath;
- elaboration of measures aimed at prevention and abatement of diseases, disablement and population mortality rate;
- organising researches in the field of priority development lines of medical science in cooperation with the National Academy of Sciences and Academy of Medical Sciences.

Duties of the Health Ministry comprise:
- ensuring compliance with the right of citizens to health care by health care institutions, establishments and bodies of the sanitary and epidemiologic service of the Ministry, other enterprises, establishments and organisations within its competence;
- elaborating proposals concerning priority development lines of health care, developing and organising realization of national complex and target health care programmes;
- coordinating activities of health care institutions, establishments and bodies of the sanitary and epidemiologic service, scientific research institutions regardless of their subordination and property form as concerns issues of diagnosing, treatment and prevention of diseases, as well as popularization of healthy lifestyle;
- effecting surveillance and control of adherence to health legislation, state standards, criteria and requirements aimed at assuring sanitary and epidemiological welfare of citizens;
- ensuring conduct of the state sanitary and hygienic expertise pursuant to the legislation;
- participating in elaboration of national social health care standards, approving of respective norms and standards in this field;
- approving of state sanitary standards, regulations and hygienic norms pursuant to the legislation; establishing state quality standards for pharmaceuticals, immune and biological preparations, potable water, medical equipment and medicinal products within its competence; participating in development and putting into effect of environmental and radiation safety standards;
- harmonizing all state standards, technical specifications, industrial standards, other technical norms related to facilities which may produce negative influence on public health;
- approving specifications of types of hard work and those implying harmful and hazardous labour conditions performance of which by employing labour of women and minors is prohibited along with prohibition of using labour of women and minors for lifting and moving of heavy loads;
- participating in elaboration of inputs to specifications Nos. 1 and 2 indicating industries, types of work, professions, job positions and indices which grant the right to fringe retirement pension benefits (36-2003-n);
- ensuring development of medical science within its competence as well as implementing scientific research results to health care practices.

3.1.4. Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath (Provision approved by Resolution No. 1539 dated 2 November 2006 of the Cabinet of Ministers of Ukraine)

Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine. The Ministry is the primary central executive authority in the field of ensuring realization of the national policy concerning civil protection, control of the single national system of civil protection of population
and defence of territory, handling radioactive waste, elimination of Chornobyl disaster aftermath, rescue work, technogenic and fire safety, establishment and maintenance of the reserve fund of documentation, prevention of non-occupational traumatism, hydrometeorology activity.

In performance of its activities the Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision. Within its competence, the Ministry provides for realization of regulatory legal acts and systematic monitoring thereof, expands practical application of legislation falling within its scope, elaborates proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Main objectives of the Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath comprise the following:

- ensuring realization of the national policy concerning civil protection, prevention, responding and aftermath elimination of technogenic, natural and military emergencies (hereinafter – Emergencies), handling radioactive waste, elimination of Chornobyl disaster aftermath, rescue work, technogenic and fire safety, establishment and maintenance of the reserve fund of documentation, prevention of non-occupational traumatism and hydrometeorology activity;
- control of the single national system of civil protection during peace time and emergencies comprising issues of elimination of Chornobyl disaster aftermath, legal, radiation and complex medical and sanitary protection of citizens injured by radiation accidents and disasters or participating in elimination of their aftermath, as well as rehabilitation of Chornobyl disaster radiation-polluted territories, search and rescue operations, assurance of technogenic and fire safety;
- state surveillance and control of adherence to legislation and regulatory legal acts concerning civil protection and prevention of emergencies and non-occupational traumatism, readiness of surveillance bodies and reaction forces for conduct of rescue activities and other types of immediate operations in case of an emergency, technogenic menace at Critical Infrastructure, effecting state fire safety surveillance;
- realisation of the national policy in the field of physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing emission at enterprises, establishments and organisations within the Ministry's competence and management scope, methodical assurance thereof and control of activities related to the mentioned issues;
- elimination of Chornobyl disaster aftermath, rehabilitation of radiation-polluted territories and ensuring protection of population from ionizing emission; organising and coordinating activities and measures aimed at complex solving of matters concerning decommissioning of Chornobyl Nuclear Power Station and transformation of "Ukryttya" facility into an environment-friendly system;
- coordinating activities of emergency rescue units and civil protection services, as well as state fire fighting departments including those ensuring fire safety of facilities on contractual basis
- reviewing and approving of regulations, standards, norms, technical specifications and other normative documentation within its competence;
- elaboration of programmes and prognoses within its competence in the field of health care, planning of performing prevention and treatment, sanitary and hygienic and antiepidemic activities, medical provision; organizational and methodic management of the activities at civil protection departments and bodies, control of fulfillment thereof.

3.1.5. Environmental Protection Ministry of Ukraine (Provision approved by Resolution No. 1524 dated 2 November 2006 of the Cabinet of Ministers of Ukraine)

The Environmental Protection Ministry of Ukraine is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry is the primary central executive authority engaged in issues concerning environmental protection, rational use, replenishment and protection of natural resources, effecting state surveillance of use and protection of land, environmental safety and nature reserves; handling wastes, formation, preserving and use of environmental network, geological exploration and ensuring rational use of natural resources as well as topographic, geodesic and cartographical operations.
In performance of its activities the Environmental Protection Ministry of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

Within its competence the Environmental Protection Ministry of Ukraine provides for realization of regulatory legal acts and effects monitoring thereof.

The Environmental Protection Ministry of Ukraine expands practical application of legislation falling within its scope, elaborates proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Main objectives of the Environmental Protection Ministry of Ukraine comprise the following:
- ensuring realization of the national policy concerning environmental protection, rational use, replenishment and protection of natural resources (land, natural resources, surface and underground waters, atmospheric air, forests, flora and fauna and natural resources of territorial waters, continental shelf and exclusive (sea) economic zone of Ukraine; handling waste (with exclusion of radioactive waste), hazardous chemical substances, pesticides and agrochemicals, environmental and radiation safety (within its competence); development of mineral resources base, nature reserves activities, formation, preserving and use of environmental network, geological exploration and ensuring rational use of natural resources as well as topographic, geodesic and cartographical operations;
- state surveillance of adherence to legislation and regulatory legal acts concerning environmental protection, rational use, replenishment and protection of natural resources (including use and protection of land), environmental and radiation safety (within its competence), protection and use of territories and facilities of natural-reserved fund, formation, preserving and use of environmental network, handling waste (with exclusion of radioactive waste), hazardous chemical substances, pesticides and agrochemicals; as well as ensuring state geological control and geodesic surveillance of topographic, geodesic and cartographical operations.
- organising state testing of pesticides and agrochemicals of domestic and foreign produce pursuant to legislation; effecting state registration of pesticides and agrochemicals, approving specifications of pesticides and agrochemicals permitted for use in Ukraine and issuing regulations on use thereof, accrediting institutions and organisations carrying out state testing of pesticides and agrochemicals, issuing permits on exporting thereof to the customs territory of Ukraine, pilot manufacture and use of non-registered pesticides and agrochemicals for state experiments, scientific research and for other purposes in conformity with the legislation;
- effecting state control of adherence to regulations, standards, norms, limits, quotas, terms of permits and licences in the field of use and protection of natural resources (land, mineral resources, surface and underground waters, atmospheric air, forests, flora and fauna and natural resources of territorial waters, continental shelf and exclusive (sea) economic zone of Ukraine, as well as to requirements relating to environmental and radiation safety (within the Ministry's competence), handling waste (with exclusion of radioactive waste), hazardous chemical substances, pesticides and agrochemicals.

The Environmental Protection Ministry of Ukraine is empowered to give binding instructions to directors of enterprises, establishments and organisations concerning elimination of detected breaches of legislation in the field of environmental protection, environmental and radiation safety (within its competence), natural reserves, topographic, geodesic and cartographical operations.

The Environmental Protection Ministry realizes its authorities both directly and via governmental state administration bodies established within its structure as well as via executive authority in environmental protection of Autonomous Republic of Crimea, regional offices, inspectorates, establishments and organisations within its management scope.

3.1.6. Ministry of Agricultural Policy of Ukraine (Provision approved by Resolution No. 1541 dated 1 November 2006 of the Cabinet of Ministers of Ukraine)

The Ministry of Agricultural Policy of Ukraine is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine.
The Ministry of Agricultural Policy of Ukraine is the primary central executive authority ensuring realization of the national agricultural policy, provision of food security, state management in the field of agriculture, horticulture, viticulture, food and process industries and complex development of rural areas.

In performance of its activities the Ministry of Agricultural Policy of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

Within its competence, the Ministry provides for systematic monitoring of realizing regulatory legal acts.

The Ministry of Agricultural Policy expands practical application of legislation falling within its scope, elaborates proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Main objectives of the Ministry of Agricultural Policy of Ukraine comprise the following:
- elaboration and realization of the national agricultural policy, organising and performing activities aimed at provision of food security of the state;
- effecting state management in the field of agriculture, horticulture, viticulture, food and process industries (hereinafter – Agricultural Branches);
- elaborating and performing activities aimed at complex development of Agricultural Branches and rural areas;
- participating in elaboration and realization of the innovation, investment and social policy in rural areas;
- coordinating activities of executive authorities concerning realization of the national agricultural policy, provision of food security of the state and development of Agricultural Branches;
- elaboration and realization of the national technical policy, development of agricultural equipment market including financial lease basis; ensuring adherence of agricultural enterprises to legal requirements concerning operation of tractors, machinery and monitoring of technical state thereof, as well as occupational and fire safety and traffic rules.

