

**EU-ILO PROJECT  
TOWARDS SAFE, HEALTHY AND DECLARED WORK IN UKRAINE**

**Project Steering Committee  
Meeting No. 1  
Thursday, 28 May 2020**

**Summary of discussion outcomes**

The Steering Committee of the EU-ILO Project “Towards safe, healthy and declared work in Ukraine”, to be implemented during 2020-2022, had its first meeting on **28.05.2020**.

According to the meeting agenda, the following items were presented for discussion:

- I. Approval of the Terms of Reference and composition of the EU-ILO Project Steering Committee;
- II. Definition of the EU-ILO Project priority areas of support (in terms of urgency) considering the need to better align them with national stakeholders’ priorities and endorsement of its work plan (see the Steering Committee’s Resolution).

**Opening of the meeting**

At the opening session, welcome addresses were delivered by *António Santos*, Manager of the EU-ILO Project; *Sergiy Savchuk*, ILO National Coordinator for Ukraine; *Martin Schroeder*, Political Attaché for Employment, Delegation of the European Union to Ukraine; and *Yulia Svyrydenko*, Deputy Minister for Development of Economy, Trade and Agriculture of Ukraine and Chair of the Project Steering Committee.

**Key conclusions:**

- 1) Recognition of the growing relevance of the issues covered by the Project, amid the COVID-19 pandemic. COVID-19 pandemic exposed the fragilities and shortcomings of OSH in Ukraine. Implementation of proper OSH management systems at workplaces would allow to better secure the health and safety of workers, whilst ensuring business continuity.
- 2) According to the ILO Monitoring on COVID-19 and the World of Work (4<sup>th</sup> edition), the number of working hours lost worldwide is estimated around 10.7% in relation to the last quarter of 2019 (which is equivalent to the loss of around 305 million full-time jobs).
- 3) Within the next weeks, the ILO will publish the results of an analysis on the impact of COVID-19 on Ukraine’s economy and labour market.
- 4) COVID-19 placed on the agenda not only the preservation of workers’ life and health but also the survival of enterprises. The gradual lifting of quarantine and the mitigation of its impacts will require considerable efforts to ensure the functioning of workplaces and the health and safety of workers. Much is already being done within the framework of the EU-ILO Project and by the ILO in Ukraine, to provide practical recommendations and instruments for employers and workers to ensure business continuity, preserve jobs, and provide safe and healthy working conditions.
- 5) Great responsibility rests with the EU-ILO Project, namely through the provision of technical support to national constituents on the reform of its occupational safety and health system. One of the first steps should be the transposition of the EU OSH framework directive and the adoption of a common and more aligned terminology.

- 6) The COVID-19 situation complicates the Project implementation. However, the reforms provided for in the EU-Ukraine Association Agreement have never been so important.
- 7) The questions of employment relationship, employment policy, and occupational safety and health have become a first-priority in Ukraine. The situation monitoring conducted by MDETA includes data on the number of unemployed and employers who stopped their activities or lost their businesses. As regards measures to mitigate COVID-19 consequences, they include stimulation of economy, compensation for income loss, and protection of workers. Due to the measures taken, 96 thousand workers were not dismissed and received support from government.

## **I. Discussion and endorsement of the Terms of Reference and composition of the EU-ILO Project Steering Committee**

According to the discussed draft of the Steering Committee Terms of Reference, the Steering Committee Chair shall be the Deputy Minister for Development of Economy, Trade and Agriculture of Ukraine and the two Deputy Chairs shall be the representatives of MDETA and of the SLS (as Project's direct beneficiaries).

The question was raised as regards co-chairing by the employers and workers' party.

It was pointed out during the discussion that the Steering Committee Chair and Deputy Chairs do not have a governing role, but a coordinating role. It was stressed that the Steering Committee is composed by a wide range of stakeholders (Parliament, Government, representatives of employers, representatives of workers), that all of them are heard and have the same voting rights and, in particular, that the decisions of the Steering Committee are taken by consensus and in consultation between all its members.

**Decision:** to approve the Terms of Reference and composition of the EU-ILO Project Steering Committee.

## **II. Priority ranking of EU-ILO Project support areas (in terms of urgency), modalities for implementation of foreseen activities and endorsement of the respective work plan**

The discussion was preceded by a short presentation of the EU-ILO project: expected outputs and outcomes, progress until May 2020 and main challenges ahead (alignment of the project work plan with national constituent's priorities and most suitable modalities for the technical support provision to adopt, in face of the changing circumstances). The national stakeholder's sequence of priorities (resulting from prior consultations) and the resulting revised project work plan were also presented.

