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**EU-ILO PROJECT
ENHANCING THE LABOUR ADMINISTRATION CAPACITY
TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK**

**Analysis of the degree of concordance between
the national legislation and some selected EU directives
on OSH and labour relations**

**EU Council Directive No. 91/533/EEC, of 14 October 1991,
on an employer's obligation to inform employees
of the conditions applicable to the contract
or employment relationship**

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FOREWORD

The present analysis was developed within the scope of the technical cooperation project “Enhancing the labour administration capacity to improve working conditions and tackle undeclared work”, funded by the European Union (EU) and implemented by the International Labour Organization (ILO). Its activities are described in the diagram below.

This is the joint support of the EU and ILO to Ukraine in the implementation of the EU-Ukraine Association Agreement and application of the international standards on occupational safety and health (OSH) and labour inspection.

The project is aimed at contributing to the improvement of the working conditions and to the reduction of the scope of undeclared work in Ukraine, by means of improving the national legislation and enhancing the capacities of the national labour inspection system.

One of its components is the provision of expert support and recommendations regarding the implementation of the following 5 EU directives on OSH and 1 EU directive on labour relations:

- EU Council OSH Framework Directive **No. 89/391/EEC**, of 12 June 1989, on the introduction of measures to encourage improvements in the safety and health of workers at work (Framework Directive);
- EU Council Directive **No. 89/654/EEC**, of 30 November 1989, concerning the minimum safety and health requirements for the workplace;
- Directive **No. 2009/104/EC**, of the European Parliament and of the Council, of 16 September 2009, concerning the minimum safety and health requirements for the use of work equipment by workers at work;
- Council Directive **No. 89/656/EEC**, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;
- Directive **No. 2003/88/EC** of the European Parliament and of the Council, of 4 November 2003, concerning certain aspects of the organization of working time;
- Council Directive **No. 91/533/EEC**, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

Within this component, the first step was to train the national experts on each of the aforesaid EU directives to deepen their knowledge on their provisions. As a result 100 representatives of the Parliament, ministries, State services, and of the social partners took part in 6 training sessions.

Afterwards, the Ministry of Social Policy and the State Labour Service set up 6 workgroups, for the development of 6 tables of concordance between the national legislation and each of the EU directives mentioned above.

Those tables were then analyzed and commented by the ILO, and some recommendations on further steps were provided.

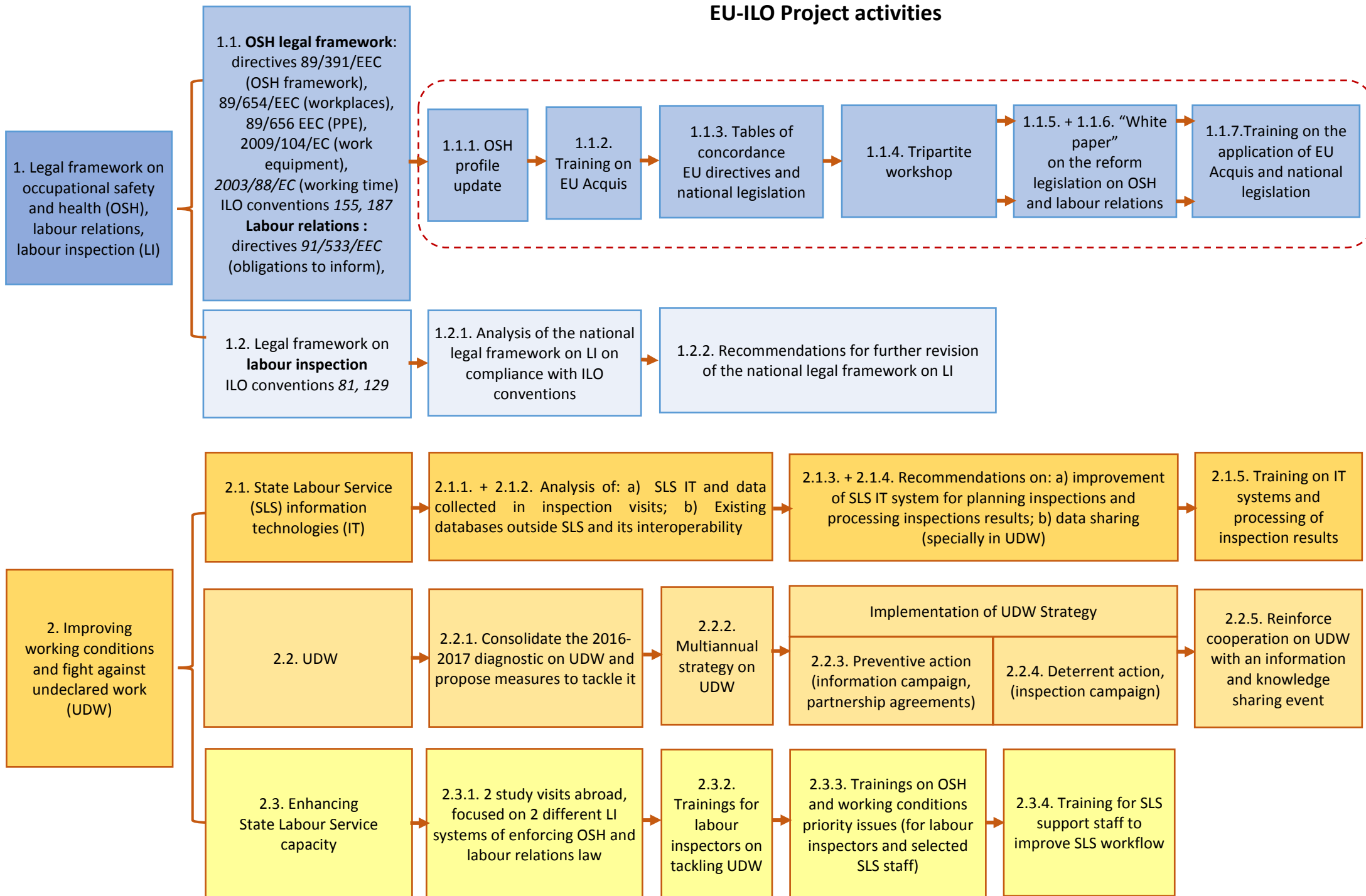
As a result of these joint efforts, 6 consolidated tables of concordance, containing the results of the legal analyses and the ILO comments were produced: each of them is devoted to one of 6 EU directives and contains 4 main sections:

- I. Statistics on the level of legal approach
- II. Summary of the concordance analysis
- III. Table of concordance
- IV. List of revised legislation

The analysis results, conclusions and the tables themselves are to be discussed at a tripartite workshop. The suggestions and recommendations to be proposed by the participants will be taken into account, during the preparation of the “White Book” on the reform of the OSH and labour relations legal framework, which is to be produced within the EU-ILO Project in 2018.