3.1.7. Ministry of Economy of Ukraine (Provision approved by Resolution No. 777 dated 26 May 2007 of the Cabinet of Ministers of Ukraine)

Ministry of Economy of Ukraine is a central executive authority activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry of Economy of Ukraine is the primary central executive authority ensuring realization of the national economic, price-forming, investment and external economic policy, and engaged in internal coordination in the field of economic and social EU-Ukraine cooperation.

In performance of its activities the Ministry of Economy of Ukraine is guided by the Constitution, legislation of Ukraine as well as by Decrees of the President and Resolutions of Verkhovna Rada adopted pursuant to the Constitution and legislation of Ukraine, by Acts adopted by the Cabinet of Ministers of Ukraine and this Provision.

The Ministry of Economy expands practical application of legislation falling within its scope, elaborates proposals as to the legislation improvement and submits them for consideration by the Cabinet of Ministers of Ukraine pursuant to the established procedure.

Within its competence the Ministry of Economy elaborates draft regulatory legal acts, organises realization of legal acts and control thereof.

Duties of the Ministry of Economy comprise:
- analyzing state and tendencies of economic and social development of Ukraine and its administrative-territorial entities, elaborating proposals concerning priority development lines, economic reforming and stable development principles;
- cooperating with the State Property Fund, Anti-Monopoly Committee and other central and local executive authorities and making short-term and medium-term prognoses on economic and social development of Ukraine, as well as drafting short-term National Programme of Economic and Social Development.
Besides that the Ministry of Economy draws up and furnishes to the Ministry of Finance specification of national target programmes planned for realization in respective year with use of budgetary funds.

The Ministry of Economy participates in the following:
- developing strategy and mechanisms of realizing the national scientific and technical and innovation policy, preparing proposals as to determining amounts and allocation rates of budgetary financing of scientific and technical activities; analyzing the scientific and technical potential and efficiency of use thereof;
- analyzing economic situation in the field of education, culture, health care, physical culture, sports, tourism, information assurance, as well as developing and realization of the national policy in this field;
- ensuring approximation of Ukrainian legislation to that of EU;
- ensuring cooperation between central executive authorities as regards achieving compliance of Ukrainian legislation with norms and principles of WTO agreements system and performing expertise of draft regulatory legal acts within its competence to verify compliance thereof with norms and principles of WTO agreements system;
- realization of national policy in the field of technogenic safety and civil protection of citizens.

3.2. Labour Inspection Services
3.2.1 Occupational Safety Inspection of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine (approved by Order No. 92 dated 19 June 1995 of the State Committee for Supervision of Occupational Safety and Health)

The State Occupational Safety Inspection is a structural department of the territorial administration of State Committee for Supervision of Occupational Safety and Health functioning as the state authority in providing for occupational safety and health management at enterprises, establishments and organisations regardless of property form and surveillance of adherence to legal and other norms (use of natural resources) as well as surveillance of production activity of economic entities on branch basis within the region. The State Occupational Safety Inspection is not dependant upon any economic authorities, civil associations, political formations or local state authorities.

Pursuant to its duties provides for and effects surveillance of the following:
- functioning of OS&H management system at enterprises;
- adherence to requirements of legal and national norms related to occupational safety and health by the enterprises under control;
- compliance of used technologies and technological processes, machinery and equipment, tooling, transport and other means of production including those purchased abroad with requirements of legal norms related to occupational health and safety;
- safety and technical state of buildings and constructions, equipment and other means of production;
- timely provision of personnel with work clothes and other personal and collective protective equipment as well as maintenance thereof according to the valid norms;
- production, assembly, repair, renovation, adjustment and operation of machinery, mechanisms, equipment, transport and other means of production in compliance with requirements of norms related to occupational health and safety;
- adherence to legal requirements related to occupational safety and health in the course of concluding labour contracts (agreements);
- sanitary and hygienic provision of employed personnel, conduct of mandatory health examination of certain personnel categories;
- protection of labour performed by women, minors and disabled persons;
- compliance of production infrastructure, social and cultural facilities and amenities including those under construction or renovation to norms related to occupational health and safety;
- manufacture, transporting, storing, use, testing and registering of explosives and products thereof;
- activities of services of interdepartmental control of occupational health and safety, labour protection (OS&H) services and other structural departments of enterprises engaged in provision of safe and non-harmful labour conditions.
The State Occupational Safety Inspection is empowered to perform the following:
To conduct audits of enterprises under control at any time and without impediment for verifying compliance with legislation and other norms related to occupational safety and health and use of resources, as well as to receive relevant clarifications, materials and information from the employer.
To furnish binding instructions to directors of enterprises on elimination of deviations and non-conformities in occupational safety and health and use of natural resources.
To halt operation along with proper sealing of equipment, workplaces, production shops and sections, separate production sites, infrastructure and enterprises until deviations from requirements in occupational safety and health and use of natural resources presenting risks of damage to health or life of personnel or contradicting to legislation are eliminated.
To ban commencing operation by an enterprise in case no respective licence was issued by State Committee for Supervision of Occupational Safety and Health.
To institute administrative proceedings against personnel guilty of violating legal and other norms in occupational health and safety, protection of natural resources and conduct of explosive operations.

3.2.2 Provision on the State Department for Surveillance of Adherence to Labour Legislation (approved by Resolution No.50 dated 18 January 2003 of the Cabinet of Ministers of Ukraine)
The State Department for Surveillance of Adherence to Labour Legislation (Derzhnaglyadpratsi) is a public administration authority functioning within structure of the Ministry of Labour and Social Policy and subordinate to this ministry.
Within its competence the State Department for Surveillance of Adherence to Labour Legislation provides for realization of legal acts and effects continuous monitoring thereof.
Main duties of the State Department comprise the following:
- protecting rights of employees via exercising state surveillance of adherence to labour legislation (with exception of occupational safety and health issues) and mandatory state social insurance against industrial accident and occupational disease which caused disability, as well as against temporary disability and expenses incurred due to births and funerals, unemployment due to inactive status of enterprises, establishments and organisations or all property forms and physical entities using hired labour (hereinafter – Employers);
- exercising state surveillance of adherence to labour legislation and to that related to mandatory state social insurance in terms of ensuring realization of rights and guarantees of employees by means of conducting audits of Employers and executive administration units of mandatory social insurance funds;
- cooperation with organisations of employers and those of employees aimed at implementation of labour legislation and that related to mandatory state social insurance;
- ensuring informing population as to the status of adherence to labour legislation and that related to mandatory state social insurance.
Officials of the State Department for Surveillance of Adherence to Labour Legislation (chief state labour inspectors, their deputies, state labour inspectors) are authorized to perform the following:
- to visit administrative and industrial premises of Employers and executive administration units of mandatory social insurance funds for verification of adherence to labour protection legislation and that related to mandatory state social insurance at any time and with no advance notification but with producing service certificate;
- to become familiarized with information provided by Employers and executive administration units of mandatory social insurance funds, including documents and materials, as well as to receive copies or extracts from documents to be maintained pursuant to labour protection legislation and that related to mandatory state social insurance and which are essential for exercising authorities of the Officials of the State Department for Surveillance of Adherence to Labour Legislation. To demand relevant clarification from Employers or employees. Employers shall provide for a workplace to the inspector for conducting verification also providing respective conditions for holding confidential conversation with employees;
- to give binding instructions to officials of executive authorities and local self-government bodies, Employers, executive administration units of mandatory social insurance funds, concerning elimination of breaches of labour protection legislation and that related to mandatory state social insurance in terms of ensuring realization of rights and guarantees of employees. Such instructions are subject to
implementation followed by written notification on actions taken within 1-month term or else as stipulated in the instructions;
- to draw up reports on administrative violations in cases stipulated by law as well as to investigate such cases and impose administrative sanctions pursuant to legislation;
- to provide proposals to Employers as regards imposing disciplinary sanctions to officials guilty of violating labour protection legislation and that related to mandatory state social insurance, as well as to furnish materials on violation cases to law enforcement authorities.

