

## **ALL-UKRAINIAN TRADE UNION FORUM**

**to protect labour, social and economic rights of workers**

### **RESOLUTION**

Participants in the All-Ukrainian Forum, representatives of more than 60 thousand primary trade union organisations, mandated by five million trade union members, have met in Kyiv, the capital of Ukraine, at this crucial time for our country to send the country's top officials the message of anxiety and indignation from the employees of enterprises and organisations in connection with economic and social "reforms" of the new Government, which are conducted in a hurry and without proper public discussion..

When electing new government – the President, the Verkhovna Rada that appointed the Government of Ukraine, workers as voters sincerely hoped for large-scale positive change: rapid development of economy, creation of new jobs with decent pay and good working conditions, employment prospects for youth in the country. Labour veterans expected adequate financial support in old age for their many years of service.

That is why almost three-quarters of the voters saw Volodymyr Zelenskyi and his political force the Servant of the People as drivers of progressive change and development of the effective economy with European standards of living and respect for human rights and social dialogue.

But people's expectations were not fulfilled.

Economy is heading even further into abyss. Industrial enterprises that determined Ukraine's status as an industrial state, held flagship positions in the world and gave jobs to dozens of other industries, including aviation, shipbuilding, space, automobile engineering, continue to stop and go bankrupt. A policy of complete de-industrialisation, which threatens the country's economic independence, is being actively implemented.

The number of eliminated jobs is by millions, leaving families behind and going abroad for work, some forever.

Industrial construction has been halted, incompetent foreign managers have been finishing the destruction of railways, energy and other large state-owned enterprises. The policy of complete de-industrialization of the country is being actively pursued.

Millions of jobs have been lost, with millions of skilled workers, engineers, agronomists, doctors, teachers, young people leaving their homes and their families and going abroad, many of them forever.

Instead of resolutely overcoming the crisis, reviving national industry, its state support and orders, providing jobs to unemployed Ukrainians, filling state and local budgets, the Cabinet of Ministers, supported by the parliamentary majority of the Verkhovna Rada, focused on carrying out antisocial reforms, cutting state social programmes and guarantees, ruining state social programmes and guarantees social insurance and social protection of population.

In order not to be held responsible for the unlawful lowering of constitutional social guarantees, such as minimum wage, pension, insurance and social benefits, below the living minimum the Government has simply wiped away living wage as state-guaranteed basic social standard giving the Government powers to determine it manually.

Price of such irresponsibility is further impoverishment of Ukrainian households.

Unprofessional action and the inability of government officials to secure fair tax reform and state budget filling are offset by unprecedented external borrowing. And recently, the Government found another mythical “gold mine” that should save the economy: it declared liberal labour reform.

The draft law “On Labour” No 2708, which repeals the current Labour Code, triples the number of protective norms, collapses legal protection system of workers’ labour rights, was secreted from trade unions, employers and 17 million able-bodied citizens. perspective for young people. This law introduces an anti-social ideology: minimum of labour guarantees from the state, each employee must agree with his/her employer on his/her labour rights, wages, working conditions.

At the same time, trade unions, which do not definitively rob workers, try to eliminate from the protection of workers’ rights, social dialogue, are simply ignored as the institute for preventing large-scale social disturbances.

The Minister Tymofii Mylovanov from all TV channels preaches sweet life after such “labour reform”, openly calls for the elimination of trade unions, unlawful obstruction of legitimate activity of the single constitutional public organisation. The Chairperson of the relevant Parliamentary Committee Halyna Tretiakova echoes in unison with him.

Trade unions peacefully met attacks and offered dialogue: some People’s Deputies in November submitted drafts of Labour Code of Ukraine (reg. Nos 2410 and 2410-1) based on norms agreed by trade unions, employers and the previous Government and supported by the ILO experts. These draft laws balance interests of employers and employees and open opportunities to jointly address through social dialogue at the workplace such issues as development of enterprise, labour productivity, organisation of labour, labour safety and pay.

