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International
Labour
Organization

EU-ILO Project

«Enhancing the labour administration capacity to improve working conditions and tackle undeclared work»

Project Results Overview
July 2017-December 2019

www.ilo.org/UkraineEUProject

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The Project “**Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work**”, funded by the European Union (EU), was implemented by the International Labour Organization (ILO) since 01 July 2017 until 31 December 2019.

Its main goals were to contribute to the improvement of the working conditions in Ukraine and to the reduction of undeclared work (UDW), through the enhancement of Ukrainian legal framework on occupational safety and health (OSH), labour relations and labour inspection and the improvement of the efficiency and effectiveness of the State Labour Service of Ukraine (SLS).

The Project’s main components included the provision of technical assistance on the approximation of the Ukrainian legislation to the International and European Labour Standards on OSH, labour relations and labour inspection and the capacity building of the SLS.

The key results of the project are summarized below. The Ukrainian decision makers were provided with deep analysis of the current situation and challenges in Ukraine in the spheres of OSH, labour relations, labour inspection and UDW, with comprehensive recommendations on the best way to address them. Project also contributed to a shared vision on the main priorities in those domains, improvement path to follow and respective roadmap.

In the area of OSH, the project’s main recommendations were incorporated in the Concept of OSH management system reform; the stakeholders benefited from 10 analytical papers

with comprehensive recommendations on the approximation of national legislation with EU acquis and technical advises on the legal acts drafted to transpose a number of EU directives.

On UDW, besides the analysis of the phenomenon and recommendations to tackle it, the project also supported the draft and advocacy of the National Action Plan to Fight UDW and prepared the national information campaign on UDW.

In the domain of **labour inspection**, we can stress the comprehensive analysis and recommendations on aligning the legal framework on labour inspection with the international standards; substantial recommendations on SLS information system modernization; and better understanding how to apply strategic planning methodologies to the SLS inspection activity management. Moreover, the Memorandum of Understanding on Collaboration between SLS and Portuguese Labour Inspectorate is a good basis to share, study and transfer the best practices.

As for **capacity building**, about 1,200 participants were informed on international and EU standards in the above areas through stakeholder’s events and 413 stakeholders’ representatives improved their knowledge on these domains through Project’s events; 263 professionals were provided with trainings on OSH and risk assessment; 256 labour inspectors were trained on labour inspection techniques and communication skills to better detect and deter UDW. In addition up to 100 experts were involved in specific trainings.

Preface

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The EU-ILO Project “**Towards safe, healthy and declared work in Ukraine**” for 2020-2022 builds on the achievements and contributes to the further improvement of working conditions in Ukraine.

The Project team acknowledges and highly values the active involvement and dedication of the national stakeholders, contributions of the colleagues from ILO in Geneva, Budapest and Ukraine, and the donor’s invaluable and continuous support.

EU-ILO Project team
November 2019



Antonio Santos
Project Manager



Sofia Lytvyn
National Project Coordinator

Project outcomes, outputs and activities

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1 Legal framework on occupational safety and health (OSH), labour relations, labour inspection (LI)

1.1. OSH legal framework: directives 89/391/EEC (OSH framework), 89/654/EEC (workplaces), 89/656 EEC (PPE), 2009/104/EC (work equipment), 2003/88/EC (working time) ILO conventions 155, 187
Labour relations : directives 91/533/EEC (obligations to inform)

1.1.1. OSH profile update

1.1.2. Trainings on EU Acquis

1.1.3. Tables of concordance
EU directives and national legislation

1.1.4. Tripartite workshop

1.1.5. + 1.1.6. "White paper"
on the reform of legislation on OSH and
labour relations

1.1.7. Training on the application of EU Acquis and
national legislation

**1.2. Legal framework on labour inspection
ILO conventions 81, 129**

1.2.1. Analysis of the national legal
framework on LI on compliance
with ILO conventions

1.2.2. Recommendations for further
revision of the national legal
framework on LI



Project outcomes, outputs and activities

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2

Improving working conditions and fight against undeclared work (UDW)

2.1. State Labour Service (SLS) information technologies (IT)

2.1.1. + 2.1.2. Analysis of:
a) SLS IT and data collected in inspection visits;
b) Existing databases outside SLS and its interoperability

2.1.3. + 2.1.4. Recommendations on:
a) improvement of SLS IT system for planning inspections and processing inspections results;
b) data sharing (specially in UDW)