### 3.2.3 Labour Inspections

<table>
<thead>
<tr>
<th>Information on labour inspection services</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of staff in labour inspection services</td>
<td>2466</td>
</tr>
<tr>
<td>Number of inspectors</td>
<td>1725</td>
</tr>
<tr>
<td>HQ versus total staff (%)</td>
<td>5.23</td>
</tr>
<tr>
<td>OS&amp;H versus employment inspections</td>
<td>50:50</td>
</tr>
<tr>
<td>Percentage of economically active population covered by labour inspection services</td>
<td>75%</td>
</tr>
<tr>
<td>Inspectors per 1 000 enterprises</td>
<td>0.905</td>
</tr>
<tr>
<td>Inspectors per 1 000 employees</td>
<td>0.1</td>
</tr>
<tr>
<td>Inspections/1 000 workers/year</td>
<td>No information</td>
</tr>
<tr>
<td>Visits by one inspector per year</td>
<td>148.7</td>
</tr>
<tr>
<td>Inspectors per computer</td>
<td>No information</td>
</tr>
<tr>
<td>Internet access?</td>
<td>No information</td>
</tr>
<tr>
<td>Inspectors per office car</td>
<td>No information</td>
</tr>
<tr>
<td>Own car used?</td>
<td>No information</td>
</tr>
<tr>
<td>Own car use remunerated?</td>
<td>No information</td>
</tr>
<tr>
<td>Inspector salary versus minimum wage</td>
<td>2.7</td>
</tr>
<tr>
<td>Inspector salary versus private sector salary (worse/same/better?)</td>
<td>Better</td>
</tr>
<tr>
<td>Average age of inspectors</td>
<td>48</td>
</tr>
<tr>
<td>Annual report produced to public (yes/no)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine

### 3.2.4. State Fire Safety Department (Provision approved by Resolution No. 500 dated 11 April 2002 of the Cabinet of Ministers of Ukraine)

The State Fire Safety Department (Derzhpozhbezpeky) is a public administration authority functioning within structure of the Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath and subordinate to this ministry.

Main duties of the State Fire Safety Department comprise the following:
- participating in realization of national policy in the field of fire safety;
- coordinating fire safety improvement activities of executive authorities within its competence;
- exercising state fire safety surveillance in inhabited localities and at all property form facilities;
- organising fire-fighting, fire rescue operations and participating in elimination of accident, disaster and natural disaster aftermath.

The State Fire Safety Department is also obliged to ensure the following:
- organising elaboration and implementation of organisational and scientific technical activities in the field of fire safety;
- expanding practical application of fire safety legislation, elaborating proposals as to its improvement and submitting thereof for consideration by the Ministry of Emergencies and Population Protection from Chornobyl Disaster Aftermath;
- organising and exercising state fire safety surveillance within its competence in inhabited localities and at all property form facilities; supervising activity of subordinate territorial and local state fire safety authorities;
- supervising adherence to fire safety legislation by executive authorities, local self-government authorities, legal and physical entities.
The State Fire Safety Department is authorized to conduct audits for verification of realization of fire safety requirements by executive authorities, local self-government authorities, enterprises, establishments and organisations as well as by physical entities.

3.2.5. State Expertise of Labour Conditions (Provision approved by Resolution No. 357 dated 1 December 1990 of the Council of Ministers of Ukrainian Soviet Socialist Republic)

Main objectives of the State Expertise of Labour Conditions comprise the following:
- ensuring protection of employees performing work under unfavourable labour conditions at enterprises, establishments, organisations, cooperative societies regardless of property form, and by sole proprietors;
- exercising state surveillance of the following:
  proper reference to specifications of types of production, work, professions, job positions and indices which grant the right to fringe pension benefits and extra vacations;
  granting privileges and compensations for work under unfavourable conditions to employees of enterprises pursuant to legislation;
- quality of attestation of workplaces in terms of labour conditions and their classifying as related to harmful and hard labour conditions, especially concerning workplaces at which labour of women is used;
- providing expert reports on reasonableness of proposals from enterprises as to entering changes to the specifications of types of production, work, professions, job positions and indices which grant the right to fringe pension benefits and extra vacations;
- participating in consideration of arguments between management and personnel as to granting fringe pension benefits and extra vacations;
- participating in drafting regulatory legal acts concerning issues of pre-term retirement of certain categories of workers and granting extra vacations;
- considering and issuing reports after their agreeing with trade union organisations on determination and amending social insurance differentiated rates depending on hazard degree, harmfulness, stress and other factors of labour conditions.

The State Expertise of Labour Conditions is authorized to the following:
- conduct of labour conditions expertise at enterprises regardless of property form and their departmental subordinance and giving instructions on elimination of detected non-conformities;
- ordering conduct of sanitary and hygienic studies at enterprises by sanitary and hygienic surveillance authorities of the Health Ministry of Ukraine followed by drawing up of respective expert reports;
- banning operation of industrial facilities and workplaces in cases of violating hygienic norms and regulations on carrying out essential sanitary and hygienic activities (in cooperation with other state surveillance and control authorities);
- verification of documentation at enterprises concerning granting fringe pension benefits and extra vacations to personnel for its compliance with the valid legislation;
- giving instructions to the management of enterprises on eliminating legislation violations implying infringement of personnel rights to fringe benefits and compensation for unfavourable labour conditions;
- furnishing proposals to the authority granting fringe pension benefits concerning charging amounts from enterprises which were paid due to grounded classification of the workplace to specification of types of production, work, professions, job positions and indices which grant the right to fringe pension benefits and extra vacations;
- furnishing requests to the management of enterprises concerning termination of resolutions adopted at enterprises concerning fringe pension benefits and extra vacations which do not comply with the valid legislation;
- unimpeded visiting enterprises, establishments, organisations and cooperative societies regardless of property form and departmental subordinance.

3.3. Labour Protection (OS&H) Service at Enterprise

At an enterprise with personnel amounting to 50 and more people the employer shall establish the labour protection (OS&H) service pursuant to the respective model regulations approved by a designated central executive authority in occupational safety and health supervision.
At an enterprise with personnel amounting to less than 50 people duties of the labour protection (OS&H) service may be performed on a part-time basis (holding several job positions) by persons having passed relevant training.

At an enterprise with personnel amounting to less than 20 people duties of the labour protection (OS&H) service may be performed by freelance specialists on contractual basis having passed relevant training.

The labour protection (OS&H) is subordinate directly to the employer.

Job positions and salary of managers and experts of the labour protection (OS&H) service shall be equal to those of managers and specialists of the main production and engineering services.

In case of detecting violations the experts of the labour protection (OS&H) service are authorized to the following:

- giving binding instructions to departmental managers on elimination of detected deviations, receiving relevant documentation, information and clarifications in the field of labour protection;
- demanding suspension of persons failing to pass health examination, training, briefing, knowledge examination stipulated by legislation and having no licence to perform respective work or failing to adhere to requirements of legal regulatory acts in labour protection;
- halting production, industrial shops, machinery, tooling and equipment as well as other means of production in case of violations presenting risk to life or health of personnel;
- furnishing requests to the employer on imposing sanctions to personnel violating labour protection requirements.

Instructions issued by labour protection experts can be cancelled by the employer only.

Elimination of the labour protection (OS&H) service is admissible only provided the enterprise is liquidated or use of hired labour is no longer exercised by the physical entity.

3.3.1. Occupational health care

Occupational health care falls in the competence scope of the Health Ministry of Ukraine. Duties of the Health Ministry are stated in cl. 3.1.3.1

3.3.2 Main activities of the State Sanitary Inspection

<table>
<thead>
<tr>
<th>Activity (functions)</th>
<th>Yes (on compulsory basis)</th>
<th>Yes (on voluntary basis)</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace surveys, workplace visits, exposure assessment</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk assessment and management</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive health examinations (general surveillance)</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk-based health surveillance</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registration of health data, reporting of occupational diseases and injuries</td>
<td>V</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workplace health promotion, health education, counselling</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First aid, accident management</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curative services</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, training, information campaigns</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quality assurance of occupational health processes, audits</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety inspections</td>
<td>v</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiatives and advice for management of workplace safe and health, safe workplace design</td>
<td>v</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

30
### 3.3.3 Occupational hygiene experts

<table>
<thead>
<tr>
<th>Data on Occupational Hygiene Services</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of physicians (all specialities)</td>
<td>223000</td>
</tr>
<tr>
<td>Number of physicians (all specialities) per 10,000 of people</td>
<td>48,300</td>
</tr>
<tr>
<td>Number of paramedical personnel</td>
<td>488000</td>
</tr>
<tr>
<td>Number of paramedical personnel per 10,000 of people</td>
<td>105.5</td>
</tr>
<tr>
<td>Number of patient care institutions</td>
<td>2800</td>
</tr>
<tr>
<td>National Institute of Occupational Hygiene</td>
<td>1</td>
</tr>
<tr>
<td>Number of polyclinics</td>
<td>8000</td>
</tr>
<tr>
<td>Percentage of economically active population covered by occupational hygiene services</td>
<td>No information</td>
</tr>
</tbody>
</table>

### 3.4. Other authorities for surveillance of adherence to labour protection legislation

Ministries and other central executive authorities ensure the following:
- realization of the single scientific and technical policy in the field of occupational safety and health;
- elaboration and implementation of branch programmes for improvement of occupational safety, hygiene and work environment in cooperation with trade unions;
- methodical management of enterprises in the field of OS&H;
- concluding agreements on labour conditions and safety improvement with relevant branch trade unions;
- participation in further development and reviewing of legal norms in occupational safety and health;
- organising training and knowledge examination related to labour protection issues;
- establishing emergency rescue service in case of need, effecting management of activities thereof;
- ensuring adherence to other legal requirements governing relationship in the field of rescue work;
- effecting departmental surveillance of labour protection at branch enterprises.

Aimed at coordination, improvement and monitoring of occupational safety and health activities, structural occupational safety and health departments are formed in ministries and other central executive authorities.

