

THE FPU IN CONSTITUTIONAL PROCESS

The FPU's proposal to include trade union representatives in the Constitutional Commission created for working out proposals for changes to the Fundamental Law, and headed by the Chairman of the Verkhovna Rada, by the Decree of the President of Ukraine, was accepted positively.

In response to the FPU's appeal to the Chairman of the Verkhovna Rada of Ukraine Volodymyr Groisman a proposal to include trade union representatives to the SC, our representatives were included in the working group on elaboration of amendments to the section of the Constitution concerning human rights and freedoms.

'For a long time trade unions were represented in the Constitutional Assembly,' the FPU Vice-President Sergii Ukrainets said in his commentary. 'We have thorough groundwork, so we were included in the subcommittee that is still headed by Professor Viktor Butkevych, and on 14 May it begun its work.

At this meeting, Sergii Ukrainets and Iryna Sydoriak, Deputy Head of FPU Legal Protection Department – Head of Labour Protection and Rights Section, submitted proposals on how to strengthen constitutional provisions relating to implementation of the Constitution and relevant conventions of the International Labour Organisation (ILO) in Ukraine.

Today the ILO is the only organisation which acts are the most largely integrated to the norms of Ukrainian legislation, because Ukraine ratified 62 conventions (among 220), another 5-7 are preparing for further ratification.

'This is especially important in the context of the ILO Convention No. 81 on Labour Inspection, on violation of which by the Verkhovna Rada and the Government trade unions repeatedly emphasised,' Sergii Ukrainets said. 'And gradually under pressure of the ILO supervisory bodies this inspection is being taken out from restrictions introduced by our legislation back in 2008, that is the National Labour Inspectorate eventually gets opportunities to properly monitor the labour legislation.

Trade unions also asked to provide in the Constitution some rules that would determine legal consequences of non-fulfilment by the MPs of Ukraine of Article 22 of the Constitution that prohibits in amending the existing laws and in adoption of new regulations to narrow the scope of existing social rights. Unfortunately, lawmakers often carries out such violations that is why the Constitution should contain a mechanism of legal responsibility.

Representatives of trade unions stressed importance to specify social rights in the Constitution, particularly the right to sufficient standard of living in

Article 48 of the Constitution an indicator of which should become living wage as a basic state social standard.

Trade unions offered clearly defined rules on the rule of law in Ukraine.

Article 44 of the Constitution guarantees the right to strike. We believe that, as in other democracies, this right should be free, without any legal restrictions. In particular, the law on settlement of collective labour disputes and realisation of the right to strike are delayed for months – this is unacceptable.

According to trade unions, it is important to provide in the revised Constitution responsibility of officials of state and local government for violations and failure to respect human rights, and the Constitution should be complemented by the principles contained in the ILO Constitution, namely the articles concerning the right to work, in particular the fact that labour is not a commodity.

The work should be determined the highest social value of the society.

We need to define that poverty is a threat to individual freedoms and social development of the society. Statistically, one working person of 20 in Ukraine is poor.

Where the right to organise in trade unions is mentioned, we need to consolidate the idea that freedom of association in the workplace is a prerequisite for social progress, it must be protected in law.

All proposals of trade unions were supported by members of the Constitutional Commission.