This brochure, in turn, is focused on the analysis of the degree of concordance between the national legislation and Council Directive **No. 91/533/EEC**, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

EU-ILO Project activities



CONTENT

- I. Statistics On The Level Of Legal Approach**
- II. Summary Of The Concordance Analysis**
- III. Table Of Concordance**
- IV. List Of Revised Legislation**

STATS ON THE LEVEL OF LEGAL APPROACH

EU Council Directive No. 91/533/EEC, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

DIRECTIVE ARTICLE		LEVEL OF COMPLIANCE								RECOMMENDATIONS FOR FURTHER ACTION							
N.º	TITLE	FULL		PARTIALLY		NON PROVIDED FOR		CONTRADICTORY		MAINTAIN		COMPLEMENT		REMOVE		PROVIDE FOR	
		N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%	N.º	%
1	Scope	0	0,0%	1	33,3%	2	66,7%	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%
2	Obligation to provide information	0	0,0%	7	58,3%	5	41,7%	0	0,0%	0	0,0%	7	58,3%	0	0,0%	5	41,7%
3	Means of information	0	0,0%	0	0,0%	6	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	6	100,0%
4	Expatriate employees	0	0,0%	0	0,0%	6	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	6	100,0%
5	Modification of aspects of the contract or employment relationship	0	0,0%	0	0,0%	2	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	2	100,0%
6	Form and proof of the existence of a contract or employment relationship and procedural rules	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%
7	More favourable provisions	0	0,0%	0	0,0%	1	100,0%	0	0,0%	0	#ДЕЛ/0!	0	#ДЕЛ/0!	0	#ДЕЛ/0!	0	#ДЕЛ/0!
8	Defence of rights	1	33,3%	0	0,0%	2	66,7%	0	0,0%	1	100,0%	0	0,0%	0	0,0%	0	0,0%
9	Final provisions	0	0,0%	0	0,0%	5	100,0%	0	0,0%	0	0,0%	0	0,0%	0	0,0%	1	100,0%
TOTAL OF DIRECTIVE PROVISIONS		1	2,6%	8	20,5%	30	76,9%	0	0,0%	1	3,3%	8	26,7%	0	0,0%	21	70,0%

SUMMARY OF THE CONCORDANCE ANALYSIS

EU Council Directive No. 91/533/EEC, of 14 October 1991, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTION		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
1	Scope	1	This Directive shall apply to every paid employee having a contract or employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State.		x			YES		x			
1	Scope	2(a)	Member States may provide that this Directive shall not apply to employees having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours; or			x				-	-		
1	Scope	2(b)	Member States may provide that this Directive shall not apply to employees having a contract or employment relationship of a casual and/or specific nature provided, in these cases, that its non-application is justified by objective considerations.			x							
2	Obligation to provide information	1	An employer shall be obliged to notify an employee to whom this Directive applies, hereinafter referred to as 'the employee', of the essential aspects of the contract or employment relationship.		x			YES		x			
2	Obligation to provide information	2(a)	The information referred to in paragraph 1 shall cover, at least, the identities of the parties;		x			YES		x			
2	Obligation to provide information	2(b)	The information referred to in paragraph 1 shall cover, at least, the place of work; where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer;			x		YES				x	
2	Obligation to provide information	2(c)	The information referred to in paragraph 1 shall cover, at least: (i) the title, grade, nature or category of the work for which the employee is employed; or (ii) a brief specification or description of the work;		x			YES		x			
2	Obligation to provide information	2(d)	The information referred to in paragraph 1 shall cover, at least, the date of commencement of the contract or employment relationship;		x			YES		x			
2	Obligation to provide information	2(e)	The information referred to in paragraph 1 shall cover, at least, in the case of a temporary contract or employment relationship, the expected duration thereof;		x			YES		x			
2	Obligation to provide information	2(f)	The information referred to in paragraph 1 shall cover, at least, the amount of paid leave to which the employee is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;		x			YES		x			
2	Obligation to provide information	2(g)	The information referred to in paragraph 1 shall cover, at least, the length of the periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or, where this cannot be indicated when the information is given, the method for determining such periods of notice;			x						x	
2	Obligation to provide information	2(h)	The information referred to in paragraph 1 shall cover, at least, the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled;			x		YES				x	
2	Obligation to provide information	2(i)	The information referred to in paragraph 1 shall cover, at least, the length of the employee's normal working day or week;			x		YES				x	
2	Obligation to provide information	2(j)	The information referred to in paragraph 1 shall cover, at least, where appropriate: (i) the collective agreements governing the employee's conditions of work; or in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within which the agreements were concluded.			x		YES				x	
2	Obligation to provide information	3	The information referred to in paragraph 2 (f), (g), (h) and (i) [i.e., amount of paid leave, periods of notice in case of termination, remuneration and the frequency of its payment, and employee's normal working day or week] may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.		x			YES		x			
3	Means of information	1(a)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of a written contract of employment; and/or			x		YES				x	
3	Means of providing the information	1(b)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of a letter of engagement; and/or			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
3	Means of information	1(c)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of one or more other written documents, where one of these documents contains at least all the information referred to in Article 2 (2) (a), (b), (c), (d), (h) and (i) [i.e., identities of the parties; the place of work or, where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer; the title, grade, nature or category of the work for which the employee is employed, or a brief specification or description of the work; the date of commencement of the contract or employment relationship; the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled; and the length of the employee's normal working day or week].			x		YES				x	
3	Means of providing the information	2 (1)	Where none of the documents referred to in paragraph 1 [i.e., written contract of employment; letter of engagement; or one or more other written documents] is handed over to the employee within the prescribed period [not later than two months after the commencement of employment], the employer shall be obliged to give the employee, not later than two months after the commencement of employment, a written declaration signed by the employer and containing at least the information referred to in Article 2 (2).			x						x	
3	Means of information	2 (2)	Where the document(s) referred to in paragraph 1 [i.e., written contract of employment; letter of engagement; or one or more other written documents] contain only part of the information required, the written declaration provided for in the first subparagraph of this paragraph shall cover the remaining information.			x						x	
3	Means of information	3	Where the contract or employment relationship comes to an end before expiry of a period of two months as from the date of the start of work, the information provided for in Article 2 and in this Article must be made available to the employee by the end of this period at the latest.			x						x	
4	Expatriate employees	1(a)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, the information of the duration of the employment abroad;			x		YES				x	
4	Expatriate employees	1(b)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, the information of the currency to be used for the payment of remuneration;			x		YES				x	
4	Foreign workers	1(c)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, where appropriate, the information of the benefits in cash or kind attendant on the employment abroad;			x		YES				x	
4	Expatriate employees	1(d)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, where appropriate, the information of the conditions governing the employee's repatriation.			x		YES				x	
4	Expatriate employees	2	The information referred to in paragraph 1 (b) and (c) [i.e., currency to be used for the payment of remuneration; and benefits in cash or kind attendant on the employment abroad] may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.			x						x	
4	Expatriate employees	3	Paragraphs 1 and 2 shall not apply if the duration of the employment outside the country whose law and/or practice governs the contract or employment relationship is one month or less.			x						x	
5	Modification of aspects of the contract or employment relationship	1	Any change in the details referred to in Articles 2 (2) and 4 (1) must be the subject of a written document to be given by the employer to the employee at the earliest opportunity and not later than one month after the date of entry into effect of the change in question.			x						x	
5	Modification of aspects of the contract or employment relationship	2	The written document referred to in paragraph 1 shall not be compulsory in the event of a change in the laws, regulations and administrative or statutory provisions or collective agreements cited in the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).			x						x	
6	Form and proof of the existence of a contract or employment relationship and procedural rules	(1)	This Directive shall be without prejudice to national law and practice concerning the form of the contract or employment relationship; the proof as regards the existence and content of a contract or employment relationship; and the relevant procedural rules.			x						x	