### **Key conclusions:**

- 1) Consultations on the main areas for the Project support and their prioritization (in terms of urgency) were held with all stakeholders.
- 2) Reform of the labour legislation is an objective in the Government's draft programme. It also reflects the OSH system reform and implementation of relevant EU directives, as provided for in the EU-UA Association Agreement.
- 3) As regards the labour legislation reform, it is expected that the working group at the Committee on Social Policy and Protection of Veterans' Rights will resume its work after quarantine. Hence, it will soon become clearer how the Labour Code drafting process will evolve.
- 4) The project includes a big component on supporting the draft of legal acts (on areas such as labour legislation, OSH and labour inspection) to better align national legislation with International and EU labour standards and best practices. This includes, for example, the provision of training, technical advice, information and advocacy to policy decision-makers and legal acts drafting experts. However, it is important to ensure that, when there is already set up a tripartite working group, engaged on the drafting of legal acts in areas covered by the project, the above technical support should be provided to those working groups, to avoid that the project is engaged on the development of alternative and competing drafts. In order to accomplish that, the SC invites the concerned work-groups to engage the Project in its work.

- 5) The Project implementation plan should be flexible and subject to revision, if needed, in order to consider development of the situation in all the areas where the EU-ILO Project's support is foreseen.

#### **Decisions:**

##### **To define the following ranking of priorities for technical support from the EU-ILO Project:**

- 1) **Occupational safety and health.** OSH should be the first priority. COVID-19 has shown the shortcomings of OSH in Ukraine and the need for its reform. Moreover, Ukraine took the commitment of transposing a number of EU directives on OSH and approved the relevant work plan with the deadlines to be met. The process of implementation of EU directives, to be sustainable should start by the EU OSH framework Directive. A workgroup, composed of representatives of the government and social partners should be created to draft the legal act aimed at transposing the EU-OSH framework directive, which should also repeal or/and revise outdated and contradictory legislation and align it with the ILO and EU standards. The process should be guided by a comprehensive roadmap for reform of the current labour protection system. The map should consider both the governmental priorities and plans and the timeframe for implementation of the relevant EU directives provided for in the EU-Ukraine Association Agreement.
- 2) **Labour relations.** The labour law reform is ongoing, but it is still unclear the time that the process may take until a new labour code can be adopted. Moreover, since the Project only covers some aspects to be regulated by the labour code, the envisaged support should be planned and agreed with the working group that is drafting the Labour Code. Other ILO projects can be involved in this process. ILO's official comments can also be provided in response to an official request from the Ukrainian party. The foundation for the provisions of the draft Labour Code should be the international labour standards and EU acquis.
- 3) **Labour inspection.** Is a tool to ensure compliance with the labour legislation requirements, including on OSH. It is important to draft a legal act to regulate labour inspection, in particular, defining the powers, functions, tasks and procedures of labour inspection and also regulating human resources issues (e.g., necessary qualifications, recruitment and selection, training, career development, etc.). The title and status of this regulatory legal act, should be defined in further consultations with due consideration of its content and scope of application.
- 4) **Undeclared work.** It is seen as a cross-cutting issue: the achievements in other areas will also have an impact on this phenomenon.

##### **As regards the modalities for implementation of the foreseen activities and project work plan:**

- 1) Concerning the modalities of provision of technical support to the legal acts drafting processes in the areas covered by the project, whenever there is a tripartite group in charge of their draft, the project should be engaged in such work groups, in order to be able to provide technical support (e.g., training, technical advice, consultation and information, clarification of doubts raised by the legal acts drafting experts, advocacy, etc.). For that purpose, the SC invites the concerned work-groups to engage the Project in its work.
- 2) The SC encourages all represented parties to be involved and actively participate in the project activities, according to its implementation work plan.
- 3) The Project implementation plan should be revised in accordance with the decision on the ranking of the key areas of support. At the same time, it should remain flexible and be revised as necessary to consider development of the situation in all the areas where support from the EU-ILO Project is expected.

#### **Other decisions:**

- 1) To schedule the next ordinary meeting of the project SC for November 2020, without prejudice of holding an earlier meeting, if necessary.