



Проект фінансується
Європейським Союзом



Проект виконується
Міжнародною організацією праці

EU-ILO Project
«Enhancing the labour administration capacity
to improve working conditions and tackle undeclared work»

Steering Committee

3rd Sitting | 13 December 2018

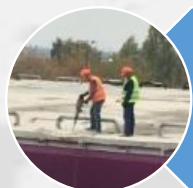
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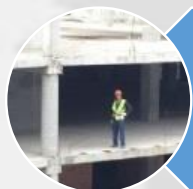
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Overview of the Project implementation



Summary of the Draft National Action Plan to Fight UDW



Workplan for 2019



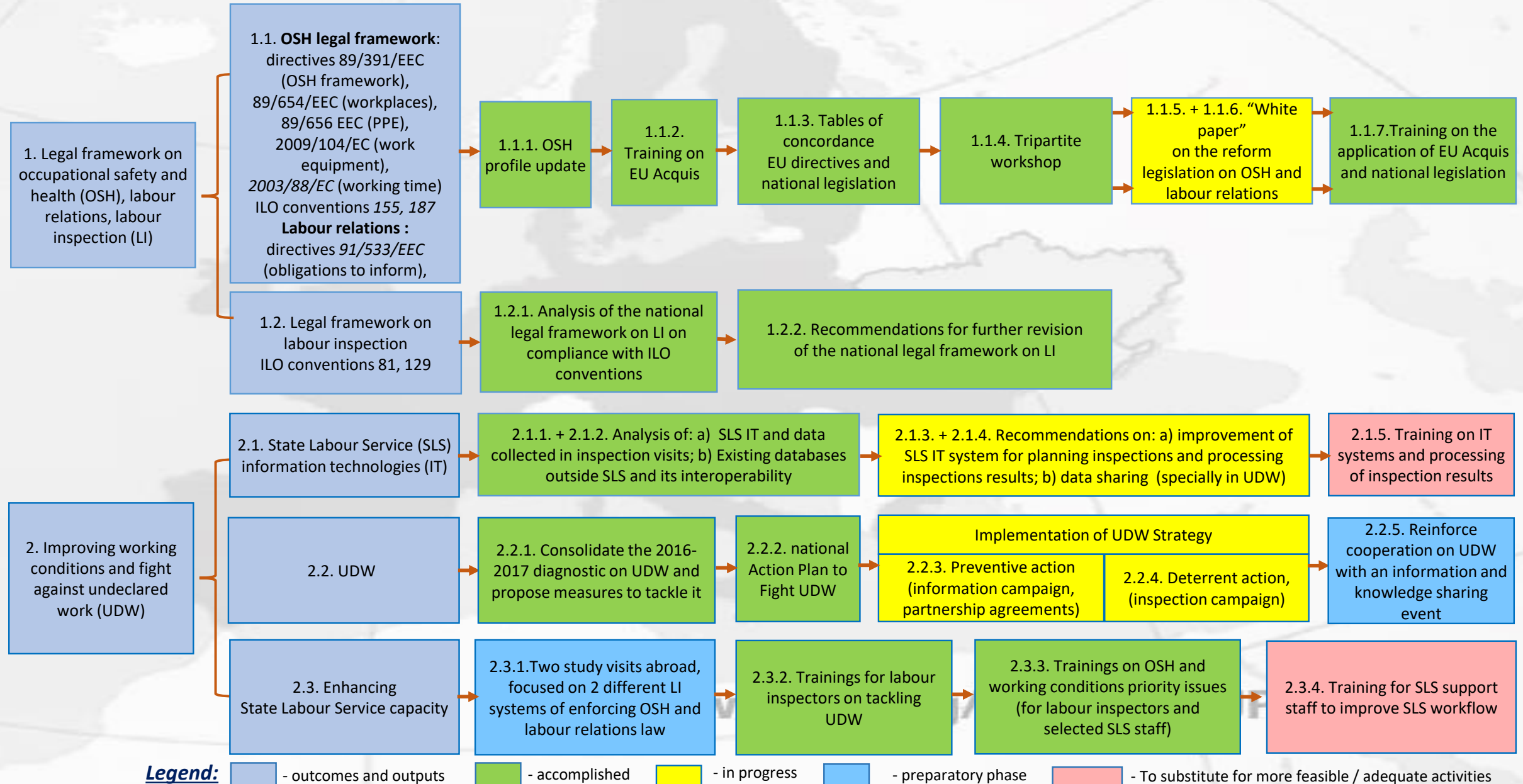
Alteration of some indicators and targets of the Monitor & Evaluation (M&E) Logical Framework



