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Project

ENHANCING THE LABOUR ADMINISTRATION CAPACITY TO IMPROVE WORKING CONDITIONS AND TACKLE UNDECLARED WORK



THIS PROJECT IS IMPLEMENTED BY THE INTERNATIONAL LABOUR ORGANIZATION

ROADMAP

for alignment of the Ukrainian legislation on working conditions with the EU legal framework as foreseen in the EU-Ukraine Association Agreement

STRATEGIC MEASURES

Adopt a Ukrainian National Strategy for the Promotion of OSH

DELIVERABLES
Consensus document with the axes of intervention, the measures of implementation, estimated schedule, the monitoring and evaluation process

RISKS
Lack of stakeholder's involvement. Absence of indicators for monitoring. Lack of periodic monitoring. No consideration of operational development programs

Assume a legislative intervention program

DELIVERABLES
List of national laws to be modified or repealed; laws to be adopted; hierarchical positioning; issuing entities. Definition of basic principles of legislative philosophy.

RISKS
Lack of parliamentary involvement. Option for hierarchically lower legal sources. Increase the number of laws in force. Lack of a participatory and goal-oriented OSH approach

Strengthen the labour administration and improve labour inspection action

DELIVERABLES
Program of organizational development. Promote cooperation with stakeholders

RISKS
Prejudice to public confidence and an increase in non-compliance of labour law

Structure a panel of relevant indicators on working conditions

DELIVERABLES
List of indicators
Program of execution

RISKS
Impossible to measure the effectiveness and efficiency of the measures adopted

LEGISLATIVE MEASURES

Create an OSH guidelines system

DELIVERABLES
Document about the scope, nature (not mandatory, but with legal presumption of conformity) method of development, issuing entity and publication

RISKS
Absence of inclusion in the national legal act transposing the OSH Framework Directive 89/391/EEC

Short Term

Provide additional regulations and/or OSH guidelines on OSH professional qualifications, OSH preventive services, OSH workers representative

DELIVERABLES
Document with program
Draft for normative instruments

RISKS
Rigidity of the legal solutions. Less consideration by micro and small enterprises

Short | Medium Term

Transpose directives to national law instrument

DELIVERABLES

Draft of a reinforced law to transpose directive 89/391/EEC repealing expressly the replaced legislation.
Definition of additional technical regulations or other technical developments

RISKS
Lack of parliamentary involvement. Option for hierarchically lower legal sources. Increase the number of laws in force.

Short | Medium Term

Draft only a legal act to transpose each directive, repealing expressly the replaced legislation
Definition of additional technical regulations or other technical developments

RISKS
Lack of a participatory and goal-oriented OSH approach
Rigidity of the legal framework.

Short | Medium | Longer Term

Strengthen and improve the efficiency and effectiveness of the labour inspection system

DELIVERABLES

Amend the "Regulations on the State Labour Service of Ukraine";
Amend the "Procedure for Investigating and Recording Occupational Accidents, Diseases and Emergencies";
Draft and approve a "Labour Inspection Statute" and a "Labour Inspector's Career Statute";
Revoke or fully exclude the SLS from the scope of the Law No. 877-V, of 5 April 2007;

Substitute the "Procedure for State Control of Compliance with Labour Legislation" by the proposed "Labour Inspection Statute";
Repeal the Law No. 1278-VIII, of 3 November 2016 or, at least, definitely exclude the SLS from its scope.

RISKS
Lack of society confidence on public institutions and increase in non-compliance of labour law

Short Term

*Approved by the CMU Decree No. 96, of 11 February 2015.

OPERATIONAL MEASURES

Develop and disseminate technical information

DELIVERABLES
Information program with the definition of the target audience, objectives, support instruments, and profile of co-operators.

RISKS
Lack of qualification and access to knowledge

Short | Medium Term

Provide training on the forthcoming national OSH legal framework

DELIVERABLES
Training program with the definition of the target audience, training objectives, contents and pedagogical methods, workload, venues, profile of trainers, evaluation system

RISKS
Demotivation and lack of qualifications

Short | Medium Term

Launch a nationwide information and awareness-raising campaign on the EU legislation

DELIVERABLES
Information program with the definition of the target audience, objectives, type of actions and support instruments, places, schedules and profile of communicators.

RISKS
Demotivation disinterest or withdraws

Reorient the system for collecting, processing and disseminating data on work accidents and occupational diseases

DELIVERABLES
Diagnosis of the present situation and design of an improvement program

RISKS
Lack of knowledge and information on the impacts of the measures taken and on the occupational diseases and accident situation. Difficulty in drawing assertive action programs.

Medium term