



International
Labour
Organization



EU-ILO Project
Towards safe, healthy and declared work in Ukraine

Situational analysis of the State Labour Service (SLS) communication for further development of institutional communication strategy

Annex

Performer: Change Communications

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www.ilo.org/shd4Ukraine

Annex 1.

List of sources used for desk research



7 sources were analysed

1. Regulation [About the State Labour Service of Ukraine](#)
2. ILO Convention [#81](#)
3. Handbook for employees [What is a labour inspection and what is its activity](#)
4. Legal framework of Ukraine for labour inspection [Analysis and recommendations](#)
5. Law [On Basic Principles of State Supervision \(Control\) in the Sphere of Economic Activity](#)
6. [Labour Code of Ukraine](#)
7. Law of Ukraine [On labour protection](#)



Annex 2.

Survey on the perception of SLS by the largest stakeholders

Results of in-depth interviews with representatives of stakeholders: employees, employers, student youth



2.1. Awareness about SLS





Perception of SLS by employers

SLS and the Labour Inspectorate are equally well known to representatives of employers. Most often it is **perceived as:**

- **Punitive body** - imposing fines for any violations, responding to complaints from employees
- **Supervising agency** - checking the labour relations (declaration of work, accrual of payments, working conditions, etc.), occupational safety
- **Defender** of employee rights (in situations of dismissal, accidents, complaints)

Less often

- **Consultant** - explaining, helping to understand
- **Mediator** - establishing a relationship between the employee and the employer
- **Lawmaker** - developing, improving laws

From interviews with employers:

"Employees can file complaints about illegal actions, such as dismissal and so on"

SLS inspector can come to the office without warning to check whether all employees are declared, find out whether the working conditions are met, check if employment contracts are in place"

"...processing of complaints, warnings, possibly even in cooperation with the police. I think they are dealing with emergencies"

"..their task is to provide information, advice, tell how to comply with the law, instruct and supervise. Development of standards, instructions for the protection of employees and employers"

"SLS is a punitive body, their primary task is to impose fines for non-payment of wages, unpaid sick leave or unpaid vacation"



Perception of SLS by employees

Employees have a very superficial idea of SLS or labour inspectorate, often based on the name of the institution itself.

Spontaneously characterized as **an agency supervising:**

- employers regarding working conditions
- responsibility of employers for compliance with the law
- occupational safety

Most often **they learn about SLS outside the workplace:**

- from **family members** who had an experience of interaction as representatives of employers
- from **acquaintances** who had an experience of on-the-job inspections (following complaints, accidents, etc.)
- **from the news** (often the Internet is mentioned)

From interviews with employees:

"It is their responsibility to come to the company with inspections, they warn in advance and request documentation"

"It controls employers regarding the amount of salary, the correctness of the leave allowance accrual, and all working conditions that are prescribed by the Labour Code or set forth in the collective agreement"

"...they must monitor the compliance with the conditions at enterprises, employees working overtime, compliance with responsibilities between the employee and the employer"

"...probably engaged in labour control, to control employers so that they comply with all the requirements of the law"

Understanding the essence of SLS by employees after reading the description

SLS is a State institution that implements the state policy in the areas of occupational safety, labor protection, labour hygiene, etc. It also monitors compliance with legislation on labour, employment and compulsory state social insurance

This description was **useful to most employees and students:**

- **it outlines some formerly unknown areas of influence:** occupational safety, occupational hygiene, and insurance, i.e. it specifies what is spontaneously referred to as "employee-employer relations"
- **it shifts the emphasis from control of the employer towards checking compliance with the law**
- what remains **unclear** in the description is the concept of "**labour hygiene**"

Representatives of **employers** perceived the description with **mixed feelings:**

- for the most part everything is clear and familiar
- others express concern that SLS has the same functions as other authorities/institutions: Tax Inspectorate, Social Insurance Fund

Employers' experience of interaction with SLS

Employer's representatives are often dissatisfied with their cooperation with SLS. Their complaints fall into 2 categories