Subsequent project “Concept Note” submitted to EUD

Project

Overview of project implementation



Study visits on OSH and UDW to 2 EU Countries (Project activity 2.3.1)

TOPICS	COUNTRIES THAT HAVE BEST PRACTICES ON THE MENTIONED TOPIC														
	AT	BE	DK	ES	FI	FR	IE	LT	LV	NL	PL	PT	RO	SE	UK
UDW															
Criteria for classification of specific employers as being at high risk of using undeclared work, for carrying out unscheduled visits.		x		x							x				
Mechanism to detect, document and built an evidence base in cases undeclared work is found, subject to the legislative framework requirements on prevention of the use of undeclared work.		x		x								x			
Organizing and assessing efficiency of the labour inspectors' work.				x								x			x
A labour inspector's role in settlement of individual and collective labour disputes on undeclared work.						x							x		
Assessments of existence of employment relations at remote workplaces; identification of an actual employer in case of outsourcing, and in case of simultaneous performance of activities at the same workplace by several economic entities.	x			x								x			
Planning information campaigns and assessing their efficiency.	x			x		x						x	x		
OSH															
Developing and implementing, at state and regional levels, the measures intended to encourage improvement of occupational safety and health.				x		x		x				x		x	
The labour inspection's role in supervision over the external services engaged in determination and evaluation of physical, chemical, biological factors, and factors of arduousness and intensity of the working process at an enterprise.				x		x	x					x			x
The labour inspection's involvement in establishing a link between a disease and working conditions, and in investigating causes of occupational disease incidence.				x		x				x					x
Training system for labour inspectors.				x	x	x						x			x
Ensuring the labour inspectors' supervision over the determination and evaluation of physical, chemical, biological factors, and factors of arduousness and intensity of the working process at an enterprise.			x	x	x									x	
Requirements to internal and external services or persons engaged in implementation of occupational safety and health measures.				x					x			x			
TOTAL POINTS PER COUNTRY	2	2	1	11	2	6	1	1	1	1	1	8	2	2	4

Alteration of EU-ILO Project Activities 2.1.5 and 2.3.4

Activity 2.1.5

- Training on IT systems and processing of inspection results

“Up to 10 additional training sessions for LI on soft skills to improve inspection visits on UDW”

Activity 2.3.4

- Training for SLS support staff to improve SLS workflow

“Up to 2 2-days Workshop on Strategic Plan” to help SLS to develop and implement an Inspection Activity Strategic Plan

Other activities :

TOTAL participants:
around 400

1. Kamyanets-Podilsky conference for SLS LI on OSH (June 2018)
2. ITC training on “Compliance and Contribution Collection in the Prevalence of Undeclared Work” (September 2018)
3. International Conference on Safety Culture in Lviv (October 2018)
4. KVPU Congress in Kiev (October 2018)
5. Round table on “The Future World of Work and 100 Years of the International Labour Organization, Kiev (October 2018)
6. International Conference on the OSH in Construction (October 2018)
7. SLS Collegium in Karkiv (October 2018)
8. Interview to “Agropro” “ILO Roadmap to implement an effective Labour Inspection System in Ukraine” (September 2018)
9. 4 articles about project events and project manager’s interviews - in OSH Magazine

Draft National Action Plan to Fight UDW – Main components



Draft National Action Plan to Fight UDW – Measures

Measures to fight UDW in Ukraine

Enabling compliance approach

Deterrence approach

Preventive measures

M1.1 - Simplify labour legislation;
M1.2 - Establish special regimens adapted to the exercise of certain activities;
M1.3 - Introduce more flexible labour contract types;
M1.4 - Establish a legal regimen for the economic dependent non-juridical subordinated self-employed worker;
M1.5 – Extend OSH regulations to situations equivalent to employment relationships;
M1.6 - Incorporate ILO Rec. 198 provisions in labour code;
M1.7 - Provide for the traceable payment of salaries;
M1.8 - Implement a system for assessing and monitoring UDW;
M1.9 - Improve information and technical advice on UDW;
M1.10 - Stipulate that workers' admission communication should occur 24 hours prior beginning of work.