### 3.5. National OS&H consultancy institutions

There is no designated OS&H consultancy institution in Ukraine, however certain consultancy functions are performed by the supervisory board for the activity of Social Insurance Fund Against Accidents At Work And Occupational Diseases.

Objective of the surveillance is ensuring performance of statutory duties by the Fund as well as prescribed use of respective financial assets.

Members of the supervisory board work on a voluntary basis and have no right to combine membership to the executive committee of the Social Insurance Fund Against Accidents At Work And Occupational Diseases and employment at executive board of directors of the said Fund or functional bodies thereof.

The supervisory board comprises 15 seats equally distributed among state representatives, representatives of insured people and employers.

The state is represented in the supervisory board by assignees of respective designated central executive authorities.

Representatives of insured people are assigned to the supervisory board by trade union associations, whereas representatives of employers are assigned by employers' associations. The mentioned associations must have the all-Ukrainian status.

Authority term of the members of the supervisory board is six years.

Activity of the supervisory board is directed by its chairman elected for the term of one year of the members to the supervisory board, whereas alternate chairmanship of assignees of all the three parties stated in the fourth paragraph of this article is ensured.

Assignees of one and the same party cannot combine chairmanship at the supervisory board and that at the Social Insurance Fund Against Accidents At Work And Occupational Diseases.
The supervisory board has the following duties:

1) inspecting activity of the Social Insurance Fund Against Accidents At Work And Occupational Diseases;

2) hearing of reports by the executive committee and board of directors of the Fund on performance of statutory duties and use of financial assets; providing relevant recommendations to the Fund;

3) in case of need and besides annual audits of use of insurance assets arranging unplanned audits of financial activity of the Social Insurance Fund or certain lines of its activity as well as of activity of functional bodies of the executive board of directors of the Fund. Audits are conducted at Fund's expense;

4) obtaining essential information on the Fund's performance;

5) expanding practical application of legislation on insurance against accidents, elaborates proposals of the Fund as its improvement and submits them for consideration by the Cabinet of Ministers of Ukraine;

6) in case of violations of legislation on insurance against accidents determining term for elimination thereof by the Social Insurance Fund Against Accidents At Work And Occupational Diseases. In case of failure to eliminate the detected non-conformities, the supervisory board initiates procedure for imposing administrative sanctions on the Fund's officials pursuant to the legislation;

7) demanding calling of a meeting of the Fund's board of directors;

8) promoting relationship and cooperation between the Social Insurance Fund Against Accidents At Work And Occupational Diseases, insurers and the insured in terms of solving tasks of insurance against accidents.

The supervisory board effects its activity based on the equality of rights of the parties and their responsibility for the resolutions adopted.

3.6. Systems of insurance against industrial accidents and occupational diseases

Social insurance implies the system of rights and guarantees aimed at financial assistance to citizens, and in the first place to employed ones and their family members in case of loss of earnings on account of circumstances which could not be effected on by themselves, such as diseases, accidents, unemployment, achieving retirement age etc. The system is also aimed at effecting activities related to health care of the insured. Social insurance is a significant factor in social protection of citizens.

Pursuant to cl.5 of the Law of Ukraine “On Labour Protection” all employees are subject to mandatory social insurance against industrial accident and occupational disease which caused disability. Legal basis, economical mechanism and organisational pattern of such insurance are stipulated by the Law of Ukraine “On Mandatory State Social Insurance Against Industrial Accident And Occupational Disease Which Caused Disability”.

Objectives of social insurance against industrial accident and occupational disease which caused disability comprise the following:

- prevention activities aimed at elimination of harmful and hazardous industrial factors; prevention of industrial accidents, occupational diseases and other situations presenting risks to health of employees;
- health and working capability rehabilitation of persons injured by industrial accidents or occupational diseases;
- reimbursement of financial and moral damage to the insured and their family members.

Insurance against industrial accidents is exercised by the Social Insurance Fund Against Accidents At Work And Occupational Diseases of Ukraine, being a non-profit and self-governing organisation performing its activity based on the Regulations approved by its board of directors. Management of the Fund is effected on the parity basis by three parties implying the state, representatives of the insured and those of the employers.

The insured citizens (in certain cases their family members), the insurer and the Social Insurance Fund are the entities of insurance against accidents.

Physical persons (employees) are considered the insured since insurance is exercised in their favour. Neither application nor consent from an employee is needed for exercising insurance against industrial accidents. The insurance is effected in impersonal form. All persons subject to mandatory
insurance are considered insured regardless of (non)-fulfillment of the insurers’ duties implying payment of insurance contributions.

Insured cases imply industrial accidents or occupational diseases causing occupational physical or psychic trauma to the insured person under circumstances entailing the right of the insured person to gaining financial assistance and/or social servicing.

Both specification of circumstances implying insured cases under the state social insurance against accidents and specification of occupational diseases are approved by means of adopting respective resolution by the Cabinet of Ministers of Ukraine.

Accident investigation report or occupational disease (poisoning) investigation report drawn up according to the established format are the ground for reimbursing medical expenditure to the injured, carrying out medical, professional and social rehabilitation as well as payment of insurance compensation.

Violation of labour protection (OS&H) regulations by the insured person entailing accident or occupational disease shall not relieve the insurer of fulfilling obligations before the injured and such accidents or occupational diseases are also regarded as insured cases.

Aimed at prevention of industrial accidents and occupational diseases the Fund carries out activities with the purpose of preventing accidents and eliminating labour conditions-related risks to health of personnel.

The Fund performs collection and accumulation of insurance contributions and has an autonomous financing system.

Employees bear no expense for insurance against accidents.

Insurance contribution rates for the insurers are estimated in per cent of actual amounts spent for remunerating hired labour including expenses for paying basic and special salaries and other compensative and motivating payments.

Insurance contribution rate to be paid by an insurer to the Fund is determined based on insurance tariffs varying dependant on economy branches (types of work), types of occupational risks, tariff reduction (for low levels of traumatism, occupational diseases, and proper state of OS&H system) or tariff increase (for high levels of traumatism, occupational diseases, and unsatisfactory state of OS&H system). Types of occupational risks related to specific production and the insurance tariffs are stipulated by the Law “On Tariffs of Mandatory State Social Insurance Against Industrial Accident And Occupational Disease Which Caused Disability”.

### 3.7. Information on Occupational Safety and Health

Information on occupational safety and health is annually published in Statistical Bulletin “Occupational Traumatism” and in "Statistical Year-Book of Ukraine” of the State Statistics Committee of Ukraine.

Besides that information in this field is published in „Labour Protection Information Bulletin” (subscription index 40637) and „Occupational Safety and Health Information Bulletin” (subscription index 92027) published by the National Research Institute of Occupational Health and Safety, as well as in "Labour Protection" periodical.

### 3.8. Special technical, medical and scientific institutions relating to labour protection (OS&H)

The following institutions are concerned with labour protection (OH&S) issues:

National Research Institute of Occupational Health and Safety;

The following scientific research institutions:

1. State Enterprise L.I. Medved Institute of Ecological Hygiene and Toxicology.
2. State Enterprise Scientific Research Institute of medical-environmental problems
4. State Enterprise Ukrainian Research Institute of Transport Medicine
5. State Enterprise Kharkiv scientific research institute of occupational hygiene and diseases
6. Kharkiv Centre of Cardiovascular Surgery
7. Coordination centre of transplantation of organs, tissues and cells
8. Lviv scientific-research. institute of epidemiology and hygiene
9. State Enterprise National Scientific Centre of Medicines
10. Scientific Research Centre of Quantum Medicine “VIDHUK”
11. Scientific and Practice Association “Rehabilitation”
12. Ukrainian Scientific Centre of endocrine surgery and transplantation of endocrine organs and tissues
13. Ukrainian Institute of Public Health
14. Ukrainian scientific research institute of children’s balneotherapy and physical therapy
15. Ukrainian state scientific research institute of medical and social problems of disabled people
16. Ukrainian scientific research institute of medical rehabilitation and balneotherapy
17. Ukrainian scientific research institute of occupational medicine
18. Ukrainian state scientific research institute of rehabilitation of disabled people
19. Ukrainian scientific research institute of social and forensic psychiatry and narcology
20. I.I. Mechnikov anti-plague scientific research institute
21. Ukrainian scientific and practical centre of emergency medical aid and disaster medicine
22. Scientific and Practice Medical centre of children’s cardiology and cardiac surgery
23. Ukrainian Centre of Scientific and Medical Information and Patent and License Activity
24. State Enterprise “State Scientific Research Centre for Issues of Nutrition Hygiene”
25. Ukrainian Centre of information technologies and national Register of Health Ministry of Ukraine.