The reaction of the Government and the relevant Parliamentary committee is known – to destroy. This showed the apex of the “Europeanness” of the new Government, the complete disregard of the workers’ rights, norms of the Constitution of Ukraine, more than 60 ILO Conventions ratified by Ukraine, the European Social Charter, the EU principle and practice of social dialogue, and as a result turning the professional, highly qualified Ukrainian workers into “livestock” ready for any job, to fulfil all wishes of management, to be satisfied with miserable pay, and to be dismissed by the SMS. This is not what we voted for electing the President and members

of the Verkhovna Rada of Ukraine! This is not what the Cabinet of Ministers was appointed for!

We will not allow destroying the country!

## **Participants of All-Ukrainian Trade Union Forum**

### **NOTE:**

1. The so-called “labour reform” of the Cabinet of Ministers of Ukraine, Minister of Economy Tymofii Mylovanov, Chairman of the Verkhovna Rada Committee on Social Policy and Protection of Veterans’ Rights Halyna Tretiakova and part of other People’s Deputies of Ukraine is a brutal violation of labour rights, destruction of balanced legislative system of labour rights and guarantees, ignoring norms of the Constitution of Ukraine, European and international law.
2. The Cabinet of Ministers of Ukraine provokes aggravated and unreasonable change in legislation on labour, trade unions, social insurance and social dialogue to exacerbate situation in society, confrontation between workers and employers, to spontaneous work stoppage, forcing unions to work, to organisation of strikes, which will neither contribute to attracting foreign investment in Ukrainian economy nor to its sustainable development.
2. Appeal to the President of Ukraine Volodymyr Zelenskyi, Speaker of the Verkhovna Rada of Ukraine Dmytro Razumkov, Prime Minister of Ukraine Oleksii Honcharuk with request to immediately stop the processes of legislative destruction by representatives of their political force of labour law and labour rights (draft law No 2708), law on guarantees of activity of trade unions, effective working system of compulsory state social insurance (draft law No 2275).

3. To request from the Cabinet of Ministers of Ukraine to withdraw from the Verkhovna Rada of Ukraine the draft law of Ukraine “On Labour” (reg. No 2708 of 27 December 2019) and to start work on a new draft Labour Code of Ukraine jointly with the All-Ukrainian Representative Trade Unions and Employers’ Associations in full accordance with the Constitution of Ukraine, the ILO Conventions and with participation of experts of the International Labor Organization. After having prepared the draft law, to submit it for national discussion and to the Verkhovna Rada only after approval by Ukrainian people.

## **DECIDE:**

1. Appeal to the President of Ukraine Volodymyr Zelenskyi, Chairman of Verkhovna Rada of Ukraine Oleksandr Razumkov, Prime Minister of Ukraine Oleksii Honcharuk demanding: to immediately stop the process of legislative destruction of representatives of their political force of labour legislation and labour rights (draft law No 2708), legislation on guarantees of activity of trade unions (draft law No 2681), effective functioning system of compulsory state social insurance (draft law No 2275). To withdraw from the Verkhovna Rada of Ukraine the draft Law of Ukraine “On Labour” (Reg. No 2708 of 27/12/2019).
2. Require the Government to:
  - 2.1. Invite technical mission of experts of the International Labor Organization for the purpose of providing advisory assistance in the elaboration of labour legislation, trade unions, and laws on social security.
  - 2.2. Start working in the format of tripartite social dialogue on fair labour reform jointly with all-Ukrainian representative trade unions and employers’ associations in full compliance with the Constitution of Ukraine, international obligations of the state on European integration course with the participation of the International Labor Organization. After drafting a draft law, submit it for national discussion and to the Parliament only after approval by Ukrainian people.

2.3. Immediately delegate its representatives to the National Tripartite Social and Economic Council and resume its work as soon as possible in order to ensure consideration of topical issues of social and economic development of the country, preservation of labour potential on the basis of the balance of interests of the state, business and employees.