Curative measures

M2.1 - Implement active employment measures;
M2.2 - Set up formalization offices;
M2.3 - Introduce "service vouchers schemes";
M2.4 - Introduce a personal income tax deduction up to 5% of the amount of the registered invoices for certain services;

Fostering commitment measures

M3.1 - Launch awareness-raising campaigns on UDW;
M3.2 - To regularly publicize and release news about UDW, the activities carried out to tackle it and their main results;
M3.3 - Update the UDW subjects on the regular education and vocational training curricula;
M3.4 - Develop specific information activities on UDW targeting secondary and high school students;
M3.5 - Launch of a process of "labour certification" on UDW.

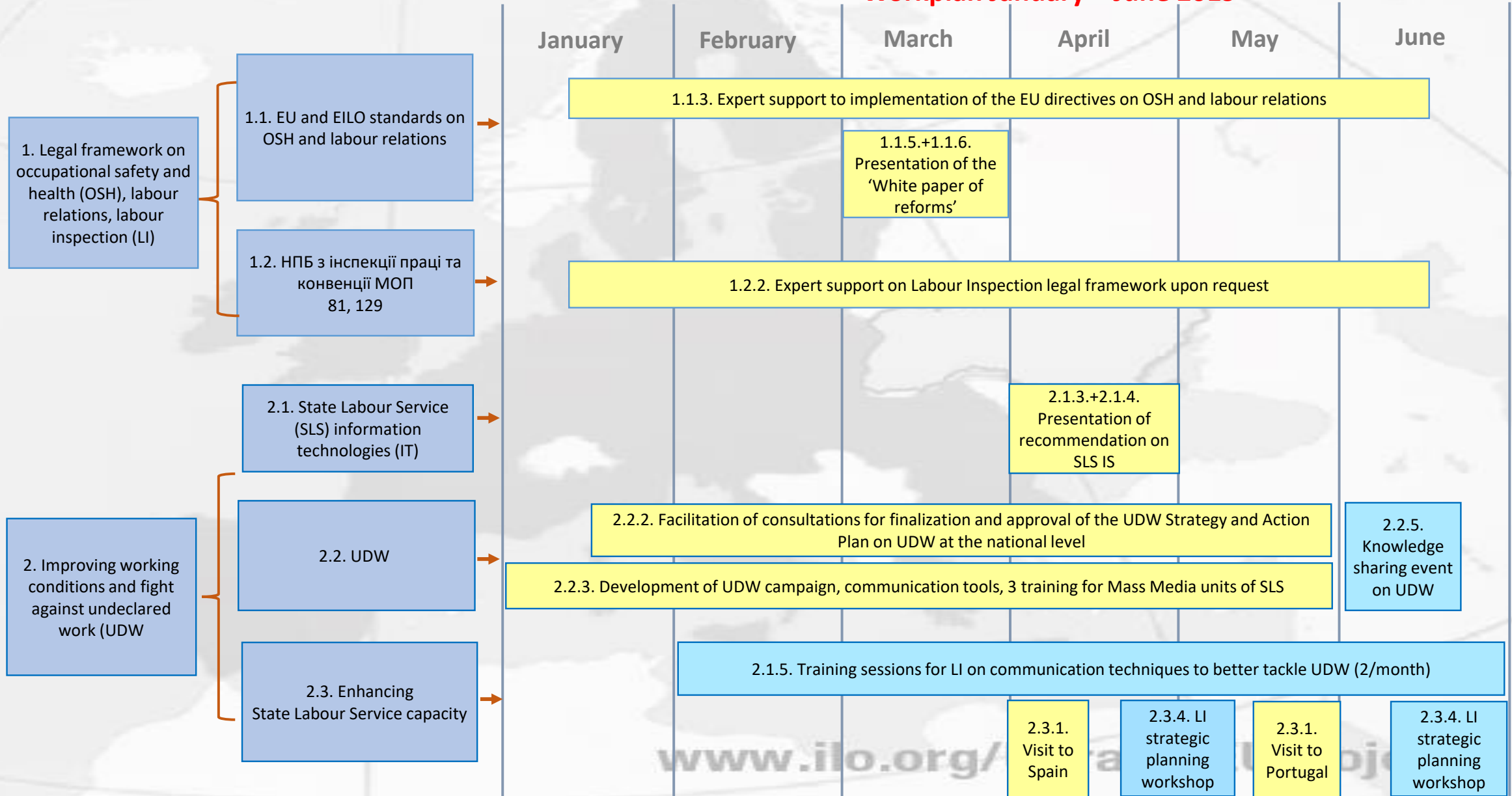
Measures to improve detection

M4.1 - Refrain from imposing *moratoria* to labour inspection activities;
M4.2 - Entrust labour inspectors with the powers of ILO Conv. 81 and 129;
M4.3 - Increase the number of inspection visits on UDW;
M4.4 - Conduct unannounced and business hours inspection visits;
M4.5 - Focus inspection visits on sectors with more UDW;
M4.6 - Give labour inspectors' access to relevant databases;
M4.7 - Implement risk based selection of inspection targets on UDW;
M4.8 - Implement a UDW complaints management system;
M4.9 - Calculate and divulge UDW sector thresholds;
M4.10 - Enlarge competencies of labour inspection to unregistered employers.

Measures to improve sanctions

M5.1 - Improve the methodology to calculate the amount of the fines;
M5.2 - Establish appropriate accessory penalties;
M5.3 - Provide that payment of fine does not discharge offender from fulfilling omitted obligations;
M5.4 - Implement a joint liability legal regimen for infringements on UDW;
M5.5 - Provide labour inspectors with an immediately enforceable inspection procedure to determine the immediate integration of detected UDW in the employer;
M5.6 - Criminalize the obstruction to the discharge of the labour inspectors duties;
M5.7 - Establish a legal presumption regarding the accuracy of the labour inspectors statements.

Workplan January – June 2019



Legend:

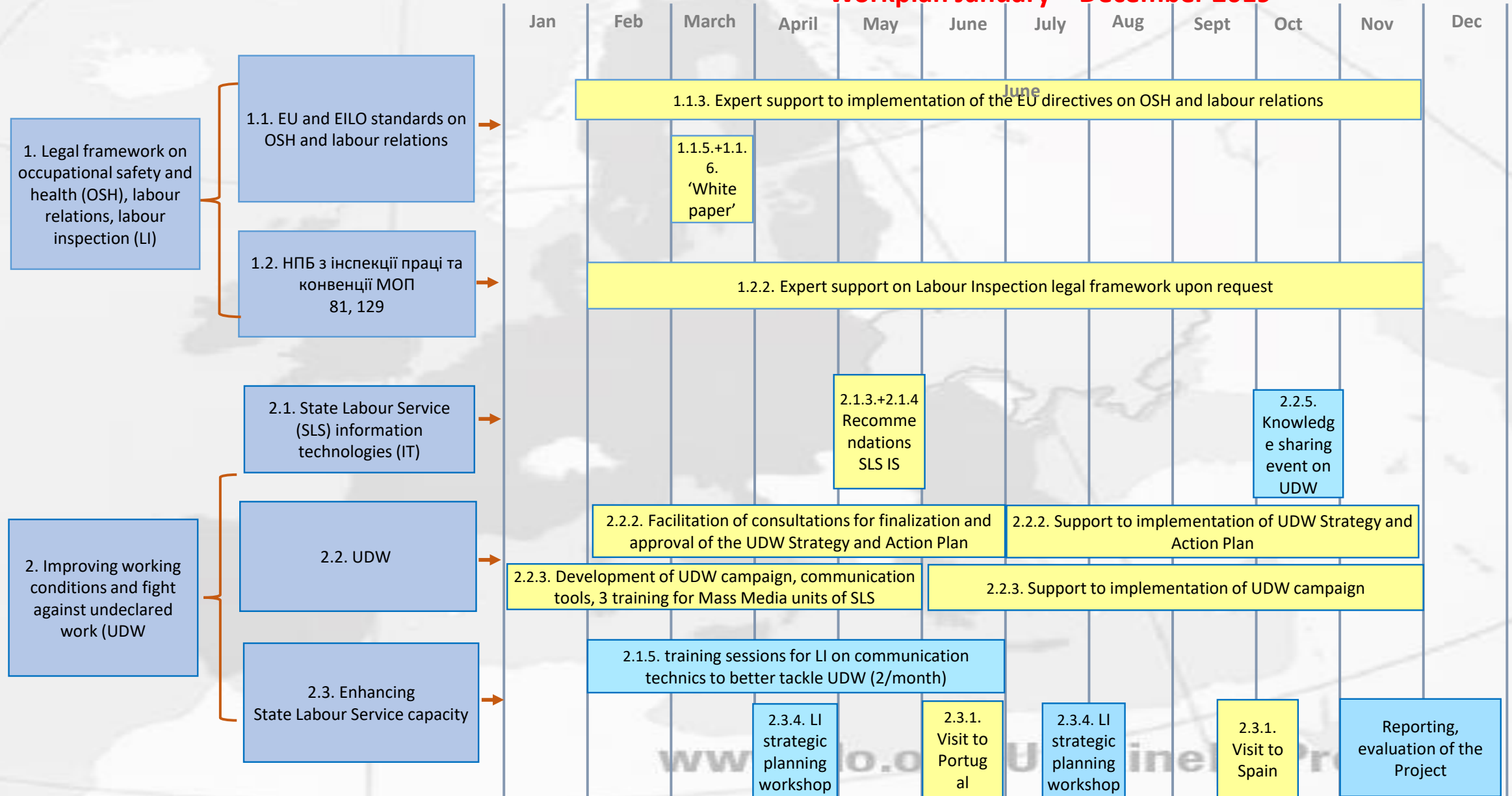
 - Outcomes/outputs

 - In progress

 - Preparatory phase

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Workplan January – December 2019



Legend:

 - Outcomes/outputs

 - In progress

 - Preparatory phase

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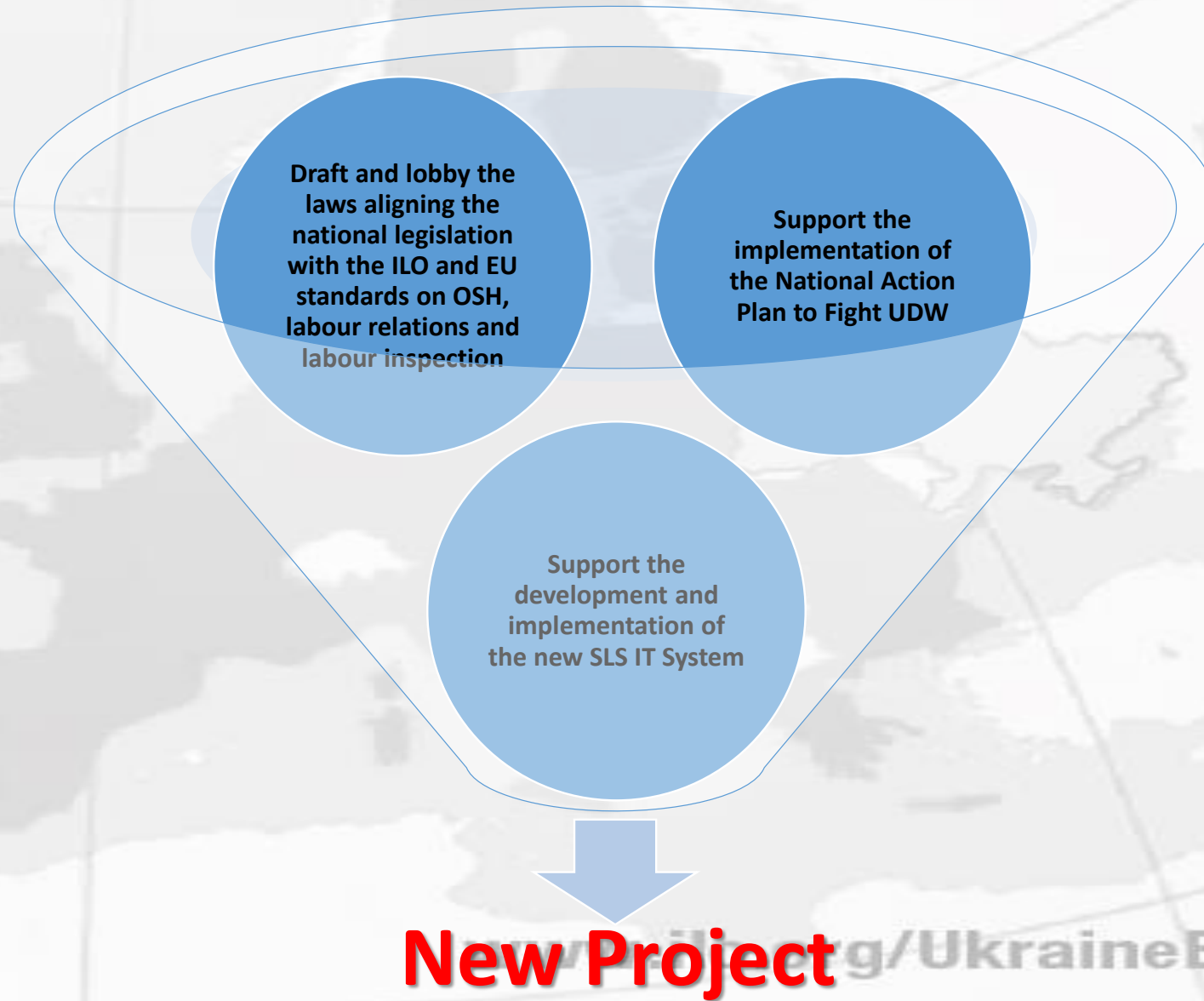
M&E Logical Framework – Initial version