Higher educational institutions:
1. O.O. Bogomolets National University of Medicine
2. National University of Pharmacy
3. Bukovyna National University of Medicine
4. Vinnitsya I. Pirogov National University of Medicine
5. Dnipropetovsk National Academy of Medicine
6. M. Gorky National University of Medicine
7. Zaporizhzhya National University of Medicine
8. Ivano-Frankivsk National University of Medicine
9. P.L. Shupik National Post-Graduate Education Academy of Medicine
10. Crimea S.I. Georgiyevsky National University of Medicine
11. Institute of Medicine of Ukrainian Association of Ethnomedicine
12. Lviv D. Galytsky National University of Medicine
13. Lugansk National University of Medicine
14. Odesa National University of Medicine
15. I.Ya. Gorbachevsky Ternopil National University of Medicine
16. I.Ya. Gorbachevsky Ternopil National University of Medicine
17. Ukrainian Medical Stomatological Academy
18. Kharkiv National University of Medicine
19. Kharkiv Medical Post-Graduate Academy

Each region of Ukraine has a health inspection service, and besides that, there are central health inspection services at railway, water and avia transport facilities.


The State Committee of Ukraine for Technical Regulation and Consumer Policy is a designated central executive authority in the field of protection of consumer rights, standardisation, metrology and conformity assessment.

Main duties of the State Committee of Ukraine for Technical Regulation and Consumer Policy comprise the following:

- participation in elaboration and ensuring realization of the national policy in the field of protection of consumer rights, standardisation, metrology, certification, conformity assessment, quality management;
exercising state surveillance of adherence to legislation governing protection of consumer rights, advertisement in this field, state metrology surveillance and control;
exercising state surveillance (within its competence) of adherence to legislation in the field of standardisation and conformity assessment;
ensuring inter-branch coordination and functional management in the field of protection of consumer rights, standardisation, metrology, certification, conformity assessment, quality management.
Aimed at fulfillment of its duties the State Committee of Ukraine for Technical Regulation and Consumer Policy is authorized to perform the following:

*standardisation:*
taking actions for harmonization of state standards under development with respective international (regional) standards;
participating in development and harmonization of technical regulations and other regulatory legal acts in standardisation;
stipulating procedures for development, approving, adopting, reconsidering, amending and terminating of state standards, as well as for their identification, coding, registration and classification by type and other characteristics;
organising and coordinating activities in standardisation field;

*metrology:*
coordinating activities aimed at ensuring functioning and development of the state metrology system;
organising fundamental researches;
taking actions for establishing and ensuring functioning of system of the national measurement standards of Ukraine;
stipulating procedure for establishing, approving, registration, storing and using of standards, as well as verification thereof with standards of other states and international ones;
assigning state status to standards pursuant to the established procedure;
organising and exercising state metrological surveillance and control;
stipulating procedure for authorisation and certification in the state metrology system, conduct of state testing, metrological certification, verification and calibration of measuring equipment, state metrology surveillance of assuring uniformity of measurements and quantity of packaged merchandise in packages including documenting of respective results;
stipulating procedure for verification of authorized and certified metrology centres, regional offices of State Committee of Ukraine for Technical Regulation and Consumer Policy, enterprises, organisations and their measurement, calibration and verification laboratories, as well as verification (calibration) laboratories of foreign manufacturers;
coordinating activities of the metrology service of Ukraine;
elaborating or participating in elaboration of draft national scientific and sci-tech programmes in the field of assurance of uniformity of measurements;

*certification:*
effecting and coordinating activities aimed at ensuring functioning of the national certification system;
maintaining National Certification System Register, stipulating rules related to acknowledgement of certificates issued in other states;
appointing certification bodies.

The need for improving assurance of safe labour conditions for personnel is prompted by the following reasons:

unsatisfactory OS&H situation in industrial and social field, high level of accident rate, occupational traumatism and diseases;

non-adherence to requirements of labour protection legislation and other regulatory legal acts in occupational safety and health, hygiene and work environment, rational use and protection of natural resources by economic entities, employers and employees;
establishment of a significant amount of economic entities of various property forms and activity types using hired labour, especially small-scale and medium-scale businesses, sole proprietors, which complicates state surveillance by means of traditional methods;

administrative reforming in Ukraine and activities aimed at deregulation of economy; regulation of audit quantity to be conducted at enterprises by surveillance authorities;

imperfection of cooperation between various OS&H state surveillance and control authorities and distribution of their authority;

decrease of state financing and need for using off-budget financing sources aimed at exercising state surveillance and assuring operation of state surveillance bodies.

Ukraine’s striving for EU and global integration and need for effective implementation of commonly accepted international OS&H norms to legislation and real life; ensuring functioning of labour protection inspections; creation of solid basis for further formal accession of Ukraine to ILO Conventions and other international agreements in the field of labour protection.

3.9. Coordination of activities and cooperation in the field of labour protection (OS&H)

Coordination of activities and cooperation in the field of labour protection is effected by the National Council for Safe Conditions for Activities of Population. Relevant Provision regarding the National Council was approved by Resolution No. 733 dated 15 September 1993 by the Cabinet of Ministers of Ukraine.

National Council for Safe Conditions for Activities of Population (hereinafter - National Council) was established pursuant to the Law of Ukraine “On Labour Protection” for elaboration and realization of the national policy in the field of occupational safety and health and prevention of home traumatism, as well as for creation of the state management system in this field. In performance of its activities the National Council is guided by the Constitution, legislation of Ukraine as well as by Resolutions of Verkhovna Rada, Decrees and Orders of the President, and by Decrees, Resolutions and Orders adopted by the Cabinet of Ministers of Ukraine and this Provision.

Main duties of the National Council comprise the following:

- development and realization of activities aimed at creation of the state management system in the field of occupational safety and health as well as prevention of home traumatism; submitting of improvement proposals for consideration by the Cabinet of Ministers of Ukraine;

- ensuring surveillance of realization of regulatory legal acts and resolutions of Ukrainian Government, further development of the National Programme and draft laws concerning realisation of the national policy in the field of providing safe conditions for activities of population; submitting of legislation improvement proposals for consideration by the Cabinet of Ministers of Ukraine;

- coordination of activities carried out by central and local executive authorities in the field of occupational safety and health as well as prevention of home traumatism;

- auditing activities of central and local executive authorities and hearing of reports by heads thereof on subjects falling within its competence scope at sessions of the National Council or of its Bureau;

- participation in international cooperation; supporting study, extending and popularizing of experience in the field of occupational safety and health as well as prevention of home traumatism; solving issues related to control of realization of agreements and contracts concluded in this field.

Resolutions adopted by the National Council and its Bureau within its competence are binding on central and local executive authorities, enterprises, establishments, organisations and citizens. Pursuant to the Law “On Labour Protection” the National Council is headed by the Vice Prime Minister of Ukraine.

3.10. As-Is analysis and recommendations

1. The need for improving assurance of safe labour conditions for personnel is prompted by the following reasons:

- unsatisfactory OS&H situation in industrial and social field, high level of accident rate, occupational traumatism and diseases;
- non-adherence to requirements of labour protection legislation and other regulatory legal acts in occupational safety and health, hygiene and work environment, rational use and protection of natural resources by economic entities, employers and employees;
- establishment of a significant amount of economic entities of various property forms and activity types using hired labour, especially small-scale and medium-scale businesses, sole proprietors, which complicates state surveillance by means of traditional methods;
- administrative reforming in Ukraine and activities aimed at deregulation of economy; regulation of audit quantity to be conducted at enterprises by surveillance authorities;
- imperfection of cooperation between various OS&H state surveillance and control authorities and distribution of their authority;
- decrease of state financing and need for using off-budget financing sources aimed at exercising state surveillance and assuring operation of state surveillance bodies
- Ukraine’s striving for EU and global integration and need for effective implementation of commonly accepted international OS&H norms to legislation and real life; ensuring functioning of labour protection inspections; creation of solid basis for further formal accession of Ukraine to ILO Conventions and other international agreements in the field of labour protection

Within last decade medical and demographic indicators have deteriorated with mortality rate increase and birth rate decrease, leading to population drop by almost 5.5 million and shortening of the average lifetime. High indicators of morbidity, mortality at work-capable age (especially among men) as well as of invalidity (including working people) are observed in the country.

Recently the problem of occupational morbidity in Ukraine has grown acute and causes serious concern. Average annual number of diagnosed occupational diseases in Ukraine amounts to 6.000. Occupational morbidity degree is directly related to hard and harmful industrial labour conditions. As many as 27.1% of enterprises demonstrate compliance with requirements of sanitary legislation. As to other industrial production enterprises, the labour conditions do not conform to sanitary and hygienic regulations and norms as concerns levels and concentration of hazardous and harmful substances negative effect of which provokes occupational diseases. Recently, chemical load on workers’ organisms as well as work intensity and stress have significantly increased.

There are still pending labour medicine issues in Ukraine. Due to the changes in political, social and economic situation caused by transition of industrial and agricultural economy to market relations, emergence of new property forms (private, cooperative etc.), the occupational medical care system went in ruin, sanitary surveillance of small-scale enterprises became practically unrealizable, whereas employers allot few funds for ensuring occupational safety and health striving only for gaining maximum profits. Medical care and social welfare system for working citizens became ineffective.