ARTICLE	TITLE	PARA, SUB-PARA, LINE	PROVISION	LEVEL OF COMPLIANCE				ADEQUATE SCOPE AND/OR JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION				
				FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT
7	More favourable provisions	(1)	This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to employees or to encourage or permit the application of agreements which are more favourable to employees.			x							
8	Defence of rights	1	Member States shall introduce into their national legal systems such measures as are necessary to enable all employees who consider themselves wronged by failure to comply with the obligations arising from this Directive to pursue their claims by judicial process after possible recourse to other competent authorities.	x				YES	x				
8	Defence of rights	2 (1)	Member States may provide that access to the means of redress referred to in paragraph 1 are subject to the notification of the employer by the employee and the failure by the employer to reply within 15 days of notification.			x							
8	Defence of rights	2 (2)	However, the formality of prior notification may in no case be required in the cases referred to in Article 4 [Expatriate employees], neither for workers with a temporary contract or employment relationship, nor for employees not covered by a collective agreement or by collective agreements relating to the employment relationship.			x							
9	Final provisions	1(1)	Ukraine shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 August 2021, or shall ensure by that date that the employers' and workers' representatives introduce the required provisions by way of agreement, Ukraine being obliged to take the necessary steps enabling them at all times to guarantee the results imposed by this Directive.			x							
9	Final provisions	1(2)	Ukraine shall forthwith inform the Commission thereof.			x							
9	Final provisions	2	Ukraine shall take the necessary measures to ensure that, in the case of employment relationships in existence upon entry into force of the provisions that they adopt, the employer gives the employee, on request, within two months of receiving that request any of the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).			x						x	
9	Final provisions	3	When Ukraine adopt the measures referred to in paragraph 1, such measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Ukraine.			x							
9	Final provisions	4	Ukraine shall forthwith inform the Commission of the measures they take to implement this Directive.			x		YES					

TABLE OF CONCORDANCE

EU Council Directive No. 91/533/EEC, of 14 October 1991, on an employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTIONARY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
1	1	Scope	1	This Directive shall apply to every paid employee having a contract or employment relationship defined by the law in force in a Member State and/ or governed by the law in force in a Member State.	1,1	3	Regulation of labour relations	part one	Labour legislation regulates labour relations of employees at all enterprises, institutions, organizations irrespective of their forms of ownership, type of activity, and sectoral affiliation, as well as of entities working under a labour contract with individuals.		x			YES		x				"PARTIALLY PROVIDED FOR. In order to fully transpose the directive provision, the national one has to also foresee its application to workers that, in spite of not having a formal or written labour contract, have an employment relationship with an employer. In fact, it is paramount to ensure that the rights and obligations foreseen in the labour code (not just the ones concerning the obligation to inform the employees on the conditions of the labour contract or employment relationship, but all the remaining) as well as on the OSH regulations, apply to all employees, and not just to the ones that have a formal or written labour contract. In fact, this scope of the labour code (as it also happens with the scope of the OSH regulations, especially in the case of the law on labour protection, which restrict their application to “legal and natural persons that use hired labour according to legislation”), is too narrow and leaves out of its application the legal or natural persons that use hired labour that has no formal or written labour contract or that use hired labour not according to legislation. In particular, it leaves out of consideration, as workers, the persons that, in spite of having an employment relationship, do not have a formal, signed or written labour contract, as it usually happens in the case of covert employment relationships and their respective workers . The latter usually happening not only with the workers whose employers have decided not to give them a formal, written or signed contract (in order to avoid the responsibilities legally imposed to employers) but, most specially, with the total undeclared workers and with the partially undeclared workers (e.g., bogus self-employed, bogus service provision contract, bogus civil contracts, bogus volunteers, bogus trainees, bogus internships, etc.). By preventing these workers to be legally qualified as employees, this scope tends to leave them without any legal protection (that should be granted to them) regarding all legal provisions on labour relations and OSH regulations. In this context, and in order to combat the covert (masked) employment relationships and to ensure adequate protection and decent working conditions to all workers, it should be considered the incorporation into the national legislation (labour code and/or OSH regulations) of the proposals of the ILO Recommendation No. 198, concerning the employment relationship, which are aimed at creating mechanisms and criteria to be used to determine the existence of an employment relationship, and the consecration of the principle of legal presumption of the existence of an employment relationship whenever is present, in fact, certain evidence (indicators) of the existence of an employment relationship, regardless of the formal arrangements."
2	1	Scope	2(a)	Member States may provide that this Directive shall not apply to employees having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours; or								x				-	-			NON-PROVIDED FOR. However, the possibility of exclusion of certain employees from its scope of application does not have to be necessarily used.
3	1	Scope	2(b)	Member States may provide that this Directive shall not apply to employees having a contract or employment relationship of a casual and/or specific nature provided, in these cases, that its non-application is justified by objective considerations.	-							x								NON-PROVIDED FOR. However, the possibility of exclusion of certain employees from its scope of application does not have to be necessarily used.
4	2	Obligation to provide information	1	An employer shall be obliged to notify an employee to whom this Directive applies, hereinafter referred to as 'the employee', of the essential aspects of the contract or employment relationship.	1.1	24	Conclusion of a labour contract	Part three	An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine.		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include "the essential aspects of the contract or employment relationship" .