Results chain	Indicators	Baseline	Value	Targets	Sources and Means of verification	Assumptions
			as of 31 Dec 17			
Development Objective: The Ministry of Social Policy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work	Reduction in the % of infractions related to OSH and undeclared work during follow up inspection visits	TBD based on a first round of visits		TBD (around 20% reduction in infractions)	Inspection records, twice, once for the first round of visits, once for the 2 nd round	Follow up visits take place within the same enterprises and data is made available
	Average number of undeclared workers detected by the SLS inspectors (per month) based on annual data	300 (SLS data as of 31 December 2016)	431 (SLS data as of 31 December 2017)	At least 20% increase	SLS records, once at the end of project implementation	Availability of data
Outcome 1: Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions	Number of positive observations made by CEACR of the progress made by the Ministry of Social Policy on the application of C.81 in the Report of 2019	2	0	5	2019 CEACR direct request and observation on C.81, once after project closure in 2019	Constituents are available to participate in the project activities and are willing to contribute
	% of recommendations incorporated in the revised or drafted regulations on OSH and labour inspection	0	20%	80%	SLS, Ministry, Parliament records, once at the end of project implementation	The SLS, Ministry and the Parliament are willing to draft and/or amend legislation
Output 1.1.: Recommendations to bring national legislation on OSH and selected labour law issues in line with the EU Acquis presented to the national constituents	% of requests for advisory support from the stakeholders responded by Project	0	80%	0		The SLS and the MSP request for the additional consultations and advise
	(new proposed indicator)			2		
	No. of “white paper” of reforms necessary to establish a system integrating new EU OSH and EU selected labour legislation	0	0	(proposed to change for 1)	White papers produced	Active involvement of the MSP and SLS officials in drafting procedure
	No. of labour inspectors trained on EU OSH and labour legislation Acquis	0	100	60	Registration list Agenda, Report	Active involvement of the MSP and SLS official in preparation and delivery of the
Output 1.2.: Recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents	No of recommendations put forward SLS and MSP	0	0	7	Set of recommendations submitted for further amendments of the legal framework	The Ministry, the SLS provides laws and regulations framing SLS activity
					Internal documents	
Outcome 2: The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work	Systematic measures taken by the SLS to fight against undeclared work following project support	0	0	3 (including both prevention and deterrence measures)	SLS and project records, once at the end of project implementation	Legal framework empowers labour inspectors to take measures
Output 2.1: A modernized Information Management System is used by SLS staff	% of recommendations made by the project to improve the Information Management System that were endorsed by the SLS	0	0	70%	SLS and project records, once at the end of project implementation	SLS has necessary resources to improve the IT system
	Data sharing between the SLS and other state institutions is improved	N/A	0	TBD based on results of the study to be carried out under Output 2.1.	SLS and selected institutions records/systems, once at the end of project implementation	The project manages to propose realistic mechanisms to share data and the various state institutions show willingness to participate in the endeavour
	No. of inspectors trained on collection and processing the inspection visits results	0	0	60	Registration list Agenda, Report Post training test results	Inspectors actively participate in the training activities
					Copy of the strategy, once after the adoption of the strategy	
Output 2.2.: The SLS, with support of the project, implements a strategy to fight against undeclared work	Multiannual strategy to fight undeclared work adopted	0	0	1		The SLS is willing to adopt a strategy to fight against undeclared work
	Number of preventive actions implemented	0	0	2	Project records, annually	
	Number of undeclared workers identified during the inspection campaign	0	0	TBD based on the campaign target to be decided by the SLS	Inspection reports summary information to be provided by the SLS, once at the end of the inspection campaign	The SLS makes the implementation of the campaign as a priority and allocates sufficient resources to it
	% of detected undeclared workers that were regularized, as a consequence of interventions of labour inspectors	0	0	TBD based on the campaign target to be decided by the SLS	Inspection reports summary information to be provided by the SLS, once at the end of the inspection campaign	The SLS makes the implementation of the campaign as a priority and allocates sufficient resources to it
Output 2.3.: The capacity of the SLS managers and labour inspectors to promote compliance is enhanced	No. of labour inspectors and managers trained	0	0	140	Registration list Agenda Report	Inspectors actively participate in the training activities
					Post training test results	