Inspections

- if no violations are found during the inspection, they keep **making pressure**, to impose at least some fine
- **pressure** on employees
- there was no vacation schedule, and a **fine** was imposed (without warning or chance to put things right)
- **fine** for declaring an employee without declaration on M.E.Dok within 24 hours
- an inspection following a complaint of the dismissed employee took **a lot of time** (no violations were found)



Consultations

- **Processing request** takes too long (up to 30 days)
- if the company needs **explanations** concerning a specific aspect, so the further **inspection** focuses on this particular aspect
- you can't **promptly get advice**

Employees' experience of interaction with SLS

Although only some employees have an experience of interaction with SLS, they do mention positive aspects:

- **employee training and certification** programmes (engineering industry)
- **verification of conformity** of the salary level and the position in favour of the employee
- **accrual of leave allowance** for employees with disabilities after an inspection and warning letter

Advantages of SLS

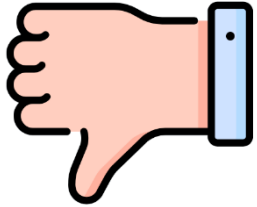


Currently, the main advantage of SLS is **protection of workers' rights**.

However, this feature is **not regarded as effective**: the cases when SLS actually helped the workers are few or generally unheard of, and the sanctioning of the enterprises is not perceived as a way to protect the rights of the employee because they benefit the state

- **Protection of rights/social guarantees of the employee**
- **Comprehensive approach** - covering all aspects of employment
- **Control of compliance with legislation** - forcing employers to work in good faith
- **Impartiality of inspections**: according to the law, not someone's opinion
- **Expected rather than seen now** - **consultations** and guidelines concerning work, assistance in resolving difficulties

Disadvantages of SLS



Relationship between **fin**es and **lack of information** (how to avoid these fines) worry the audience the most

- **Fines** without warning or opportunity to rectify the situation
- Working **exclusively in the interests of the state**, rather than the employee or employer
- **Absence/lack of counselling** support
- **Suspicious of corruption**, abuse of position, lobbying someone's interests
- **Burden** for the employer: spending working time on the preparation of documents for inspections
- Working "on paper," not with people
- **Low awareness of them among employees**: where to go, where they are, what interaction procedures are

Expected improvements of SLS



Expectations are associated with **information and clarification**

- **Feedback** and provision of information in general: there is a lack of consultations, dialogue, explanations
- Simplification/**optimization of reporting**
- **Warning procedure** about the shortcomings, as fines are now a more common practice
- More **communication with employees** instead of reviewing documents

“I would like it to be easier to contact them and have confidence that they will respond to the complaint and maybe to simplify access in electronic form for the employee not to be afraid of dismissal in case of applying to SLS”

2.2. Perception of the functions of SLS



Spontaneous list of functions

Currently, SLS is perceived through control and punishment.
The consulting functions are not obvious

The following functions are mentioned:

- Monitoring compliance with the labour legislation
- Control over the observance of employee rights by the employer
- Control over employment contracts, declaring labour relations
- Control over accrual of payments to employees
- Checking working conditions
- Checking documents
- Control over overtime work
- Drafting laws to be observed by the employee and the employer
- Consultations on legal provisions
- Penalties, fines for violations of law
- Protection of the employee in the case of dismissal, unfair pay, workplace accident

Function 1. Advising employers

Informing and advising employers on the requirements of labour legislation, namely on labour relations, wages, occupational safety and health, etc.

Perception	Since SLS requires the employer to comply with the law, they should also provide information about what exactly and how should be done. Today, one has to figure out everything on one's own, relying on online sources or advice from other government agencies.
Comprehension	As tracking the changes in the legislation is hard, SLS should inform about them before conducting inspections
Relevance	Very high, as there is currently a significant lack of information from SLS
Expectations	Free information support Organization of seminars, training programs Proactive behaviour of SLS
Risks	Distrust due to the lack of positive experience of consultations

Functions 2. Advising employees

Informing and advising employees about their labour and social rights, labour relations, wages, occupational safety and health, etc