2.2. UDW

2.2.1. Consolidate the 2016-2017 diagnostic on UDW and propose measures to tackle it

2.2.2. National Action Plan to Fight UDW

Implementation of UDW strategy

2.2.3. Preventive action (information campaign)

2.2.4. Deterrent action, (inspection campaign)

2.1.5. 9 trainings on communication to detect and deter UDW

2.3. Enhancing State Labour Service capacity

2.3.1. Study visit to Portugal, focused on LI system, OSH and labour relations

2.3.2. Trainings for labour inspectors on tackling UDW

2.3.3. Trainings on OSH and working conditions (for labour inspectors and other stakeholders)

2.3.4. Training on strategic planning of labour inspection activities

Key achievements

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OCCUPATIONAL SAFETY AND HEALTH (OSH)

- **Concept of OSH Reform, adopted by CMU** – Project's recommendations incorporated
- **National OSH Profile** – overview of the current situation and recommendations (presented and validated)
- **“White paper”** - EU Directives and Reform of OSH and Labour Relations' Legislation and **ROADMAP** (presented and validated)
- **Analysis of alignment of the national legislation with selected EU directives on OSH and labour relations** (tables of concordance for 6 directives and Brief notes) presented and validated
- **EU Directives transposed:** 2009/104/EC (work equipment); 89/656/EEC(PPE);
- **EU Directives in adoption path:** 89/654/EEC (workplaces);
- **EU Directives being drafted:** 89/391/EEC (Framework);
- **EU Directives in standby:** 2003/88/EC (Working time); 91/533/EEC (obligation to inform);
- **Technical advise on:**
transposing directives 89/391/EEC, 2009/104/EC, 89/656/EEC, 89/654/EEC, 91/533/EEC, 2003/88/EC, 92/57/EEC, 2006/54/EC and 92/85/EEC;
several draft legal acts;
- **Trainings** (International and EU OSH Acquis, risk assessment, etc.)

10

analytical papers on OSH with the detailed recommendations on how to improve the situation and align with the ILO and EU standards

4

training manuals on occupational risk management

150

EXPERTS were trained as trainers on 6 EU OSH directives through the specialized trainings

413

STAKEHOLDERS' REPRESENTATIVES improved their knowledge of EU standards on OSH, labour inspection, undeclared work (Project's seminars, conferences, trainings)

113

professionals trained on EU OSH standards, risk management in 4 sectors with the highest work related accidents' incidence rate:

85

SLS labour inspectors (labour protection) 18 regions

15

technical inspectors (trade unions)

13

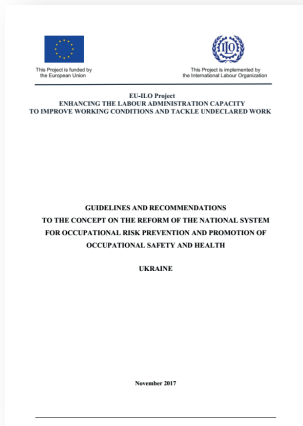
OSH experts

1200

TOP AND MIDDLE MANAGERS, EXPERTS, SOCIAL PARTNERS, were informed on EU and international standards and best practices on OSH, labour inspection, labour relations, UDW (21 events of the stakeholders)

Key achievements

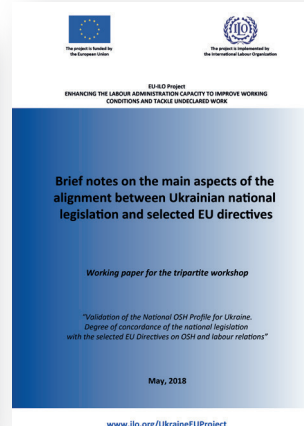
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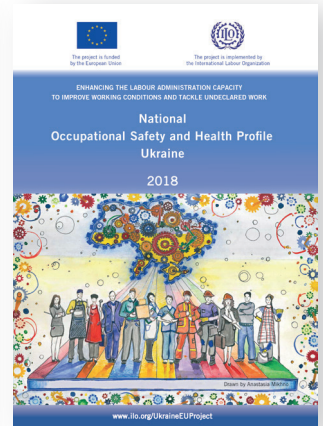
Guidelines and Recommendations to the Concept on the Reform of the National System for Occupational Risk Prevention and Promotion of OSH



Analysis of the degree of concordance between the national legislation and some selected EU directives – 6 tables of concordance