M&E Logical Framework – Proposed version

Results chain	Indicators	Baseline	Value	Targets	Sources and Means of verification	Assumptions
			as of 31 Dec 17			
Development Objective: The Ministry of Social Policy, and in particular the State Labour Service, contributes to safer and healthier working conditions for Ukrainian workers and to better tackle undeclared work	Increase of the percentage of undeclared workers detected whose situation was regularized.			50% (between January 2018 and June 2019)	SLS records	Availability of data
	Increase of the percentual number of OSH infractions regularized between the first and follow-up inspection visits.			50% (between January 2018 - 1st measurement; and June 2019 - 2nd measurement)	SLS records	Availability of data
	Percentual increase in the average number of undeclared workers detected by inspection visit.			20% (between January 2018 and June 2019)	SLS records, once at the end of project implementation	Availability of data
Outcome 1: Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection are in line with the EU Acquis and ILO Conventions	Number of draft legislation, procedures and policies on OSH and Labour Inspection aimed at aligning national legislation with EU Acquis and ILO Conventions submitted for approval.	2	0	5	MSP and SLS records	Constituents are available to participate in the project activities and are willing to contribute
	% of EU-ILO Project recommendations incorporated in the revised or drafted regulations on OSH and labour inspection	0	20%	80%	SLS, Ministry, Parliament records, once at the end of project implementation	The SLS, Ministry and the Parliament are willing to draft and/or amend legislation
Output 1.1.: Recommendations to bring national legislation on OSH and selected labour law issues in line with the EU Acquis presented to the national constituents	"% of requests for advisory support from the stakeholders responded by Project	0	80%	80%		The SLS and the MSP request for the additional consultations and advise
	Delete					
	No. of recommendations put forward by the EU-ILO Project to national constituents, regarding the alignment of national legislation with EU acquis on	0	0	5	EU-ILO project reports, working papers and studies containing the recommendations.	Active involvement of the MSP and SLS officials in drafting procedure
	No. of labour inspectors trained on EU OSH and labour legislation Acquis	0	100	60	Registration list Agenda, Report	Active involvement of the MSP and SLS official in preparation and delivery of the
	No. of stakeholders' representatives trained on EU OSH and labour legislation Acquis			20	Agenda, Report	Active involvement of the stakeholders' representatives on the preparation and delivery of the training
Output 1.2.: Recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents	No of recommendations put forward by the EU-ILO Project to SLS and MSP	0	0	7	Set of recommendations submitted for further amendments of the legal framework Internal documents	The Ministry, the SLS provides laws and regulations framing SLS activity
Outcome 2: The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved	Systematic measures taken by the SLS to fight against undeclared work following project support	0	0	3 (including both prevention and deterrence measures)	SLS and project records, once at the end of project implementation	Legal framework empowers labour inspectors to take measures
Output 2.1: A modernized Information Management System is used by SLS staff	% of recommendations made by the project to improve the Information Management System that	0	0	70%	SLS and project records, once at the end of project implementation	SLS has necessary resources to improve the IT system
	Data sharing between the SLS and other state institutions is improved	N/A	0	TBD based on results of the study to be carried out under Output 2.1.	SLS and selected institutions records/systems, once at the end of project implementation	The project manages to propose realistic mechanisms to share data and the various state institutions show willingness to participate in the endeavour
Output 2.2.: The SLS, with support of the project, implements a strategy to fight against undeclared work	A National Action Plan to fight UDW is proposed to national constituents for adoption	0	0	1	Copy of the Action Plan.	The SLS and MSP are willing to adopt an Action Plan to fight undeclared work
	% of the Action Plan enabling compliance measures implemented	0	0	25%	Project records and SLS records (annually)	Involvement of national constituents
	% of the Action Plan deterrence measures implemented	0	0	25%	Project records and SLS records (annually)	Involvement of national constituents
	% of detected undeclared workers that were regularized, as a consequence of interventions of labour inspectors	0	0	50%	Inspection reports summary information to be provided by the SLS, at the end of the project	The SLS allocates sufficient resources
Output 2.3.: The capacity of the SLS managers and labour inspectors to promote compliance is enhanced	No. of labour inspectors and managers trained on OSH, labour relations, UDW and labour inspection	0	0	140	Registration list	Inspectors actively participate in the training activities
					Agenda	
					Report	
					Post training test results	

Subsequent project “Concept Note”* - Main components



*Submitted to EU Delegation to Ukraine.

Subsequent project “Concept Note”* - Expected outcomes and outputs

Towards healthy, safe and declared work in Ukraine

Outcome 1 – Legislation aligned with EU and ILO standards on OSH, labour relations and labour inspection

Outcome 2 - Preventive and foster commitment measures of the National Action Plan to Fight UDW are implemented

Outcome 3 - The information system to support the inspection activity of SLS is developed and implemented

Output 1.1 - The draft laws to implement the EU and international standards on OSH and labour relations are lobbied through the proper legislative channels for adoption

Output 1.2 - The draft laws to implement the EU and international standards on labour inspection are lobbied through the proper legislative channels for adoption

Output 1.3 - Amendments to legislation defining criteria to qualify an employment relationship and the legal presumption of its existence are lobbied to the legislative bodies for adoption

Output 2.1 - The measures foreseen in the Action Plan are implemented

Output 3.1 - The information system software is properly developed and deployed

Output 3.2 - The hardware to support the information system is in place

Output 3.3 - The information system key users and system administrators received proper training on the use of the information system

*Submitted to EU Delegation to Ukraine.



Дякую за увагу!
Thank you for your attention!
Gracias por su atención!
Obrigado pela vossa atenção!

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[**www.ilo.org/UkraineEUProject**](http://www.ilo.org/UkraineEUProject)