Perception	Among employees, the perception is positive: it is important to know your rights and have someone to contact Among employers the perception is sceptical: fear that such consultations will result in inspections and fines
Comprehension	Informing in simple plain language about employee rights Most of the information is expected to focus on conflict situations at enterprises
Relevance	High , as legal literacy is very low
Expectations	Communication in plain language, hotline for consultations List of frequently asked questions and answers available online
Risks	Perceived as a formality , not much benefit is expected Employees are more likely to rely on clarification or advice from unions or private lawyers

Function 3. Control over employers

Controlling employers regarding compliance with labour and occupational safety legislation

Perception	Employees' perception is positive: it is important to protect the employee Employers' perception is negative: there is too much control over enterprises as it is
Comprehension	It is important to comply with the law , so control is necessary
Relevance	Employees: very important so that the management "wouldn't become brazen" Employers: additional pressure and time-consuming activity
Expectations	Transparent, simplified procedure/ paperwork
Risks	Increased control adds to the burden for those who are responsible

Function 4. Control regarding persons with disabilities

Monitoring compliance with the legislation on employment and employment of persons with disabilities

Perception	Advantage: it is important to additionally protect vulnerable groups Disadvantage: duplicates the functions of the Fund for Social Protection of the people with disabilities
Comprehension	Exercising the right to work
Relevance	Low because it overlaps with the functions of other bodies
Expectations	Unformed
Risks	Perceived as a formality: not for real employment but to obtain tax relief

Function 5. Law-making

Finding gaps in national labour legislation and preparing amendments to legislation

Perception	In fact, this feature balances the activities of SLS: it takes the side of the employer
Comprehension	SLS, cooperating with enterprises, can see the shortcomings of the legislation best and is able to systematize them and hence to improve the legal framework
Relevance	Very high, should become a priority
Expectations	Deepening cooperation with enterprises, analysis of appeals and changes in legislation
Risks	Grounds for manipulation and lobbying (safeguards and control required)

Function 6. Market surveillance

Checking that various types of non-food products sold on the market of Ukraine meet the established requirements for occupational safety, health and life of citizens. These are, for example, personal protective equipment, elevators, cable cars, etc

Perception	Protecting people (not just workers). Especially important in times of Covid-19
Comprehension	Replacement of sanitary epidemiological stations It is not really clear what exactly SLS can influence
Relevance	High because it applies to everyone and goes beyond the "employee-employer" relationship
Expectations	Unformed
Risks	Lack of evidence that such work is being done Doubts about proper expertise of SLS staff

Methods of SLS

The following methods are mentioned spontaneously:

- scheduled and unscheduled inspection visits (control)
- fines, punitive methods (control)
- prescriptions, explanatory work (warning)

Control:

- fines should be preserved but applied only after warnings
- in this case the fine can be burdensome to discourage employer from violations
- the grounds for the fine must also be substantiated

Warning:

- a chance to eliminate violations, improve the enterprise's work
- awareness raising, counselling, clarification



Both functions must be balanced:

- businesses should have a chance to avoid fines
- however, unscrupulous companies deserve fines

2.3. Communication expectations



Channels and methods of informing



Personalized communication: online or telephone consultations (hotline), meetings with the inspector at workplace



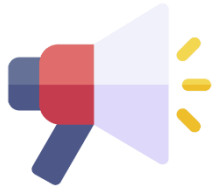
Specialized channels: website, e-mails, pages in social networks, channels in messengers, less often: accounting journals



Mass communication: explanatory programs on TV, OOH. Such information is most often expected at the local level, from the local media



Communication campaign expectations



The most relevant information:

- **functions:** under what circumstances you can apply
- **contacts:** where to go, where to read information



What information is needed:

- answers to "the most common questions"
- **real cases:** successes and failures of employers and employees
- Analysis of **typical complaints and problems**
- **relevant** news, changes
- **benefits** SLS brings to employees and employers, reporting on the work of SLS

To present information is as simple and easy as possible:

- **as simple as possible** (infographics)
- **in simple language:** basic steps, what you need to know, and where to go

For further questions:



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