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
5	2	Obligation to provide information	2(a)	The information referred to in paragraph 1 shall cover, at least, the identities of the parties;	1.1	24	Conclusion of a labour contract	Part three	An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine.		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include "the identities of the parties".
6	2	Obligation to provide information	2(b)	The information referred to in paragraph 1 shall cover, at least, the place of work; where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer;	1.1	29	The duty of the owner or a body authorized by the owner shall be to instruct the employee and to determine his/her workstation	item 3, part one	"Before starting to work under the concluded labour contract, the owner or the body authorized by him/her shall be obliged: 3) to determine the workstation for the employee, to provide him/her with tools necessary for the work; "			x		YES				x		NON-PROVIDED FOR: In order to transpose this directive provision, the national one (besides to determine the workstation for the employee and to provide him/her with tools necessary for the work) has to expressly provide that the mentioned resolution of the owner or labour contract formalized include "the place of work; where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer".
7	2	Obligation to provide information	2(c)	The information referred to in paragraph 1 shall cover, at least: (i) the title, grade, nature or category of the work for which the employee is employed; or (ii) a brief specification or description of the work;	4.1			item 6 of the General Provisions, the Directory to Qualification Characteristics of Professions	The concrete list of official duties shall be determined with job descriptions of managers, professionals, specialists, technical staff; they shall be developed and approved on the basis of the Directory by the employer taking into account the specific tasks and duties, functions, rights, responsibilities of employees of these groups, and the specifics of staffing of the enterprise, institution, or organization. Job descriptions, after their approval by the manager of the enterprise, organization, institution or, with the manager's order, by his/her deputies, shall be brought to the worker against the receipt.		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to foresee that the obligation to inform the workers regarding their title, grade, nature or category of the work for which the employee is employed or regarding the brief specification or description of the work: 1. Applies to all workers, and not just to "managers, professionals, specialists, technical staff"; 2. As to be included on the mentioned resolution of the owner or labour contract formalized.
8	2	Obligation to provide information	2(d)	The information referred to in paragraph 1 shall cover, at least, the date of commencement of the contract or employment relationship;	1.1	24	Conclusion of a labour contract	item 3, part one	An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine.		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include "the date of commencement of the contract or employment relationship".
9	2	Obligation to provide information	2(e)	The information referred to in paragraph 1 shall cover, at least, in the case of a temporary contract or employment relationship, the expected duration thereof;	1.1	24	Conclusion of a labour contract	item 3, part one	An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine.		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to expressly provide that, in the case of a temporary contract or employment relationship, the mentioned resolution of the owner or labour contract formalized include "the expected duration of the contract thereof".
10	2	Obligation to provide information	2(f)	The information referred to in paragraph 1 shall cover, at least, the amount of paid leave to which the employee is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave;	1.1	29	The duty of the owner or a body authorized by the owner shall be to instruct the employee and to determine his/her workstation	item 2, part one	"Before starting to work under the concluded labour contract, the owner or the body authorized by him/her shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement"		x			YES		x				PARTIALLY PROVIDED FOR: In order to fully transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include: 1. "The amount of paid leave to which the employee is entitled or, where this cannot be indicated when the information is given, the procedures for allocating and determining such leave"; or 2. The reference to the laws, regulations and administrative or statutory provisions or collective agreements governing the amount of paid leave, if they exist [cf. article 2(3)].
11	2	Obligation to provide information	2(g)	The information referred to in paragraph 1 shall cover, at least, the length of the periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or, where this cannot be indicated when the information is given, the method for determining such periods of notice;								x						x		NON-PROVIDED FOR: In order to transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include: 1. "The length of the periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or, where this cannot be indicated when the information is given, the method for determining such periods of notice"; or 2. The reference to the laws, regulations and administrative or statutory provisions or collective agreements governing the length of the periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or the method for determining such periods of notice, if they exist [cf. article 2(3)].

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
12	2	Obligation to provide information	2(h)	The information referred to in paragraph 1 shall cover, at least, the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled;	1.1	110	Notifying the worker on the amount of wages		"At every payout of wages, the owner or a body authorized by the owner must inform the employee of the following data for the period for which the payment is made: a) the total amount of wages with a breakdown by type of payment; b) the amount and the basis for charges and deductions from wages; c) the amount of wages payable."			x		YES				x		NON-PROVIDED FOR: This directive provision is not related to the obligation of the employer to give the employee a pay slip with the information regarding the salary payment. This directive provision concerns the information that the employer has to give in writing to the employees, regarding the essential aspects of the contract or employment relationship, not later than two months after the commencement of employment. As such, and in order to transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include: 1. "The initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled"; or 2. The reference to the laws, regulations and administrative or statutory provisions or collective agreements governing the remuneration to which the employee is entitled [cf. article 2(3)].
13	2	Obligation to provide information	2(i)	The information referred to in paragraph 1 shall cover, at least, the length of the employee's normal working day or week;	1.1	29	The duty of the owner or a body authorized by the owner shall be to instruct the employee and to determine his/her workstation	item 2, part one	"Before starting to work under the concluded labour contract, the owner or the body authorized by him/her shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement"			x		YES				x		NON-PROVIDED FOR: In order to transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include: 1. "The length of the employee's normal working day or week"; or 2. The reference to the laws, regulations and administrative or statutory provisions or collective agreements governing the length of the employee's normal working day or week [cf. article 2(3)].
14	2	Obligation to provide information	2(j)	The information referred to in paragraph 1 shall cover, at least, where appropriate: (i) the collective agreements governing the employee's conditions of work; or in the case of collective agreements concluded outside the business by special joint bodies or institutions, the name of the competent body or joint institution within which the agreements were concluded.	1.1	29	The duty of the owner or a body authorized by the owner shall be to instruct the employee and to determine his/her workstation	item 2, part one	"Before starting to work under the concluded labour contract, the owner or the body authorized by him/her shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement"			x		YES				x		NON-PROVIDED FOR: In order to transpose this directive provision, the national one has to expressly provide that the mentioned resolution of the owner or labour contract formalized include: 1. "The collective agreements governing the employee's conditions of work"; or 2. In the case of collective agreements concluded outside the business by special joint bodies or institutions, "the name of the competent body or joint institution within which the agreements were concluded" .
15	2	Obligation to provide information	3	The information referred to in paragraph 2 (f), (g), (h) and (i) [i.e., amount of paid leave, periods of notice in case of termination, remuneration and the frequency of its payment, and employee's normal working day or week] may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.	1.1	29	The duty of the owner or a body authorized by the owner shall be to instruct the employee and to determine his/her workstation	item 2, part one	"Before starting to work under the concluded labour contract, the owner or the body authorized by him/her shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement"		x			YES		x				PARTIALLY PROVIDED FOR: The national provision do not transpose the directive provision, as it does not foresee that such information should be provided in writing, it is only focused on the provisions of internal labour regulations and collective agreements, and it does not specifies, in concrete, which types of information may be referred to the laws, regulations and administrative or statutory provisions or collective agreements. As such, and in order to fully transpose this directive provision, the national one has to expressly foresee that, in relation to the amount of paid leave, periods of notice in case of termination, remuneration and the frequency of its payment, and employee's normal working day or week, the mentioned resolution of the owner or labour contract formalized may only include a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points. Although this directive provision is not mandatory, thus being only a possibility that does not necessarily have to be used, it is advisable to provide for it, in order to avoid the need to continuously inform workers, when there is a legal change in such particular conditions.