2. The principles of effecting state surveillance (control) need improvement and have to be based on the following:
- highest priority of life and health of personnel versus industrial results of an enterprise; employer’s full liability for provision of safe and non-harmful labour conditions;
- unavoidability of employer’s liability in case of non-fulfillment of safety requirements or ignoring instructions from state surveillance authorities and creating hazardous and harmful labour conditions;
- stipulation of uniform norms governing labour protection, rational use and protection of natural resources by all economic entities using hired labour regardless of property form, departmental subordination and types of activity;
- legal regulation of state surveillance activities by means of relevant legal acts and other regulatory norms;
- distribution of duties laid upon state surveillance authorities, maximum excluding of duplication in their activities;
- ensuring functioning of inspection bodies of state surveillance authorities based on regional and branch pattern;
- availability of qualified experts and authorized organisations as technical, legal and medical (sanitary and hygienic) support teams for state surveillance authorities for carrying out essential activities such as measurements, testing, examination (reviews), providing expert reports etc.;
- dependence of auditing frequency on risk degrees (accidents, occupational traumas, current state of OS&H system at specific enterprise, industrial facility, infrastructure, workplace); ensuring possibilities for conducting audits required by legislation at any time and without prior notification of the employer;
- impartiality of state inspectors, especially concerning influence by economic entities undergoing audit;
- essential sufficiency and maximum use of available human, financial and material resources for effecting state surveillance (including provision of necessary office equipment and sufficient salary rate to the inspectors);
- organisational combining of efforts by state and non-state bodies engaged in solving problems in the field of labour protection, rational use and protection of natural resources at all-state, regional and local levels pursuant to respective regulatory legal acts;
- coordination of activities of state authorities, local self-government executive authorities, trade unions and civil associations performing state surveillance and public control; cooperation and consultancy between the mentioned bodies while adopting resolutions in the field of labour protection, rational use and protection of natural resources at local and state levels.

**Recommendations:**

Legal governing of state surveillance activities as well as scientific and technical support of state surveillance and control:
- creating the OS&H regulatory framework implying a system of interconsistent documents ensuring that any norm is stipulated once and in one document;
- creating the regulatory framework for technological processes and types of work;
- creating the system of regulatory legal acts of a new type, namely, technical regulations comprising safety requirements to production equipment;
- further development of the system of indicators and criteria for determining risk levels related to emergencies, accidents, occupational diseases, as well as permissible risk levels per certain types of production activities.

Gaining more information concerning industrial hazards and risks:
- developing concept of preventing hazards and managing risks to health and harmful influence of industrial factors;
- scientific researching related to stipulating hygienic norms and regulation on priority physical, chemical and biological factors and prognosing their influence and influence of combinations thereof on health of workers;

Restructuring of occupational health care system aimed at establishing more effective models thereof:
- developing scientifically grounded approaches to health assessment and managing occupational risks with consideration of domestic experience and ILO and World Health Organisation programmes;
- developing principles of a uniform well-defined system of medical and social as well as medical and occupational rehabilitation of injured employees;
- improving registration and recording of occupational diseases; developing concept and introducing of the National Register of Persons with Diagnosed Occupational Disease.

4. Role of social partners in labour protection related activity

4.1. Programmes of social partners in labour protection

Social partners imply representative organisations of employers and employees which are granted right to freedom of association.

The programme of social partners in labour protection is the General Agreement for 2008 – 2009 between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of organisations of employers and entrepreneurs, All-Ukrainian trade-unions and professional associations. The General Agreement comprises articles on the following:
- supporting development of domestic production and domestic product consumption;
- remuneration of labour;
- occupational safety and health, labour and rest conditions;
- social protection and cultural demand of population

4.1.1. Organisation of employers

The Federation of Employers of Ukraine represents organisations of employers, enterprises and their associations. It comprises organisations of regions of Donetsk, Zhytomyr, Zaporizhzhya, Ivano-Frankivsk, Kirovograd, Lugansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi, Chernihiv, Kyiv as well as city of Sevastopol and associations of employers of certain types of economic activity. In general, the Federation of Employers of Ukraine unites 428 organisations, unions and associations.

The Federation of Employers of Ukraine cooperates with governmental institutions and trade unions. Representatives of the Federation participate in solving issues recommended for solving by the International Labour Organisation. This concerns provision of favourable economic conditions, economic development, labour relationship, social dialogue etc. The Federation takes part in further development of regulatory legal acts and other norms including those related to labour protection.

4.1.2. Organisation of employees

Pursuant to Law of Ukraine “On Trade Unions” the following professional associations are active in Ukraine:
- Federation of Trade Unions of Ukraine, comprising 41 member organisations;
- National Confederation of Trade Unions of Ukraine comprising 7 member organisations;
- National Forum of Trade Unions of Ukraine, comprising 7 member organisations;
- Confederation of Trade Unions of Ukraine, comprising 2 organisations;
- Federation of Trade Unions of Cooperation and Other Entrepreneurship Forms of Ukraine, comprising 2 organisations;
- Federation of Transport Trade Unions of Ukraine, comprising 2 organisations;
- Other all-Ukrainian trade unions and associations (11 organisations).

All the organisations maintain mutual cooperation in various aspects as well as cooperation with organisations of employers. As an example one can regard the mutual decision on signing the General Agreement between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of organisations of employers and entrepreneurs, All-Ukrainian trade-unions and professional associations.

Under this Agreement the trade unions are bound as to the following:
- In cooperation with the State Property Fund: ensuring training of trade union representatives under special programmes of the Fund aimed at their qualified participation in activities of enterprise management bodies;
- Supporting adherence to OS&H regulations at enterprises, organisations and establishments within the scope of activities of the Parties;
- Exercising public control of adherence to labour legislation at enterprises, organisations and establishments, including issues of salary payments;
- Stipulating relevant obligations in collective agreements and contracts. Cooperating with executive authorities and state surveillance authorities in solving issues of realizing the right to timely and full labour remuneration. Providing information on actions initiated by trade unions concerning registered violations to the Party of owners as required but not less than once per six months;
- Providing for consultancy and legal assistance to employees being members of trade unions as regards protection of their rights to labour remuneration both at labour dispute committees and in courts;
- Continual analyzing and assessing realization of legislation in terms of labour remuneration, furnishing proposals on its improvement and providing information to the Party of owners on a quarterly basis aimed at taking appropriate actions;
- Standing upon personnel rights to safe labour conditions;
- Ensuring public control of adherence to labour legislation. Providing free of charge legal assistance concerning issues of labour legislation and carrying out elucidatory activities in particular via mass-media. In case of need, representing members of trade unions in courts of law and other state and local self-government authorities pursuant to legislation for protecting labour, social and economic rights.
- Ensuring public control of adherence to labour protection legislation including issues of providing safe and non-harmful labour conditions, proper industrial, sanitary and hygienic conditions, working
clothes, footwear, personal and collective protection equipment; furnishing respective complaints to directors of enterprises;
- Ensuring public control of realization of citizens’ rights in the field of health care, medical and social assistance, furnishing respective proposals to directors of enterprises, state control authorities and the Cabinet of Ministers of Ukraine;
- In case of a refusal by employers to eliminate violations of labour legislation, initiating consideration of such issues by respective executive authorities or local self-government authorities aimed at their taking appropriate reciprocate actions or turning to court.;
- Participating in development and realization of the national policy in the field of occupational health and safety including health care issues, furnishing respective proposals concerning development of the mentioned issues;
- Insisting on including activities as to prevention of HIV/AIDS epidemic spreading in work environment in the collective agreements and contracts. Ensuring absence of personnel discrimination in terms of HIV-status;
- Participating in work of committees in social insurance at enterprises during consideration of issues on labour recommendations, in particular, those concerning employed disabled persons, allotting financial aid in cases of temporary disability and investigating circumstances of occupational traumas of employees;
- Exercising control of issuing documents certifying temporary disability of trade union members by health care institutions.

4.2. Participation in OS&H activities at national, regional and enterprise levels
The Law of Ukraine “On Labour Protection” envisages elaboration of the national, branch and regional programmes for improvement of occupational safety, hygiene and work environment. Other national programmes aimed at prevention of accidents and occupational diseases are also set forth. At enterprise level complex activities are elaborated aimed at achieving defined norms and improving existing occupational safety and health level.

Financing of occupational safety and health activities is effected by the employer.
Financing of prevention activities in the field of occupational safety and health, realization of national, branch and regional programmes for improvement of occupational safety, hygiene and work environment as well as other national programmes aimed at prevention of accidents and occupational diseases is provided in state and local budgets along with other financing sources stipulated by legislation, and stated separately.

Occupational safety and health expenses for enterprises regardless of property form or physical entities using hired labour shall amount to not less than 0.5 % of sum for the products sold.

Occupational safety and health expenses for enterprises which have budget financing shall be stated in state or local budgets and amount to not less than 0.2 % of the labour remuneration fund.

Occupational safety and health expenses incorporated in total costs of legal or physical entities using hired labour according to the legislation shall be defined pursuant to the specification of occupational safety and health activities and methods approved by the Cabinet of Ministers of Ukraine.

4.2.1. National Programme for improvement of occupational safety, hygiene and work environment
Information concerning the National programme for improvement of occupational safety, hygiene and work environment is stated in cl.1.5.

Besides this Programme other target programmes for certain lines of occupational safety and health activity can be elaborated at national level.

4.2.2. Branch Programme for improvement of occupational safety, hygiene and work environment
This programme is elaborated by ministries and other central executive authorities in cooperation with trade unions.
Scientific and research institutes (if any) as well as enterprises, the State Social Insurance Fund Against Industrial Accidents And Occupational Diseases (on consent) participate in elaboration of the programme.

