EU-ILO Project
«Enhancing the labour administration capacity to improve working conditions and tackle undeclared work
Ukraine
July 2017 - June 2019

Project Steering Committee
2\textsuperscript{nd} Sitting \textit{May 29\textsuperscript{th}, 2018}
Project activities, outputs and outcomes
July 2017-May 2018

2nd Sitting May 29th, 2018
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**Project activities**

1. **Legal framework on occupational safety and health (OSH), labour relations, labour inspection (LI)**
   - **1.1. OSH legal framework:** directives 89/391/EEC (OSH framework), 89/654/EEC (workplaces), 89/656 EEC (PPE), 2009/104/EC (work equipment), 2003/88/EC (working time)
   - ILO conventions 155, 187
   - **Labour relations:** directives 91/533/EEC (obligations to inform)

2. **Legal framework on labour inspection ILO conventions 81, 129**

3. **State Labour Service (SLS) information technologies (IT)**
   - **2.1. OSH profile update**
   - **2.2. Training on EU Acquis**
   - **1.1.2. Training on EU Acquis**
   - **1.1.3. Tables of concordance EU directives and national legislation**
   - **1.1.4. Tripartite workshop**
   - **1.1.5. + 1.1.6. “White paper” on the reform legislation on OSH and labour relations**
   - **1.1.7. Training on the application of EU Acquis and national legislation**

4. **2.1.1. Analysis of the national legal framework on LI on compliance with ILO conventions**
   - **2.1.2. Recommendations for further revision of the national legal framework on LI**
   - **2.1.3. + 2.1.4. Recommendations on:** a) improvement of SLS IT system for planning inspections and processing inspections results; b) data sharing (specially in UDW)
   - **2.1.5. Training on IT systems and processing of inspection results**
   - **2.1.6. White paper on the reform legislation on OSH and labour relations**
   - **2.2.1. Analysis of:** a) SLS IT and data collected in inspection visits; b) Existing databases outside SLS and its interoperability
   - **2.2.2. Recommendations on:** a) improvement of SLS IT system for planning inspections and processing inspections results; b) data sharing (specially in UDW)
   - **2.1.2. Multiannual strategy on UDW**
   - **2.2.3. Preventive action (information campaign, partnership agreements)**
   - **2.2.4. Deterrent action, (inspection campaign)**

5. **2.2. UDW**
   - **2.2.1. Consolidate the 2016-2017 diagnostic on UDW and propose measures to tackle it**
   - **2.2.2. Multiannual strategy on UDW**
   - **2.2.3. Preventive action (information campaign, partnership agreements)**
   - **2.2.4. Deterrent action, (inspection campaign)**

6. **2.3. Enhancing State Labour Service capacity**
   - **2.3.1. Two study visits abroad, focused on 2 different LI systems of enforcing OSH and labour relations law**
   - **2.3.2. Trainings for labour inspectors on tackling UDW**
   - **2.3.3. Trainings on OSH and working conditions priority issues (for labour inspectors and selected SLS staff)**
   - **2.3.2.1. Multiannual strategy on UDW**
   - **2.3.4. Training for SLS support staff to improve SLS workflow**

**Legend:**
- Blue - outcomes and outputs
- Green - accomplished
- Yellow - in progress
- Turquoise - preparatory phase
**Project outcomes & outputs**

**Outcome 1**
Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection, in line with the EU Acquis and ILO Conventions

**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

**Output 1.2**
Recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents

**Outcome 2**
The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved

**Output 2.1**
A modernized Information Management System is used by SLS staff

**Output 2.2**
The SLS, with support of the project, implements a strategy to fight against undeclared work

**Output 2.3**
The capacity of the SLS managers and labour inspectors to promote compliance is enhanced
Output 1.1

Outcome 1
Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection, in line with the EU Acquis and ILO Conventions

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

Recommendations inserted in the “Guidelines and recommendations to the concept on the reform of the national system for occupational risk prevention and promotion of OSH”

Recommendations included in the “National OSH Profile of Ukraine”.

Recommendations introduced on the ILO comments’ columns of the 6 tables of concordance.