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS	
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT		
16	3	Means of information	1(a)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of a written contract of employment; and/or	1.1 and 4.1	24, 29, 110	Conclusion of a labour contract The obligation of the owner or a body authorized by the owner to instruct the worker and to determine his/her workstation Notifying the employee on the amount of wages	Part 3, Article 24 item 2, part one, Article 29 item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions	"Part three, Article 24 An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine Item 2, part one, Article 29 Before starting to work under a concluded labour contract, the owner or a body authorized by the owner shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement. Item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions The concrete list of official duties shall be determined with job descriptions of managers, professionals, specialists, technical staff; they shall be developed and approved on the basis of the Directory by the employer taking into account the specific tasks and duties, functions, rights, responsibilities of employees of these groups, and the specifics of staffing of the enterprise, institution, or organization. Job descriptions, after their approval by the manager of the enterprise, organization, institution or, with the manager's order, by his/her deputies, shall be brought to the worker against the receipt. The concrete list of functional duties shall be determined with job descriptions of workers; they shall be developed and approved on the basis of the Directory by the employer taking into account the specific tasks and duties, rights, responsibilities of workers, and the specifics of staffing of the enterprise, institution, or organization. Job descriptions, after their approval by the manager of the enterprise, organization, institution or, with the manager's order, by his/her deputies, shall be brought to the worker against the receipt. Article 110 At every payout of wages, the owner or a body authorized by the owner must inform the employee of the following data for the period for which the payment is made: a) the total amount of wages with a breakdown by type of payment; b) the amount and the basis for charges and deductions from wages; c) the amount of wages payable."			x		YES					x		NON-PROVIDED FOR: This national provisions do not transpose the directive provision, as the miss the point. In order to transpose this directive provision, the national provision has to provide that: 1) The information mentioned on the previous article of this directive has to be given to the employee, not later than two months after the commencement of employment; 2) That information has to be given in the form of a written contract of employment; and/or
17	3	Means of providing the information	1(b)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of a letter of engagement; and/or	-	-	-	-	-			x					x		NON-PROVIDED FOR: In order to transpose this directive provision, the national provision has to provide that: 1) The information mentioned on the previous article of this directive has to be given to the employee, not later than two months after the commencement of employment; 2) That information has to be given in the form of a letter of engagement; and/or		

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	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
18	3	Means of information	1(c)	The information referred to in Article 2 (2) may be given to the employee, not later than two months after the commencement of employment, in the form of one or more other written documents, where one of these documents contains at least all the information referred to in Article 2 (2) (a), (b), (c), (d), (h) and (i) [i.e., identities of the parties; the place of work or, where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer; the title, grade, nature or category of the work for which the employee is employed, or a brief specification or description of the work; the date of commencement of the contract or employment relationship; the initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled; and the length of the employee's normal working day or week].	1.1 and 4.1	24, 29, 110	Conclusion of a labour contract The obligation of the owner or a body authorized by the owner to instruct the worker and to determine his/her workstation Notifying the employee on the amount of wages	Part 3, Article 24 item 2, part one, Article 29 item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions	Part three, Article 24 An employee cannot be allowed to work without concluding a labour contract formalized with an order or a resolution of the owner or a body authorized by the owner, and without notifying the central executive authority providing for development and implementation of the public policy of administering the single contribution to the compulsory state social insurance of recruiting an employee to work in accordance with the procedures established by the Cabinet of Ministers of Ukraine. Item 2, part one, Article 29 Before starting to work under a concluded labour contract, the owner or a body authorized by the owner shall be obliged: 2) to introduce the employee to provisions of internal labour regulations and the collective agreement. item 6 of the General Provisions of the Directory to Qualification Characteristics of Professions The concrete list of official duties shall be determined with job descriptions of managers, professionals, specialists, technical staff; they shall be developed and approved on the basis of the Directory by the employer taking into account the specific tasks and duties, functions, rights, responsibilities of employees of these groups, and the specifics of staffing of the enterprise, institution, or organization. Job descriptions, after their approval by the manager of the enterprise, organization, institution or, with the manager's order, by his/her deputies, shall be brought to the worker against the receipt. Article 110 At every payout of wages, the owner or a body authorized by the owner must inform the employee of the following data for the period for which the payment is made: a) the total amount of wages with a breakdown by type of payment; b) the amount and the basis for charges and deductions from wages; c) the amount of wages payable.			x		YES				x		"NON-PROVIDED FOR: This national provisions do not transpose the directive provision, as the miss the point. In order to transpose this directive provision, the national provision has to provide that: 1) The information mentioned on the previous article of this directive has to be given to the employee, not later than two months after the commencement of employment; 2) That information has to be given in the form of one or more other written documents, where one of these documents contains at least all the information concerning [referred to in Article 2 (2) (a), (b), (c), (d), (h) and (i)]: - Identities of the parties; - Place of work (or, where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or, where appropriate, the domicile of the employer); - Title, grade, nature or category of the work for which the employee is employed (or a brief specification or description of the work); - Date of commencement of the contract or employment relationship; - Initial basic amount, the other component elements and the frequency of payment of the remuneration to which the employee is entitled; and - Length of the employee's normal working day or week."
19	3	Means of providing the information	2 (1)	Where none of the documents referred to in paragraph 1 [i.e., written contract of employment; letter of engagement; or one or more other written documents] is handed over to the employee within the prescribed period [not later than two months after the commencement of employment], the employer shall be obliged to give the employee, not later than two months after the commencement of employment, a written declaration signed by the employer and containing at least the information referred to in Article 2 (2).					-			x					x		NON-PROVIDED FOR: In order to transpose this directive provision, the national provision has to provide that, in the case the employer does not give to the employee the aforesaid documents (written contract of employment; letter of engagement; or one or more other written documents) within the mentioned 2 months after the commencement of the employment, the employer has to give the employee, within that period, a written declaration signed by him containing the information referred to in Article 2 (2).	
20	3	Means of information	2 (2)	Where the document(s) referred to in paragraph 1 [i.e., written contract of employment; letter of engagement; or one or more other written documents] contain only part of the information required, the written declaration provided for in the first subparagraph of this paragraph shall cover the remaining information.					-			x					x		NON-PROVIDED FOR: In order to transpose this directive provision, the national provision has to provide that, in the case the document(s) (e.g., written contract of employment; letter of engagement; or one or more other written documents) given by the employer to the employee, within the mentioned 2 months after the commencement of the employment, contain only part of the information referred to in Article 2 (2), the written declaration mentioned in the previous provision shall cover the remaining information.	