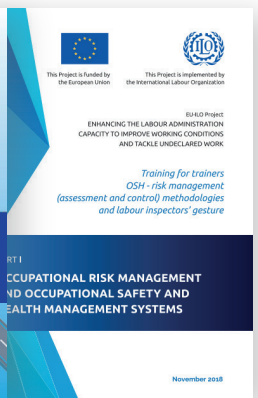
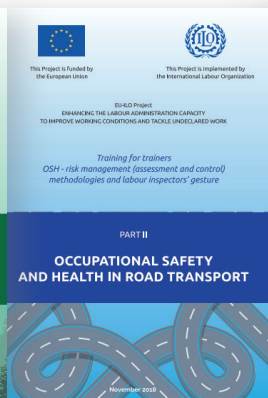
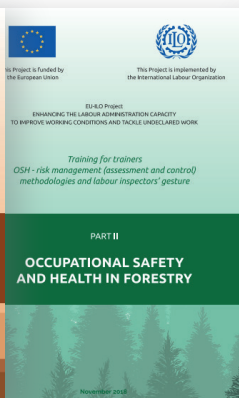
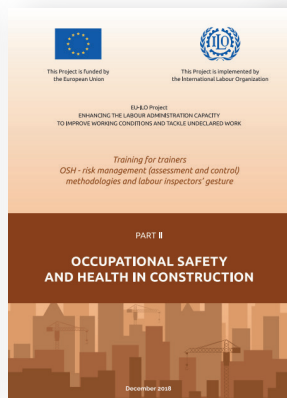
Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives



National Occupational Safety and Health Profile Ukraine - 2018



"White Paper" EU Directives and Reform of OSH and Labour Relations' Legislation and ROADMAP