2.4. Immediately start implementing obligations under the trilateral agreement in the General Agreement on the regulation of basic principles and norms of implementation of social and economic policy and labour relations in Ukraine in 2019-2021.

2.5. Resume social dialogue at all levels of collective and contractual regulation of social and labour relations, where state executive bodies are parties to agreements and collective agreements.

3. Condemn public antisocial actions and appeals aimed at discrediting trade unions made by the Minister of Economy, Tymofii Mylovanov, Chairman of the Verkhovna Rada of Ukraine Committee on Social Policy and Protection of Veterans' Rights Halyna Tretiakova, and to warn of criminal liability provided for by legislation of Ukraine for counteracting legitimate activity of trade unions (Article 170 of the Criminal Code of Ukraine).

4. In case of non-response:

- mobilise the whole arsenal of protest measures for the protection of labour human rights at work (meetings, rallies, pickets, demonstrations, etc.) in front of the building of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Office of the President of Ukraine;

- hold preventive protest actions the days of consideration of illegal projects concerning the legislation on labour, social security and trade union activity, with demand for their rejection;
- organise daily protests.

## **Participants of All-Ukrainian Trade Union Forum**

### **APPEAL:**

**To all-Ukrainian trade unions, primary, territorial trade union organisations and associations:**

1. In support of the Resolution of the All-Ukrainian Trade Union Forum to discuss urgently situation on increasing attacks on labour, social and trade union rights, deploy in labour collectives of enterprises, organisations, institutions and information campaign through media, online publications, social networks on the so-called “labour reform” of the Government, interference with legal activity of trade unions, collapse of social guarantees.
2. Organise appeals to state authorities, deputies of all levels, deputies of majoritarian districts, UTCs, hold appropriate meetings.
3. In case of non-response:
  - mobilise the whole arsenal of protest measures for the protection of labour human rights at work (meetings, rallies, pickets, demonstrations, etc.) in front of the local government building;

- hold a preventive action on the day of consideration of the Labour Code of Ukraine **on 30 January 2020**, with the request for rejection of anti-national draft laws on labour, social security and trade union activity.

4. Appeal to local self-government bodies on their positions on submitted legislative initiatives of the Government and the majority in the Parliament.

### **To All-Ukrainian representative trade unions:**

1. In case the Government does not react, the top heads of state respond to demands of trade unions to take a united position on collecting signatures for the resignation of the Cabinet of Ministers in full: |

- Demand dismissal of the Minister Tymofii Mylovanov for initiatives and decisions that undermine the development of economy and social protection system, impede the legitimate activity of trade unions, provoke aggravation of opposition in society;

- Set up an All-Ukrainian Trade Union Strike Committee to coordinate all Ukrainian trade unions, prepare national protest actions;

- Heads of the Joint Representative Body of Trade Unions, and All-Ukrainian Trade Unions to bring decisions of the All-Ukrainian Trade Union Forum to attention of the International Labor Office, the European Commission, the Ukraine-EU Association Council and Committee, the International Trade Union Confederation, the European Trade Union Confederation, sectoral trade union internationals and to receive appropriate support;

- Invite the International Labor Office to urgently submit situation with attacks of trade union rights in Ukraine for consideration by the ILO



Committee on Freedom of Association and to take a decision in support of Ukrainian trade unions.

The Forum appeals to all indifferent citizens, young people, human rights organisations of Ukraine with call to support trade unions, to express united position of civil society against intentions of government to open hands of socially irresponsible business, their attempts to destroy welfare state and principles of democracy, to restrict constitutional rights of citizens and participation in trade unions to protect their labour rights.

If we do not protect labour rights today, tomorrow, Ukrainians will expect complete lawlessness in all spheres of public life!

The powerless person is a poor person and poor country!

Protect our rights, together we are strong!

**Submitted for consideration of All-Ukrainian Trade Union Forum by chairs of primary trade union organisations**

16 January 2020 Kyiv