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	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTIONARY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
21	3	Means of information	3	Where the contract or employment relationship comes to an end before expiry of a period of two months as from the date of the start of work, the information provided for in Article 2 and in this Article must be made available to the employee by the end of this period at the latest.					-			x					x		NON-PROVIDED FOR: In order to transpose this directive provision, the national provision has to provide that, if the contract or employment relationship expires before the end of the months period (within which the employer as to inform the employee), the information must be provided to the employee by the end of this period at the latest.	
22	4	Expatriate employees	1(a)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, the information of the duration of the employment abroad;	1.2	16	Employment of a migrant worker in the host state	part two	In the case of employment by executive authorities in accordance with the concluded international treaties voted binding by the Verkhovna Rada of Ukraine, or by a business entity providing the services of facilitating employment abroad on the basis of a license issued in accordance with the law, the party organizing the employment shall before his/her departure for the destination state issue for the labour migrant a draft labour agreement (contract) certified by the foreign employer. The draft labour agreement (contract) shall be developed in the Ukrainian and in one or more languages used in the host state and it shall include commitments undertaken by the foreign employer, in particular regarding: 1) the working conditions (including provision of safe and harmless working conditions), wages (including the guaranteed wages amount), payroll deductions; 2) duration of the working day and rest time, the term of the labour agreement (contract) and the terms of its termination; 3) provision of social and medical assistance, social insurance; 4) compensation for damage caused to health due to an accident at work or temporary disability; 5) repatriation of the migrant worker.			x		YES				x	NON-PROVIDED FOR: The national provision indicated does not apply to situations where: 1) the workers are not employed by executive authorities or are not employed through a business entity providing the services of facilitating employment abroad; 2) the worker, during the execution of the contract, is required to work in a country other than the one which legislation governs the contract. Moreover, the national provision does not include all the mandatory information foreseen in the article 2 of this directive. In addition, the national provision does not foresees that the document(s) referred to in Article 3 must be in the possession of the worker before his/her departure. In order to transpose this directive provision, the national one has to provide for the following: 1) Enlarging the scope of its application to include all situations where an employee is required to work in a country other than Ukraine; 2) Expressly stipulate that the document(s) referred to in article 3 must be in the possession of the worker before his/her departure; and 3) Provide that the document(s) referred to in article 3, besides all the mandatory information foreseen in article 2, must also include, in addition, the information regarding the duration of the employment abroad.	
23	4	Expatriate employees	1(b)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, the information of the currency to be used for the payment of remuneration;	1.2	16	Employment of a migrant worker in the host state	part two	In the case of employment by executive authorities in accordance with the concluded international treaties voted binding by the Verkhovna Rada of Ukraine, or by a business entity providing the services of facilitating employment abroad on the basis of a license issued in accordance with the law, the party organizing the employment shall before his/her departure for the destination state issue for the labour migrant a draft labour agreement (contract) certified by the foreign employer. The draft labour agreement (contract) shall be developed in the Ukrainian and in one or more languages used in the host state and it shall include commitments undertaken by the foreign employer, in particular regarding: 1) the working conditions (including provision of safe and harmless working conditions), wages (including the guaranteed wages amount), payroll deductions; 2) duration of the working day and rest time, the term of the labour agreement (contract) and the terms of its termination; 3) provision of social and medical assistance, social insurance; 4) compensation for damage caused to health due to an accident at work or temporary disability; 5) repatriation of the migrant worker.			x		YES				x	NON-PROVIDED FOR: The national provision indicated does not apply to situations where: 1) the workers are not employed by executive authorities or are not employed through a business entity providing the services of facilitating employment abroad; 2) the worker, during the execution of the contract, is required to work in a country other than the one which legislation governs the contract. Moreover, the national provision does not include all the mandatory information foreseen in the article 2 of this directive, neither the specific one foreseen, in addition, in this particular provision (regarding the currency to be used for the payment of remuneration). Furthermore, the national provision does not specifically foresees that the document(s) referred to in Article 3 must be in the possession of the worker before his/her departure. In order to transpose this directive provision, the national one, has to provide for the following: 1) Enlarging the scope of its application to include all situations where an employee is required to work in a country other than Ukraine; 2) Expressly stipulate that the document(s) referred to in article 3 must be in the possession of the worker before his/her departure; and 3) Provide that the document(s) referred to in article 3, besides all the mandatory information foreseen in article 2, must also include, in addition, the information regarding the currency to be used for the payment of remuneration.	
24	4	Foreign workers	1(c)	Where an employee is required to work in a country or countries other than the Member State whose law and/or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/her possession before his/her departure and must include, in addition, at least, where appropriate, the information of the benefits in cash or kind attendant on the employment abroad;	1.2	16	Employment of a migrant worker in the host state	part two	In the case of employment by executive authorities in accordance with the concluded international treaties voted binding by the Verkhovna Rada of Ukraine, or by a business entity providing the services of facilitating employment abroad on the basis of a license issued in accordance with the law, the party organizing the employment shall before his/her departure for the destination state issue for the labour migrant a draft labour agreement (contract) certified by the foreign employer. The draft labour agreement (contract) shall be developed in the Ukrainian and in one or more languages used in the host state and it shall include commitments undertaken by the foreign employer, in particular regarding: 1) the working conditions (including provision of safe and harmless working conditions), wages (including the guaranteed wages amount), payroll deductions; 2) duration of the working day and rest time, the term of the labour agreement (contract) and the terms of its termination; 3) provision of social and medical assistance, social insurance; 4) compensation for damage caused to health due to an accident at work or temporary disability; 5) repatriation of the migrant worker.			x		YES				x	NON-PROVIDED FOR: The national provision indicated does not apply to situations where: 1) the workers are not employed by executive authorities or are not employed through a business entity providing the services of facilitating employment abroad; 2) the worker, during the execution of the contract, is required to work in a country other than the one which legislation governs the contract. Moreover, the national provision does not include all the mandatory information foreseen in the article 2 of this directive, neither the specific one foreseen, in addition, in this particular provision (regarding the benefits in cash or kind corresponding to the employment abroad). Furthermore, the national provision does not specifically foresees that the document(s) referred to in Article 3 must be in the possession of the worker before his/her departure. In order to transpose this directive provision, the national one, has to provide for the following: 1) Enlarging the scope of its application to include all situations where an employee is required to work in a country other than Ukraine; 2) Expressly stipulate that the document(s) referred to in article 3 must be in the possession of the worker before his/her departure; and 3) Provide that the document(s) referred to in article 3, besides all the mandatory information foreseen in article 2, must also include, in addition, and where appropriate, the information of the benefits in cash or kind corresponding to the employment abroad.	