Further, the programme is agreed upon with trade unions and approved by a ministry or other central executive authority.

The programme comprises activities described in the following articles:
- organisational activities;
- sci-tech research and developments;
- regulatory legal basis;
- collective protective equipment and work environment control equipment;
- information support;
- other activities.

Realization of the branch programme is effected by ministries and other central executive authorities.

4.2.3. Regional Programme for improvement of occupational safety, hygiene and work environment

This programme is elaborated by regional public administration bodies in cooperation with trade unions and the State Social Insurance Fund Against Industrial Accidents And Occupational Diseases.

The regional programme is approved by the regional public administration body.

The programme comprises activities described in the following articles:
- organisational activities;
- sci-tech research and developments;
- regulatory legal basis;
- collective protective equipment and work environment control equipment;
- information support;
- other activities.

4.2.4. Complex activities aimed at achieving defined norms and improving existing occupational safety and health level

In cooperation with parties to the collective agreement the employer shall develop and ensure realization of complex activities at enterprise aimed at achieving defined norms and improving existing occupational safety and health level. These activities constitute an integral part to the collective agreement.

The following persons participate in development of the complex activities: heads of engineering services of the enterprise, lead specialists, lawyers and trade union representatives, whereas should the said representatives be absent, they are substituted with OS&H representatives authorized by the employees.

The basis for complex activities comprises attestation results of workplaces in terms of their compliance with regulatory legal acts in occupational safety and health; OS&H audit results, laboratory studies of labour conditions, technical state assessment of industrial equipment and tooling. Data provided in statistical form 7-THB are also taken into account.

4.3. OS&H in collective agreements

The Law of Ukraine "On Collective Agreements and Contracts" No. 3356-XII dated 1 July 1993 provides legal basis for drafting, concluding and exercising collective agreements and contracts aimed at promoting regulation of labour relationship as well as social and economical welfare of employees and the owners.

Collective agreements are concluded at enterprises, establishments and organisations (hereinafter – Enterprises) regardless of property form and type of economic activity using hired labour and having rights of a legal entity.

Collective agreements are concluded between the owner or designated authority on one part, and one or several trade unions or other representative authorities assigned by the employees on the other part,
whereas should the said representative authorities not exist, they are substituted with OS&H representatives elected and authorized by the employees.

Terms set forth in collective agreements, contracts concluded pursuant to the valid legislation are binding both on enterprises to which they apply, and the contracting parties.

Terms set forth in collective agreements and contracts implying deterioration of personnel state as compared to the valid legislation shall be deemed invalid and are excluded from collective agreements and contracts.

Terms implying deterioration of personnel state as compared to the valid legislation, collective agreements and contracts, shall be excluded from labour contracts.

Collective agreements shall comprise clauses concerning labour protection. Besides that pursuant to the Law of Ukraine “On Labour Protection” (article 20), collective agreements and contracts shall comprise terms stipulating labour protection social guarantees to employees at the level at least equal to that stipulated by legislation; stipulating obligations of the parties as well as complex activities aimed at achieving defined norms of occupational safety, hygiene and work environment, improving existing occupational safety and health level, prevention of occupational traumatism, occupational diseases, fires and emergencies. Terms of collective agreements shall also stipulate amounts and sources of financing for the complex activities mentioned.

Stipulations of collective agreements are applicable to all employees at enterprises without regard to trade union membership, and are binding on either the owners or designated authorities and to the employees.

Control of exercising of the collective agreements is effected directly by the contracting parties or assignees thereof.

4.4. Summary tables of employer and worker responsibility


4.4.1 Summary table of individual employer responsibility

<table>
<thead>
<tr>
<th>Employer’s responsibility</th>
<th>Provided for in law? (yes/no)</th>
<th>Generally taken up in practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishing an OS&amp;H policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementing preventive and protective measures</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Providing safe machinery and equipment</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Using non-hazardous substances</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Assessing and monitoring risks</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Recording risks and accidents</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Reporting occupational accidents and diseases to the competent authority</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ensuring health supervision of workers</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Informing workers on hazards and means of protection</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Consulting with workers OS&amp;H representatives</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Educating and training workers</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Establishing joint OS&amp;H committees</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Source: Law of Ukraine “Labour Protection”, subordinate legislation

4.4.2 Summary table on workers’ rights and duties

<table>
<thead>
<tr>
<th>Workers’ rights and duties</th>
<th>Provided for in law? (yes/no)</th>
<th>Generally taken up in practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty to work safely and not endanger others</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Right to compensation for hazardous work (e.g., hazard pay, reduced working time, earlier retirement, free foods and drinks to)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Workers OS&amp;H representatives’ rights and duties</td>
<td>Provided for in law? (yes/no)</td>
<td>Generally taken up practice? (yes/no/sometimes)</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Inspecting the workplace for potential hazards</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Investigating causes of accidents</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Investigating complaints by workers relating to OS&amp;H or welfare</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Participating in risk assessment and having access to information concerning risk assessments</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Calling in authorities responsible for OS&amp;H inspections</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to information given by inspection agencies to responsible for OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to the list of accidents and diseases and reports of these of enterprise</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to records the employer is obliged to keep</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Receiving information and consultation by the employer in advance concerning measures which may substantially affect OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Consultation in advance concerning the designation of workers, hiring of external services or persons with special responsibility for OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Submitting proposals to the employer with a view to mitigating risk and/or removing sources of danger</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Appropriate training during working hours</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Facilities and time off with no loss of pay to be able to carry out the duties as OS&amp;H representatives</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Attending meetings of OS&amp;H committee</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Accessing to outside experts</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Stopping dangerous work on behalf of workers</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Source: Law of Ukraine “On Labour Protection”.

### 4.4.3 Summary table on rights and duties of workers OS&H representatives

<table>
<thead>
<tr>
<th>Workers OS&amp;H representatives’ rights and duties</th>
<th>Provided for in law? (yes/no)</th>
<th>Generally taken up practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspecting the workplace for potential hazards</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Investigating causes of accidents</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Investigating complaints by workers relating to OS&amp;H or welfare</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Participating in risk assessment and having access to information concerning risk assessments</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Calling in authorities responsible for OS&amp;H inspections</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to information given by inspection agencies to responsible for OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to the list of accidents and diseases and reports of these of enterprise</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Having access to records the employer is obliged to keep</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Receiving information and consultation by the employer in advance concerning measures which may substantially affect OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Consultation in advance concerning the designation of workers, hiring of external services or persons with special responsibility for OS&amp;H</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Submitting proposals to the employer with a view to mitigating risk and/or removing sources of danger</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Appropriate training during working hours</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Facilities and time off with no loss of pay to be able to carry out the duties as OS&amp;H representatives</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Attending meetings of OS&amp;H committee</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Accessing to outside experts</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Stopping dangerous work on behalf of workers</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Source: Law of Ukraine “On Labour Protection”.

### 4.5. As-Is Analysis and recommendations

It is desirable that the role of employers and trade unions were at a higher level. Employers are primarily concerned with financial and economic issues, and not with those related to labour protection. Occupational traumatism indicators are still high, especially as regards fatalities in coal-mining industry and agricultural branch.

Trade unions do not make maximum use of their opportunities of influencing occupational safety and health improvement in favour of employees, including even opportunities granted by the legislation.
Technical inspectors of trade unions have no right to halt or ban production in case of detecting OS&H violations, which also takes its toll on labour protection situation.

OS&H personnel representatives do not use their rights to the full extent.

**Recommendations related to the role of social partners are the following:**

- **OS&H state surveillance inspectors** should ensure more effective cooperation with the technical inspections of trade unions and OS&H personnel representatives aimed at maintenance of their proposals as to elimination of detected OS&H violations;
- while negotiating upon collective agreements emphasis should be made on obligatory including of stipulations on OS&H issues which are pressing for enterprises, especially in the private sector;
- trade unions and representatives of employers’ organisations should participate in international seminars and symposiums aimed at experience exchange.

**5. Systematic and current OS&H activities**

**5.1. OS&H supporting programmes and activities**

Proclaiming Independence of Ukraine in 1992 was followed by the first adopting of the Law of Ukraine “On Labour Protection” setting forth basic provisions as regards exercising constitutional right of employed citizens to ensuring occupational safety and health in the course of their labour activity, as well as national policy principles in this field. The Law governs relationship between employers and employees in terms of occupational safety, hygiene and work environment whereas it also stipulates the single procedure for organising labour protection in Ukraine. Amendments to the Labour Code of Ukraine were made. The following Laws of Ukraine were put into effect and are acting: “On Mandatory State Social Insurance against Industrial Accident and Occupational Disease which Caused Disability”, “On Ensuring Sanitary and Epidemiological Welfare of Population”, “On Fire Safety” and “On Critical Infrastructure”.

Besides that, during the Independence of Ukraine the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine alone has processed 275 regulatory legal acts in occupational safety and health. These acts in particular include the following: regulations on construction and safe operation of erecting cranes, elevators, steam and hot water pipelines, pressure vessels; safety regulations for gas-supply networks of Ukraine; regulations on safe operation of oil-trunk pipelines; provision on development of emergency response plans; procedure for declaring safety of critical infrastructure; regulations on safe operation of electricity generating plants and their mechanical annexes including those of heat networks and consumer electricity generating plants. Regulatory legal acts and norms in occupational safety and health were developed with participation of the social partners.