Recommendations provided within consulting activities on the draft regulations to implement directives 89/654 (Workplaces), 89/656 (PPE), 2009/104 (Work equipment) and 92/57 (Temporary and mobile construction sites)

Main challenges:
- To give priority to the alignment of national legislation with the EU OSH framework directive 89/391/EEC
- To ensure the political support necessary for the Parliament to approve the transposing law
Outcome 1
Proposed revised legislation, procedures and policies, with a special focus on OSH and labour inspection, in line with the EU Acquis and ILO Conventions.

Output 1.2
Recommendations to improve national legislation and procedures regarding labour inspection and the SLS are proposed to the national constituents.

Main challenges:
- Moratoriums on labour inspection visits (Law 1278-VII)
- Limitations on labour inspectors’ activities and powers (Law. 877-V and CMU Decree 295)
- Current decentralization (non-subordination to the supervision and control of a central authority; labour inspectors civil servant status, recruitment, training, working conditions, etc.)

Recommendations enclosed into the report “Ukrainian Labour Inspection Legal Framework - Analysis and Recommendations”

Recommendations on labour inspection already shared with MSP, SLS, Social Partners and other stakeholders, within the framework of the regular meetings and consultations.
Outcome 2
The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved

Output 2.1
A modernized Information Management System is used by SLS staff

Needs, expectations and recommendations identified in the report “Assessment of the information systems of the SLS and other authorities, institutions and organizations in the labour inspection context, focusing on the SLS activities to tackle UDW”, produced by the national expert (National Research Institute for Industrial Safety and Labour Protection)

Main challenges:
• To raise the necessary funds to ensure that, subsequently, the IT System will be effectively implemented
Outcome 2
The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved

Output 2.2
The SLS, with support of the project, implements a strategy to fight against undeclared work

Main challenges:
- Definition of the level of approval of the Action Plan, considering its national scope and the needed interagency cooperation
- Relevance of ensuring an high-level commitment to the Action Plan approval and implementation
- Importance of ensuring the involvement of representatives of the other relevant public entities.

Analysis and recommendations to fight UDW included in the report “Undeclared Work in Ukraine - Nature, Scope and Measures to Tackle It”

Workshop on the elaboration of the Action Plan to Fight UDW is being prepared - Action Plan templates already done.
**Outcome 2**
The ability of the Ministry of Social Policy and the SLS to enhance working conditions and fight against undeclared work is improved.

**Output 2.3**
The capacity of the SLS managers and labour inspectors to promote compliance is enhanced.

**Main challenges:**
- Definition of the training themes
- Identification of the training recipients
- Selection of the destination countries

**Preparatory phase**
Stimulation of the social dialogue around OSH, labour relations and labour inspection

Reinforcement and dinamization of regular contacts between social partners and different public entities and stakeholders

Awareness-raising regarding the relevance and need for the improvement of OSH

Information and knowledge sharing on OSH, labour relations and labour inspection among government officials, social partners representatives and labour market main actors

Capacity building of government officials and social partners representatives on analysis and planning methodologies
1. Legal framework on occupational safety and health (OSH), labour relations, labour inspection (LI)

1.2. Legal framework on labour inspection ILO conventions 81, 129

2. Improving working conditions and fight against undeclared work (UDW)

2.1. State Labour Service (SLS) information technologies (IT)

2.2. UDW

2.3. Enhancing State Labour Service capacity

Activities for June-November 2018

- June
  - Publishing the validated OSH Profile
  - Consultation on EU Directives implementation upon request
  - Development of the “White paper” on the reform of legislation on OSH and labour relations
  - Seminar to present and discuss recommendations 21 June
  - Development Recommendations on: a) improvement of SLS IT system for planning inspections and processing inspections results; b) data sharing (specially in UDW)
  - Training to drafting the Action plan on UDW 4-7 June
  - Design of the training programmes for labour inspectors on OSH and on tackling UDW
  - 1st study visit to learn LI systems

- July
  - Consultations on LI legal framework upon request

- August
  - Support to the finalization of the Action plan (e.g. development of communication tools, training programmes trainings)

- September
  - Support to implementation of UDW Action plan

- October

- November

Legend:
- outcomes and outputs
- in progress
- preparatory phase

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