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	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
25	4	Expatriate employees	1(d)	Where an employee is required to work in a country or countries other than the Member State whose law and/ or practice governs the contract or employment relationship, the document(s) referred to in Article 3 must be in his/ her possession before his/ her departure and must include, in addition, at least, where appropriate, the information of the conditions governing the employee's repatriation.	1.2	16	Employment of a migrant worker in the host state	part two	In the case of employment by executive authorities in accordance with the concluded international treaties voted binding by the Verkhovna Rada of Ukraine, or by a business entity providing the services of facilitating employment abroad on the basis of a license issued in accordance with the law, the party organizing the employment shall before his/her departure for the destination state issue for the labour migrant a draft labour agreement (contract) certified by the foreign employer. The draft labour agreement (contract) shall be developed in the Ukrainian and in one or more languages used in the host state and it shall include commitments undertaken by the foreign employer, in particular regarding: 1) the working conditions (including provision of safe and harmless working conditions), wages (including the guaranteed wages amount), payroll deductions; 2) duration of the working day and rest time, the term of the labour agreement (contract) and the terms of its termination; 3) provision of social and medical assistance, social insurance; 4) compensation for damage caused to health due to an accident at work or temporary disability; 5) repatriation of the migrant worker.			x		YES				x		NON-PROVIDED FOR: The national provision indicated does not apply to situations where: 1) the workers are not employed by executive authorities or are not employed through a business entity providing the services of facilitating employment abroad; 2) the worker, during the execution of the contract, is required to work in a country other than the one which legislation governs the contract. Moreover, the national provision does not include all the mandatory information foreseen in the article 2 of this directive, neither the specific one foreseen, in addition, in this particular provision (regarding the conditions governing the employee's repatriation). Furthermore, the national provision does not specifically foresees that the document(s) referred to in Article 3 must be in the possession of the worker before his/her departure. In order to transpose this directive provision, the national one, has to provide for the following: 1) Enlarging the scope of its application to include all situations where an employee is required to work in a country other than Ukraine; 2) Expressly stipulate that the document(s) referred to in article 3 must be in the possession of the worker before his/her departure; and 3) Provide that the document(s) referred to in article 3, besides all the mandatory information foreseen in article 2, must also include, in addition, and where appropriate, the information of the conditions governing the employee's repatriation.
26	4	Expatriate employees	2	The information referred to in paragraph 1 (b) and (c) [i.e., currency to be used for the payment of remuneration; and benefits in cash or kind attendant on the employment abroad] may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.								x						x		NON-PROVIDED FOR: The national provision do not transpose the directive provision. In fact, the national provisions do not foresee that the information regarding the currency to be used for the payment of remuneration and the benefits in cash or kind attendant on the employment abroad may, where appropriate, be given in the form of a reference to the laws, regulations and administrative or statutory provisions or collective agreements governing those particular points. Although this directive provision is not mandatory, thus being only a possibility that does not necessarily have to be used, it is advisable to provide for it, in order to avoid the need to continuously inform workers, when there is a legal change in such particular conditions.
27	4	Expatriate employees	3	Paragraphs 1 and 2 shall not apply if the duration of the employment outside the country whose law and/or practice governs the contract or employment relationship is one month or less.								x						x		NON-PROVIDED FOR. The national legislation has to foresee the non-application of the obligations foreseen in the paragraphs 1 and 2 of this article (concerning the information obligations regarding specifically the expatriate workers), if the duration of the employment outside the country is of one month or less, in order to avoid unnecessary obligations to the employers.
28	5	Modification of aspects of the contract or employment relationship	1	Any change in the details referred to in Articles 2 (2) and 4 (1) must be the subject of a written document to be given by the employer to the employee at the earliest opportunity and not later than one month after the date of entry into effect of the change in question.								x						x		NON-PROVIDED FOR: In order to provide for the transposition of this directive provision, the national legislation has to foresee the obligation of the employer to handover to employees a written document informing them of any change regarding the subjects referred to in articles 2(2) and 4(1), at the earliest opportunity and not later than one month after the date of entry into effect of the change concerned.
29	5	Modification of aspects of the contract or employment relationship	2	The written document referred to in paragraph 1 shall not be compulsory in the event of a change in the laws, regulations and administrative or statutory provisions or collective agreements cited in the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).								x						x		NON-PROVIDED FOR: The national legislation do not foresee that the delivery to the employees of the document containing the changes to the subjects referred to in article 2(2) and 4(1) (mentioned on the previous provision) is not mandatory in the case of a change in the laws, regulations and administrative or statutory provisions or collective agreements cited in the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1). As such, and in order to avoid the creation of unnecessary obligations to the employers, the national legislation should provide for this exception to inform, whenever the modifications are related to changes in the laws, regulations and administrative or statutory provisions or collective agreements cited in the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTORY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
30	6	Form and proof of the existence of a contract or employment relationship and procedural rules	(1)	This Directive shall be without prejudice to national law and practice concerning the form of the contract or employment relationship; the proof as regards the existence and content of a contract or employment relationship; and the relevant procedural rules.								x						x		NON-PROVIDED FOR: Nevertheless, and as already mentioned on the comments to the article 1 it should be taken this opportunity to incorporate into the national legislation (labour code and/or OSH regulations) the proposals of the ILO Recommendation No. 198, concerning the employment relationship, which are aimed to combat the covert (masked) employment relationships and to ensure adequate protection and decent working conditions to all workers, through the creation of mechanisms and specific criteria to be used to determine the existence of an employment relationship, as well through the consecration of the principle of legal presumption of the existence of an employment relationship, whenever are present certain indicators of the existence of an employment relationship, regardless of the formal, signed or written arrangements.
31	7	More favourable provisions	(1)	This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to employees or to encourage or permit the application of agreements which are more favourable to employees.								x								NON-PROVIDED FOR. However, this directive provision is not to be transposed, but only complied with: it just states that the Member States have the liberty to apply or to introduce laws, regulations or administrative provisions, provided they are more favourable to employees or to encourage or permit the application of agreements, provided they are more favourable to employees.
32	8	Defence of rights	1	Member States shall introduce into their national legal systems such measures as are necessary to enable all employees who consider themselves wronged by failure to comply with the obligations arising from this Directive to pursue their claims by judicial process after possible recourse to other competent authorities.	1.1	Chapter XV	Individual labour disputes	The entire section	The entire section	x				YES	x					FULLY PROVIDED FOR.
33	8	Defence of rights	2 (1)	Member States may provide that access to the means of redress referred to in paragraph 1 are subject to the notification of the employer by the employee and the failure by the employer to reply within 15 days of notification.	1.1	Chapter XV	Individual labour disputes	The entire section	The entire section			x								NON-PROVIDED FOR. The mention section does not meet the requirement of this directive provision, which foresees the possibility for the Member States to foresee that the access of the employees to the means of redress the disputes (mentioned in the previous paragraph) are subjected to the prior notification of the employer and the subsequent failure of the latter to reply within 15 days. However, the possibility offered by this directive provision does not necessarily have to be used.
34	8	Defence of rights	2 (2)	However, the formality of prior notification may in no case be required in the cases referred to in Article 4 [Expatriate employees], neither for workers with a temporary contract or employment relationship, nor for employees not covered by a collective agreement or by collective agreements relating to the employment relationship.								x								NON-PROVIDED FOR. However, there is no need for the transposition of this directive provision since the national legislation does not establishes the prior notification of the employer and its subsequent failure to reply within 15 days as a requirement for the access of the employees to the means of redressing the disputes mentioned on the last two paragraphs.

