

UKRAINE

DECENT WORK COUNTRY PROGRAMME DOCUMENT

2008 - 2010

Introduction

The primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Decent work country programmes (DWCPs) promote decent work as a key component of development policies and at the same time as a national policy objective of governments and social partners. The present country programme is informed by international development agendas such as the Millennium Development Goals, as well as the United Nations Development Assistance Framework (UNDAF) based on the national development objectives. It also takes account of the priorities of the ILO constituents, as expressed in consultations held with them. The programme details the policies, strategies and results required to realise progress towards decent work for all. This document reflects the strategic planning of ILO cooperation activities with Ukraine for the biennium 2008-2009. Reflecting the constituents' as well as the ILO experts' assessment of past cooperation, the programme aims at ensuring greater synergies and stronger coherence of ILO activities in Ukraine and thus contribute to achieving sustainable impacts.

The programme has been developed in a participatory process with the involvement of tripartite constituents. The DWCP consists of a narrative part outlining the context, the lessons learned, the strategy of interventions and a logical model that details the interventions.

I. The current situation from a Decent Work perspective

II. Lessons learned from previous cooperation

During 2007 the ILO commissioned an independent evaluation of the ILO's country programme of support to Ukraine 2000-06. The purpose of this evaluation was to provide an independent assessment of approaches taken, progress made and to identify lessons learned to inform future strategy development and improve the effectiveness of the next DWCP cycle.

According to the assessment the constituents unanimously confirmed the relevance and importance of ILO's interventions. They stated that they have high regard for the ILO. The ILO has been flexible and responsive to emerging situations and demands although there were many unpredictable political changes.

The findings also said that the decent work approach as a coherent framework needs to be given more emphasis in the future. The monitoring of the DWCP implementation needs to be more efficient and effective. In order to address these issues and increase ownership a Tripartite DWCP Board will be established. The Board will have a role to promote the programme, monitor its implementation and initiate adjustments if necessary.

More attention should be paid to long-term strategic support, especially for skills development, vocational training, and methodologies for forecasting social and labour developments, or other areas where ILO has good knowledge and well recognised expertise. In order to address this issue, it has been decided to extend the period of the DWCP to three years and allow for longer term planning.

The review has found that the Decent Work agenda continues to be of high relevance it should continue to be the focus of ILO interventions in Ukraine. The Decent Work as a theme needs to be strengthened in the UNDAF as well. The ILO will use the opportunity of the mid term review in 2008 to have this issue highlighted.

There is a demand to include social insurance and social protection and labour market flexibility in the programme.

The social partners expressed a need to learn more about more active involvement of employers' organisations and trade unions in decent work by providing more information about what other European Union countries do in this respect.

The dissemination of good practices should be further encouraged. The ILO will promote more the positive experience of the pilot projects as a basis to mainstream initiatives more widely in the country - as requested by the constituents.

Some of the main results of the 2006-07 DWCP:

- A draft Labour Code prepared with ILO support is ready for a second reading in Parliament.
- A law on social dialogue, prepared with the assistance of the ILO, was adopted by *Verkhovna Rada* in a second/final reading on 7 June 2007. However, more work would be needed to help Ukraine enforce this law once it comes into force. Public and more targeted awareness raised of the need for reform and consensus in labour relations.
- Improved practice towards better enforcement of labour law, and progress towards a sound legal framework for social dialogue through deepened legal knowledge.
- Labour inspection equipped with new computerized system for tracking labour rights violations.
- ILO projects became an important means for wider social debate and creative discussions between social partners and civil society, and a place where useful contacts were established and further activities planned.
- The modular vocational training programme has been sustained and expanded. It has demonstrated its effectiveness in improving employability, job placement and business activities.
- High-level discussions to develop a comprehensive policy on labour migration, with focus on aspects related to reducing the scale of trafficking in women from the Ukraine.
- Wider public awareness of the negative effects and consequences of illegal employment outside the country.
- Acceptance by authorities of new measures linked to social income, labour costs, poverty and income inequality.
- Model of socio-economic impact of HIV/AIDS in Ukraine developed and currently being updated and improved.
- Heightened awareness, changed attitudes and improved institutional capacities towards eradicating the worst forms of child labour.
- Enhanced policy and legal frameworks at national level to eradicate child labour; initial progress at local level in supporting multidisciplinary teams and peer educators, as well as rehabilitation services and employment opportunities.

III. Priority areas of cooperation

Within the overarching theme of "Decent Work for All" the ILO will concentrate on three country programme priorities in Ukraine in this biennium, which should be seen as long-term goals:

- I.** Strengthening capacity of government institutions and the social partners to improve the governance of the labour market.
- II.** Improving employment policy formulation and promoting equal opportunities in the labour market.
- III.** Improving the effectiveness of social protection policies, with special focus on vulnerable groups.

