

**Chairman of the Verkhovna Rada of
Ukraine
Volodymyr Groysman**

**cc: Ombudsman of Ukraine
Valeriya Lutkovska**

**ILO National Coordinator
Serhiy Savchuk**

Dear Mr Chairman,

Draft Law No. 2983

The Trade Unions' Joint Representative Body has considered the draft law of Ukraine 'On State Registration of Legal Entities and Individuals – Entrepreneurs and Community Groups' (Reg. No. 2983) and informs that trade unions are strongly against adoption of this draft law.

Adoption of the proposed text of the draft law will create conditions for weakening of the autonomy of trade unions established by the international law, Constitution and laws of Ukraine, and deprive the trade unions of protection from external interference, including by the public authorities.

TU JRB is against adoption of this draft law and considers it as an attempt to put the most representative civil society organisations under complete control of the state.

Without any reasonable ground the draft law that significantly violates legislative foundations of activity of trade unions as part of the civil society, undermines the democratic principles of their activity, was submitted for consideration to the Parliamentary Committee on industrial policy and entrepreneurship as the main committee in charge of this issue.

As to the specific provisions of the draft law, we would like to stress the following. The draft law introduces strict rules on procedure of establishment of trade unions and their associations. Not only the title of Article 16 "Legalisation of trade unions and their associations" of the Law of Ukraine on Trade Unions is changed into "Procedure of establishment of trade unions and their associations", but also the legalisation of trade unions by notification is cancelled. It means that norms are introduced that will allow tight state control over of trade union activity.

Article 2 of the ILO Convention on Freedom of Association and Protection of the Right to Organise No. 87 defines workers' right to 'establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.' Despite these rules, Article 16 of the Law of Ukraine on Trade Unions is amended to change the procedure of establishment of trade unions and their organisations.

ILO Convention provides that workers' organisations shall have the right to organise their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict this right or impede its lawful exercise.

The acquisition of legal personality by workers' organisations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 of the Convention.

Giving the authorised bodies the right to establish trade union organisations deprives the workers of their right to establish primary organisations that undermines the foundations of internal trade union democracy.

In addition, the draft law also changes the procedure for acquiring legal personality by trade unions (from the date of state registration, but not from the entry into force of the statutes) that is a direct violation of the Convention.

The requirement of Article 21 of the draft law to provide personal information about the founders of the trade union (name, date of birth, residential address, registration number, taxpayer's registration card (if applicable) for the natural person, its name, location, identification number for the legal person) is a direct violation of Articles 2, 3, and 4 of the ILO Convention No. 87.

As to the obligatory register of all persons that participated in the founding congress (conference), founding or general meeting of the trade union, we consider that the collection of the data to be included in this register (passport number, taxpayer's registration card number) also violates the ILO Convention and is contrary to the Law of Ukraine 'On Personal Data Protection'.

Moreover, the draft law provides for the re-registration of all trade union organisations (currently registered) and prolonging of such registration to 30 days, that will not only complicate the work of trade unions, their associations and trade union organisations at all levels, but together with

other innovations it is evidence of 'specific' attitude of the state to workers' organisations.

Amendments proposed by the draft law to the Law of Ukraine 'On Trade Unions, their Rights and Guarantees of Activity' directly violate norms of the ILO convention.

Taking into account that the issues of the registration of legal and natural persons – entrepreneurs and public associations – are already regulated, the proposed artificial reform of administrative services system in the field of state registration of legal and natural persons – entrepreneurs and community groups – by combining registration of the above in one registry may not be appropriate for various reasons, the major among them are different goals and tasks of these entities.

Adoption of the proposed text of the draft law will result in the direct violation of the ILO Convention No. 87 ratified by Ukraine, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter (revised) and other acts of international law.

This directly violates the rule of law established by the Constitution of Ukraine, democratic principles of establishment and activity of trade unions, and undermines Ukraine's course towards European integration.

We ask you, Mr Chairman, not to include the mentioned draft law in the agenda of the session of the Verkhovna Rada of Ukraine and give order to the Secretariat of the Verkhovna Rada of Ukraine to assess its compliance with the ILO norms and other international instruments and initiate its public discussion with trade unions.

Yours sincerely

TU JRB Chairman

Grygorii Osoviy