LINE	EU DIRECTIVE LEGAL PROVISIONS				CORRESPONDING OR EQUIVALENT UKRAINIAN LEGAL PROVISIONS					LEVEL OF COMPLIANCE				ADEQUATE JURIDICAL POWER OF LEGAL ACT	RECOMMENDATIONS FOR FURTHER ACTION					ILO COMMENTS
	ART.	TITLE	PARA, SUB-PARA, LINE	PROVISION	"CODE (NUMBER OF THE LEGISLATIVE ACT)"	ARTICLE	TITLE	PARA, SUB-PARA, LINE	TEXT	FULL	PARTIALLY	NON PROVIDED FOR	CONTRADICTIONARY		MAINTAIN	COMPLEMENT	REMOVE	PROVIDE FOR	SCALE-UP LEGAL ACT	
35	9	Final provisions	1(1)	Ukraine shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 August 2021, or shall ensure by that date that the employers' and workers' representatives introduce the required provisions by way of agreement, Ukraine being obliged to take the necessary steps enabling them at all times to guarantee the results imposed by this Directive.								x								NON-PROVIDED FOR. However, there is no need for the transposition of this directive provision since it is a command to the Member States and not an obligation or right applicable to employers or workers. Moreover, the date indicated is the one that is foreseen in the EU-Ukraine Association Agreement.
36	9	Final provisions	1(2)	Ukraine shall forthwith inform the Commission thereof.								x								NON-PROVIDED FOR. However, there is no need for the transposition of this directive provision since it is a command to the Member States and not an obligation or right applicable to employers or workers.
37	9	Final provisions	2	Ukraine shall take the necessary measures to ensure that, in the case of employment relationships in existence upon entry into force of the provisions that they adopt, the employer gives the employee, on request, within two months of receiving that request any of the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).					-			x						x		NON-PROVIDED FOR. The transposition of this directive provision should take the form of a national provision that ensures that, in the case of employment relationships in existence before the entry into force of the provisions that transpose this directive, the employer gives to the respective employee, on request, within two months of receiving that request, any of the documents referred to in Article 3, supplemented, where appropriate, pursuant to Article 4 (1).
38	9	Final provisions	3	When Ukraine adopt the measures referred to in paragraph 1, such measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Ukraine.					-			x								NON-PROVIDED FOR. This directive provision is not aimed to be transposed, but only complied with, as it involves a command to the Member States and not an obligation or right of employers or workers. In order to ensure its compliance and, at the same time, avoiding any eventual constraints resulting from the law-drafting technique for preparation of legislative acts in Ukraine, it appears that there is no need to mention third directive on the text of the law itself - a mere reference on its preamble text or in its motives explanation should be enough.
39	9	Final provisions	4	Ukraine shall forthwith inform the Commission of the measures they take to implement this Directive.	3.1				"To the Ministry of Social Policy: to submit quarterly to the Cabinet of Ministers of Ukraine before the 10th day of the next month information on the status of plans implementation for the Governmental Office for European Integration to hold monitoring of their effectiveness and to prepare relevant proposals."			x		YES						NON-PROVIDED FOR. The national provision indicated foresees the submission of the status of the plans implementation (not of the measures taken to implement this directive) to the Governmental Office for European Integration (and not to the EU Commission itself). Moreover, and since this directive provision is an administrative command to the Member States, and not and not an obligation or right of employers or workers, its compliance do not implies its transposition.

LIST OF REVISED LEGISLATION

EU Council Directive No. 91/533/EEC, of 14 October 1991, on an employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship

CODE (NUMBER OF THE LEGISLATIVE ACT)	LEGISLATIVE DOCUMENT						LAST AMENDEMENTS INTRODUCED	
	ISSUER	LEGISLATIVE DOCUMENT	NUMBER	DATE OF ADDOPTION	NAME/SUBJECT OF THE LEGAL ACT	DATE OF ENTRY INTO FORCE	DATE OF LAST AMENDEMENT	LEGAL ACT
1. Ukrainian Parliament (Verkhovna Rada)								
1.1	Parliament	Law	322-VIII	12/10/1971	Labour Code of Ukraine	6/1/1972	11/16/2017	Law No. 2211-VIII of November 16, 2017 On Amendments to Article 73 of the Labour Code of Ukraine on Leaves and Days Off
1.2	Parliament	Law	761-VIII	11/5/2015	On foreign labour migration	11/5/2015	-	-
1.3	Parliament	Law	1678-VII	9/16/2014	On Ratification of the Association Agreement between Ukraine, on the one side, and the European Union, the European Atomic Energy Community, and their Member States, on the other	9/27/2014		-
2. President of Ukraine								
3. Cabinet of Ministers of Ukraine								
3.1	Cabinet of Ministers of Ukraine	Decree	34-r	1/21/2015	On approving the plans for implementation of some EU legislative acts developed by the Ministry of Social Policy	1/21/2015	-	-
4. Ministries and other state authorities								
4.1	Ministry of Social Policy	Order	336	12/29/2004	On approval of Issue 1 «Professions of workers common to all types of economic activity» of the Directory to Qualification Characteristics of Professions	12/29/2004	9/22/2015	Order of 22.09.2015 No. 951 On amendments to the qualification characteristics of the position «Director (head, other manager) of an enterprise»