Priority 1: Strengthening capacity of government institutions and the social partners to improve the governance of the labour market

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Outcome 1: Improved functioning of the ESCs at national and oblast level with more appropriate representativity criteria in place (UKR 101)

- Technical support to tripartite constituents and the Parliament (Committee on Social Policy and Labour) in the finalisation of the draft law on social dialogue. This will be done through a combination of technical comments on draft texts and advisory missions to Kiev.
- Technical support to the secretariat of the National Tripartite Economic and Social Council (NTESC) in the dissemination of the draft law on social dialogue at both the national and oblast levels;
- Capacity building of the secretariat of the NTESC through training workshops and a study visit to Poland.

Outcome Indicators:

- The Law on Social Dialogue is promulgated and comes into force;
- The National Tripartite Economic and Social Council and two Regional Tripartite Economic and Social Councils function more effectively;
- The government allocates adequate resources to the secretariat of the NTESC
- The secretariat provides a more effective support to the executive board of the NTESC;
- The Social partners contribute more effectively and constructively to the tripartite social dialogue at both the national and oblast levels including on wages and the reform of the pension system.

Outcome 2: The labour legislation is revised and implemented with a full participation of employers and workers organizations (UKR 102)

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- a) Technical support to tripartite constituents and the Parliament (Committee on Social Policy and Labour) in the finalisation of two draft laws: the draft labour code and the draft law on wage guarantee fund. This will be done through:
 - a. provision of technical comments on the draft laws;
 - b. advisory missions to Kiev to help in the finalisation of the two draft laws;
 - c. high-level mission to Geneva for consultations on the draft labour code.
- b) Technical support in the enforcement of the labour code:
 - a. preparation of the labour code user's guide;
 - b. organisation of 4 regional workshops on labour law enforcement targeting labour inspectors/judges and social partners.
- c) Technical support in the enforcement of the law on wage guarantee fund:
 - a. assistance in the establishment of the WGF
 - b. training of its management and staff on how to handle workers' claims.

Outcome Indicators:

1. Labour Code:

- The Parliament adopts the labour code;
- The President signs and promulgates the Law on the labour code

- The users guide of the labour code is prepared and widely disseminated among all users (SP, labour inspectors, judges, etc.)

2. Law on WGF

- The tripartite working group finalises the draft law on WGF and submits to the Government
- The Parliament adopts the law on WGF
- The President signs it and promulgates it into a law
- The WGF is established.

Outcome 3: Efficient labour administration, including an effective labour inspection service in place, to implement labour legislation (UKR 103)

Technical assistance to the labour inspection to integrate its different functions and to strengthen its functioning as a law enforcement institution, through:

- dissemination of the tool-kit on LI
- regional workshops targeting LI management and labour inspectors themselves

Outcome Indicators:

- An action plan is adopted to create an integrated labour inspection
- The government allocates resources for the implementation of action plan

Outcome 4: Increased value of employers and workers organizations to existing and potential membership through the provision of new or better services (UKR 104)

Action Plan on Reformed and Integrated Trade Union Education methods and structures adopted.

Study on Wages and Wage Participation in Production Prices and technical advise.

ToT workshop in management system approach held for EOs.

Outcome Indicators:

- Report of the evaluators' team.
- Study on the present situation of wages developed and used in the tripartite negotiation on the National level for increase the wages participation in the price of production.
- EOs develop action plan to improve management.

Priority 2: Improving employment policy formulation and promoting equal opportunities in the labour market.

Outcome 1: Priority recommendations of the employment policy review are endorsed and adopted by the government (UKR 126)

The ILO will provide technical assistance to review the employment policies and formulate recommendations to improve the functioning of employment and labour market policies and institutions. These advisory services will be accompanied by knowledge building initiatives and by the development of policy- and programme-related tools.

Outcome Indicators:

- The recommendations of the employment policy reviewed and endorsed by the government and the social partners

- Priority recommendations adopted by the government.

Outcome 2: The Public Employment Service provides targeted services that promote employment of persons with disabilities (UKR 127)

The ILO will provide technical assistance to the Public Employment Service targeting workers with disabilities. The staff of the PES will be trained to conduct job and task analysis and to assess impairments and their impact on the ability to carry out specific work-related tasks. Staff development programmes will also include techniques to contact employers.

These capacity building components will be accompanied by knowledge building initiatives and by the development of policy- and programme-related tools.

Outcome Indicators:

- The staff of National Employment Service assist persons with disabilities in finding employment
- Pilot programmes implemented and lessons learnt included into policy development.

Outcome 3: Employers organizations provide services to promote women's entrepreneurship (UKR 128)

Outcome Indicators:

Outcome 4: Wage policy is reviewed and incorporates the recommendations formulated by workers organizations (UKR 129)

Outcome Indicators:

Outcome 5: Trafficking and other Worst Forms of Child Labour curbed in the country (UKR 130)

As part of Child Labour Monitoring System, design and develop tools and outreach activities to identify street working children and children involved in WFCL in agriculture and children at risk and to offer them training and counselling before (re)integration into school or provision with the legal employment opportunities.

Outcome Indicators:

- CLMS and its tools are pilot tested and methodological support for the CLMS replication is provided
- Outreach services are developed and provided to at least 287 boys and girls to be withdrawn from CL and 818 boys and girls are prevented from the worst forms of child labour, including trafficking in children.