**5.2. International OS&H cooperation and assistance**

Aimed at further improvement of OS&H regulatory framework, applying international labour protection legislation requirements in Ukraine and implementation of ILO Conventions, cooperation with the ILO National Coordinator in Ukraine was carried on.

The National Coordinator repeatedly provided information concerning potential participation of representatives of Ukraine in international symposiums, seminars and conferences on labour protection issues.

A seminar on occupational risks was held in Ukraine with participation of the Federation of Employers of Ukraine and the subregional ILO Bureau (Moscow).

„ Proper conditions and preventing hazards – the way to economic development and social stability” Forum was organised and held with participation of the ILO Secretary General.

Conducting of the International Labour Protection Day and Labour Protection Week in Ukraine was organised in cooperation with the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine.

**5.3. As-Is Analysis and recommendations**

Aimed at increasing effectiveness of state authorities exercising surveillance and control of labour protection, a closer contact with ILO needs to be maintained.

In particular, basic recommendations for improving interaction in the field of OS&H comprise the following:
- establishing Ukrainian National Information Centre as an affiliate of the ILO Information Centre aimed at improving awareness of employees, employers, surveillance authorities and social organisations;
- organising training of health protection experts under the aegis of ILO representatives;
- participating in seminars, symposiums and forums held abroad by ILO.

6. Results of OS&H activity
6.1. Records and information on occupational accidents and diseases
Pursuant to the Procedure for investigating and keeping records of occupational accidents, diseases and emergencies approved by Resolution No. 1112 dated 05.08.2004 by the Cabinet of Ministers of Ukraine, investigating and recording activities are carried out with respect to occupational accidents and diseases occurred to persons working under labour contracts according to the labour legislation.

On being notified as to an occupational accident the employer is bound to provide immediate respective notification of the following authorities or entities:
- functional body of the executive board of directors of Social Insurance Fund (according to established format);
- the enterprise employing the injured person (in case the latter is an employee of another enterprise);
- state sanitary and epidemiologic service bodies (in case of detecting acute occupational disease).

Investigation is carried out by a committee of investigation drawing up respective report according to form H-5

Occupational accidents are recorded in a special register. The procedure envisages carrying out special investigation of occupational accidents (fatalities, group accidents). Such accidents are reported by the employer to the territorial body of the State Committee for Occupational Safety, Labour Protection and Mining Surveillance of Ukraine, the procuracy, Social Insurance Fund Against Accidents At Work And Occupational Diseases, local public administration, state sanitary and epidemiologic service body and the trade union.

Annual information on occupational accidents and diseases at the national level is provided in the following editions: "Statistical Year-Book of Ukraine", „Pratsya Ukrayiny” (Labour of Ukraine), „Occupational Traumatism” (edition of the Statistics Committee of Ukraine). Besides that information on labour protection is given in the journal „Labour Protection”, Information Bulletin of the National Research Institute of Occupational Health and Safety, and other OS&H-related periodicals.

6.2 Statistical table relating to occupational accidents and diseases

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Number of cases</th>
<th>Year</th>
<th>Trend (increasing, decreasing, stable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatal accidents</td>
<td>1100</td>
<td>2007</td>
<td>Stable</td>
<td></td>
</tr>
<tr>
<td>Injury at work (resulting in more than 3 days’ absence)</td>
<td>18800</td>
<td>2007</td>
<td>Decreasing</td>
<td></td>
</tr>
<tr>
<td>Compensated workplace accidents</td>
<td>18800</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commuting accidents</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serious work accidents causing disability of over 3 days</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notified occupational diseases (total)</td>
<td>5940</td>
<td>2007</td>
<td>Stable</td>
<td></td>
</tr>
<tr>
<td>Compensated occupational diseases</td>
<td>5940</td>
<td>2007</td>
<td>Stable</td>
<td></td>
</tr>
<tr>
<td>Repetitive strain injures</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise-induced hearing loss</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respiratory diseases</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skin diseases</td>
<td>No information</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 6.3 Indicators of working conditions

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Wide-spread serious problem</th>
<th>Serious problem for some workers</th>
<th>Moderate problem</th>
<th>Minor problem</th>
<th>Not a problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exposure to noise above legal limit (please indicate legal limit)</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to vibration</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to radiation (ionizing)</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to high temperatures</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to low temperatures</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breathing in dangerous vapours, fumes, dusts, infectious materials</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling or touching dangerous substances or products</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to asbestos</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exposure to pesticides</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inadequate lighting</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular exposure to solar radiation (e.g. in construction work)</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Painful or tiring positions</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lifting or carrying heavy loads</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repetitive hand/arm movements</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-adjustable workstations, e.g. work benches, desks, chairs etc.</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working at high speed</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working to tight deadlines</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stressful work</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changing work organisation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working time</td>
<td></td>
<td>V</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Statistics anthology "Pratsya Ukrayiny 2007" (Labour of Ukraine 2007) published by the Statistics Committee of Ukraine; OS&H study results of enterprises

### 6.4. As-Is Analysis and recommendations

It should be pointed out that actions aimed at provision of objective information on occupational accidents were taken at the national level in Ukraine.

Records of occupational accidents are kept pursuant to the procedure for investigating and keeping records of occupational accidents, diseases and emergencies.
### Annexes

#### A.1 Demographic indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (million)</td>
<td>46,09</td>
<td></td>
</tr>
<tr>
<td>- men (%)</td>
<td>46,1</td>
<td></td>
</tr>
<tr>
<td>- women (%)</td>
<td>53,9</td>
<td></td>
</tr>
<tr>
<td>Labour force (million)</td>
<td>22,32</td>
<td></td>
</tr>
<tr>
<td>Employed (million)</td>
<td>20,9</td>
<td></td>
</tr>
<tr>
<td>- men (%)</td>
<td>51,5</td>
<td></td>
</tr>
<tr>
<td>- women (%)</td>
<td>48,5</td>
<td></td>
</tr>
<tr>
<td>- young workers ≤ 18 years old (million or %)</td>
<td>No information</td>
<td></td>
</tr>
<tr>
<td>- in agriculture, forestry, hunting (%)</td>
<td>16,5</td>
<td></td>
</tr>
<tr>
<td>- in primary production (%)</td>
<td>No information</td>
<td></td>
</tr>
<tr>
<td>- in manufacturing (%)</td>
<td>19,0</td>
<td></td>
</tr>
<tr>
<td>- in construction (%)</td>
<td>4,92</td>
<td></td>
</tr>
<tr>
<td>- in services (%)</td>
<td>21,83</td>
<td></td>
</tr>
<tr>
<td>Active in the informal economy (estimated %)</td>
<td>No information</td>
<td></td>
</tr>
<tr>
<td>Unemployed (million)</td>
<td>1,41</td>
<td></td>
</tr>
<tr>
<td>Unemployment (%)</td>
<td>6,3</td>
<td></td>
</tr>
</tbody>
</table>

#### A.2. Economic indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross National Product (GNP) per capita (USD)</td>
<td>3065,8</td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product (GDP) per capita (purchasing power parity USD)</td>
<td>1537,6</td>
<td></td>
</tr>
<tr>
<td>GDP produced by agriculture (%)</td>
<td>7,0</td>
<td>Within types of economic activity *</td>
</tr>
<tr>
<td>GDP produced by extracting and processing industries and construction (%)</td>
<td>45,6</td>
<td>Within types of economic activity *</td>
</tr>
<tr>
<td>GDP produced by services (%)</td>
<td>9,9</td>
<td>Within types of economic activity *</td>
</tr>
<tr>
<td>Number of enterprises in operation</td>
<td>1187000</td>
<td></td>
</tr>
<tr>
<td>Number of SMEs (less than 50 employees)</td>
<td>324000</td>
<td></td>
</tr>
</tbody>
</table>

*Source: Statistics Committee of Ukraine: "Statistical Year-Book of Ukraine", chapter 2, cl. 2.1, 2.2
### A.3 Health indicators

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life expectancy (years) at birth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- men</td>
<td>62.5</td>
<td></td>
</tr>
<tr>
<td>- women</td>
<td>74.2</td>
<td></td>
</tr>
<tr>
<td>Infant mortality per 1.000 live births</td>
<td>11.0</td>
<td></td>
</tr>
<tr>
<td>Standardised death rate (SDR), cardiovascular diseases, 0-64 years/100,000</td>
<td>No information</td>
<td></td>
</tr>
<tr>
<td>SDR, respiratory diseases 0 - 64 years/ 100,000</td>
<td>53.9</td>
<td></td>
</tr>
<tr>
<td>SDR, cancer 0 - 64 / 100,000</td>
<td>193.6</td>
<td></td>
</tr>
<tr>
<td>Blood circulation diseases/ 10.000</td>
<td>1033.4</td>
<td></td>
</tr>
<tr>
<td>Digestive apparatus diseases</td>
<td>72.2</td>
<td></td>
</tr>
</tbody>
</table>

Executed by V.F. Borodin