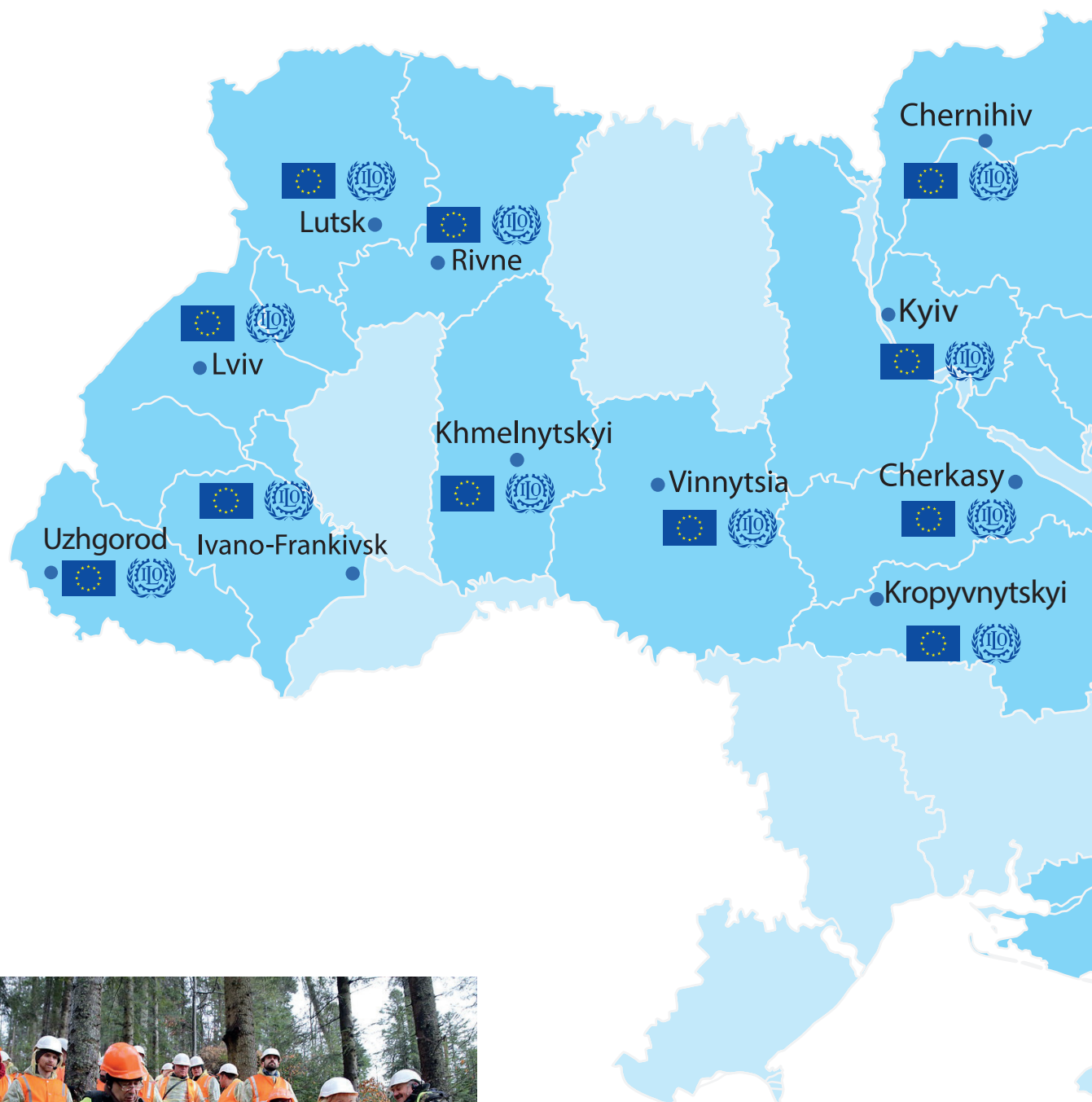


Training materials on risk management and OSH in Transport, Forestry, Construction



Regions covered by TOT on OSH for labour inspectors

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Regions covered by TOT on OSH for labour inspectors

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Key achievements

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LABOUR INSPECTION

- Analysis and recommendations on the improvement of labour inspection national legal framework presented and validated
- Support to the formulation of a Strategic Plan for SLS's Labour Inspection Activity
- State Labour Service of Ukraine and Authority for Working Conditions (ACT - Portugal) signed a Memorandum of Understanding on Collaboration

STATE LABOUR SERVICE INFORMATION SYSTEM (IS SLS)

- Analysis and recommendations on modernization of the State Labour Service information systems
- Project concept note drafted – “Efficient, effective and accountable labour inspection in Ukraine” (modernization of SLS business-processes and IS)

30

SLS EXPERTS on labour relations, OSH learned the strategic planning methods and drafted the strategic plan for labour inspection activity

8

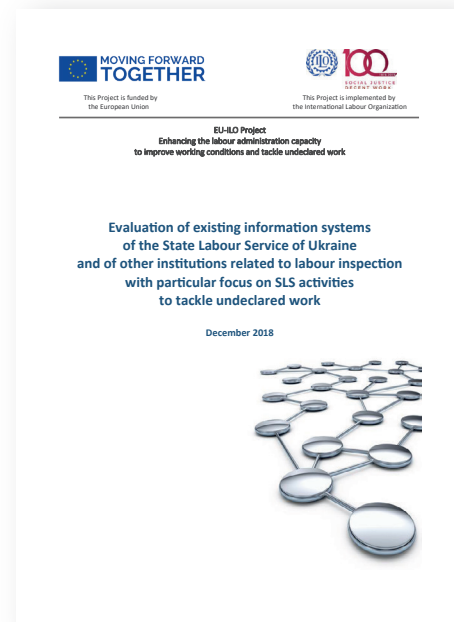
decision makers visited ACT and learned the best practices on OSH, UDW, Labour Inspection

20

EXPERTS got acquainted with the Spanish labour inspectorate IS and provided their inputs to the Project Concept Note on SLS business process reengineering and IS modernization



Ukrainian Labour Inspection Legal Framework. Analysis and Recommendations



Report and recommendations on modernization of the State Labour Service information system

Key achievements

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UNDECLARED WORK (UDW)

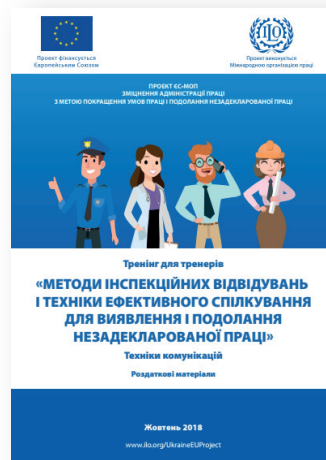
- Report on “Undeclared Work in Ukraine: Nature, Scope and Measures to Tackle It”-presented and validated
- Draft National Action Plan to fight UDW – submitted to the Government
- National information campaign on UDW
- Trainings for labour inspectors on UDW
- Trainings on institutional communication