Priority 3: Improving the effectiveness of social protection policies, with special focus on vulnerable groups.

Outcome 1: Increased capacity of constituents to develop and implement policies and programmes on occupational safety and health and HIV/AIDS at the workplace (UKR 151)

Follow-up to the 2003 ILC resolution on occupational safety and health (trainings and technical assistance).

EOs: National Conference for employers' organisations officials and members of the mining sector, and including labour department officials and trade union representatives

Technical assistance to constituents to develop and implement HIV/AIDS workplace policies and programmes.

Outcome Indicators:

- Increase the capacity of the experts. Improvements of the working conditions at the work place.
- FEU develops submissions for tripartite consideration on OSH policy formulation.

Outcome 2: Improved policy and regulatory framework in place and the institutions capacity to effectively manage labour migration and prevent labour exploitation of migrant workers (UKR 152)

Tripartite consultation meetings to discuss recommendations from expert group for the development of proposals for migration policy with a view of reducing irregular migration and follow-up.

Consultation meeting with parliament, government, NGOs and social partners on the development of a comprehensive anti-trafficking legislation with focus on forced labour exploitation in Ukraine and abroad.

Development of a methodology for data gathering on scale and trends of labour migration and integration into national statistical programmes.

Pre-migration trainings with PES and PrEA and in co-operation with existing Migrant Information Centres.

Develop, publish and disseminate a series of country guides for migrant workers providing relevant pre-departure information.

Training seminars with officials in charge of licensing and labour inspectors in pilot regions.

Pilot training with chief prosecutors, labour inspectors, police and other relevant government authorities on identification and prosecution of trafficking for forced labour cases.

Ukraine will be invited to take part in the subregional seminar of the ILO/Council of Europe on the Art of negotiation and concluding bilateral agreements in social security to be held in Budapest (September 2008).

Outcome Indicators:

Comprehensive labour migration policy drafted and adopted

Methodology for data gathering on scale and trends of labour migration, in particular irregular migration and trafficking for sexual and labour exploitation developed and tested

National Referral Mechanism for trafficking victims in place, providing reintegration to the domestic labour market.

Team of national negotiators of bilateral social security agreements trained.

Coordination of the national agenda for conclusion of bilateral social security agreements prepared.

Outcome 3: Improved social protection, in line with ILS, in particular C102 and C130 (UKR 153)

The ILO will provide technical assistance to the tripartite constituents to improve the effectiveness of the social protection system and will promote the ratification of C.102, C121, C128, C130, C168 and the European Code of Social Security.

Publication of the studies of compatibility of Ukrainian legislation with ILO and European standards of social security and assessment of their results at a high-level tripartite national conference;

Elaboration for the Government and the Parliament of the list of concrete modifications necessary to amend and modernize the Ukrainian social security legislation with the inputs from all competent national and international bodies.

1. Summer School for social security actuaries: Introduction to the profession (Kiev, June/July 2008), more than 100 participants from central and regional social insurance funds of Ukraine. The ILO will be represented by SEC/SOC (Mr Scholtz and Ms Drouin) and NORMES.

- publication of A Guide to the Profession in English and Ukrainian.

Outcome Indicators:

- The ILOs assistance is used to improve social protection policies and programmes.
- signature of the European Code of Social Security by the Government;
- ratification of Conventions Nos. 102 and 130.
- registration of the new profession - social security actuary - in the national register of professions;
- establishment of specialised courses and diplomas in higher education for actuaries in accordance with European standards

IV. Management and implementation

The cooperation programme will be managed through a network among SRO Budapest, the National Coordinator in Kiev, EUROPE and technical units at headquarters in Geneva. The National Coordinator will play a coordination role together with SRO Budapest. The ILO will continue its cooperation with major stakeholders in the country such as the UN under the framework of the UNDAF, the World Bank and the EC Delegation.

The objectives of the programme will be pursued through technical cooperation projects, advisory missions, and seminars for information dissemination and capacity building. Extra-budgetary resources and the ILO's regular budget resources will be used to finance the implementation of this Country Programme. The ILO network mentioned will continue to mobilize further resources for the follow-up to the results achieved, bearing in mind priority concerns of the constituents. The government and the social partners will facilitate their respective expert staff and premises and provide logistic support, as appropriate. They are committed to implementing the follow-up steps necessary to achieve the expected results. These will be further explained in the DWCP workplan (*see Annex*)

V. Performance monitoring and evaluation arrangements

The implementation of the Decent Work Country Programme will be reviewed on a regular basis with the constituents using interactive methods. The missions of the ILO experts and their internal reports will be used as part of the monitoring process. Every six months, the Decent Work Country Programme implementation plan will be internally reviewed by the Steering Board consisted of the representatives of the Constituents and the National Coordinator. The SRO Director will assess the programme achievements with the constituents in Ukraine at least

once per biennium. On a yearly basis, the Decent Work Country Programme implementation plan will be internally reviewed and adjustments will be made to adapt to the changes, if necessary, in order to improve the implementation strategy, and eventually redefine some of the country programme activities.