256

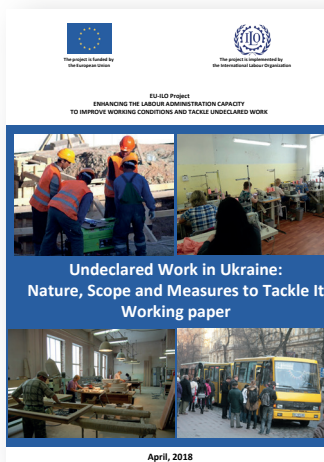
SLS LABOUR INSPECTORS (LABOUR RELATIONS) of all regions and 16 TU legal inspectors were trained on labour inspection techniques and communication skills to better detect and deter UDW

TRAINERS' TEAM

(9 labour inspectors) were trained and can train their colleagues



Inspection techniques and soft skills to detect and deter undeclared work



Undeclared Work in Ukraine: Nature, Scope and Measures to Tackle It



Draft Action Plan to Fight Undeclared Work in Ukraine

30 specialists

OF COMMUNICATION UNITS of SLS, other authorities, social partners were trained to better implement the National Information Campaign on UDW



ВИХОДЬ НА СВІТЛО!

ВАША ПРАЦЯ ПОВНІСТЮ ЗАДЕКЛАРОВАНА, ЯКЩО:

- 1. Роботодавець уклав із вами трудовий договір
- 2. Роботодавець повідомив про ваше працевлаштування Державну фіскальну службу
- 3. Роботодавець сплачує за вас єдиний соціальний внесок
- 4. Ви отримуєте заробітну платню офіційно у повному розмірі

ВАШІ ПЕРЕВАГИ:

1. Безпечні умови праці
2. Регулярна заробітна платня
3. Страхування на випадок тимчасової непрацездатності
4. Страхування від нещасного випадку на виробництві
5. Страхування на випадок безробіття

НЕ ЗАДЕКЛАРОВАНА ПРАЦЯ
НЕ ЗАХИЩАЄ ВІД ЗВІЛЬНЕННЯ



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ПРЯМУЄМО РАЗОМ



NATIONAL INFORMATION CAMPAIGN ON UDW, mediaplan and visuals were developed and validated

Main challenges

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OSH

- Shift from «protection and compensation» approach to «prevention» approach following the GPP
- To transpose the EU Framework Directive 89/391/EEC through the national framework law on OSH
- Specific directives should be transposed through Laws or CMU Decrees

LABOUR INSPECTION

- LI – should act as an impartial State authority, with the mission of improving working conditions, through the promotion and enforcement of the compliance with law by both employers and workers
- To help realize that “LI is good for both workers and business“
- To improve effectiveness, efficiency, quality, transparency, accountability and the image of LI
- To adopt the LI Statute aligned with the ILO C81 and C129
- To take LI out of the scope of the Law 877-V, 05.04.2007

UDW

- Approval of National Action Plan to Fight UDW
- To incorporate the provisions of ILO Recommendation 198 on Employment Relationship into the national legislation
- To provide legal competence to labour inspection to address unregistered employers

IS SLS

- Business processes reengineering
- To implement an IS that improves efficiency, effectiveness and accountability
- Web-based IS that allows: results-based management, remote and real-time access, transactional services, interoperability, ...
- Update hardware



OSH

Recommendations to the Concept of OSH Reform incorporated

Consultations on: EU Directives 92/57/EEC, 92/85/EEC and 2006/54/EC; on medical examination (Min.Health); and on ILO C161, C187 and R198

Project visibility & awareness raising

Bilingual project website

1200 persons reached via project participation in 21 stakeholder's events

At least 10 articles and project manager's interviews published in national OSH specialized journals (at least 14,300 copies/month)

Project closure event

Labour Inspection

MoU signed between SLS (Ukrainian LI) and ACT (Portuguese LI)

Synergies

Joint training with the ILO project on OSH in mining

Draft Action Plan to Fight UDW shared with DANIDA project

DANIDA project might be involved in the National Communication Campaign to Fight UDW

Resource mobilization

New EU-ILO project for 2020-2022 signed "Towards safe, healthy and declared work in Ukraine"

Project concept note developed (SLS business processes and information system modernization)

Trade Unions

Trade unions' legal and technical inspectors trained on OSH and UDW

Pensions

Facilitation of the contact between Portuguese and Ukrainian Authorities

