

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
LIFTING EDUCATION ACCESS AND RESILIENCE IN TIMES OF NEED
IN UKRAINE PROJECT (LEARN) (P504171)**

Labor Management Procedure

January 2026

LIST OF ACRONYMS

EHS	Environment Health and Safety Guidelines
ECPE	Early Childhood and Preschool Education
ERCO	Education Reform Communication Office
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GIIP	Good International and Industry Practices
GRM	Grievance Redress Mechanism
LMP	Labor Management Procedure
NIO	NUS Implementation Office
MoES	Ministry of Education and Science of Ukraine
OHS	Occupational Health and Safety
PBCs	Performance-based conditions
PIU	Project Implementation Unit

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1. INTRODUCTION/PROJECT DESCRIPTION

The Project comprises the Investment Project Financing (IPF) Component of the Lifting Education Access and Resilience in Times of Need in Ukraine (LEARN) Program for Results Operation.

The IPF component aims at supporting the Ministry of Education and Science in the implementation of the New Ukrainian School (NUS) reform in upper grades (8-12) and strengthening the MoES' capacity to manage critical reforms and allocate resources. Thus, it will finance the development of educational methodologies and teacher's and managers' professional development for the grades 8 to 12, as well as the procurement of laboratory and IT equipment in pilot schools. Importantly, the IPF will also enhance the management capacity of the MoES related to the NUS, to specifically strengthen (i) data and evidence, (ii) sectoral planning, monitoring, and (iii) the efficiency of domestic financing. Also, complemented by a System Capacity Grant (SCG) financed by the Global Partnership for Education (GPE), the IPF will support capacity building activities within the MoES for the implementation of the Strategic Action Plan across the education system.

Sub-component 1. Support the rollout of NUS in grades 8 to 12 (US\$16,6M). The NUS reform is rolled out grade by grade with grade 8 being implemented beginning in 2025. This part seeks to prepare educational institutions for the rollout of i) grades 8-9 of basic school, and ii) grades 10-12 of high-profile school by updating educational and methodological support in accordance with modern educational standards and ensuring high-quality professional development of teachers, as well as iii) strengthen capacities of the Ukrainian Institute of Education Development (UIRO) as a key implementing educational institution for the NUS reform. The activities will include:

- *Activity 1.1. NUS reform in grades 8 and 9* by a) developing and pilot implementation of a new procedure for examination of educational and methodical materials for NUS piloting, b) developing, printing, and testing teaching and methodological materials for the grade 9 pilot, c) developing teacher training programs for grades 8 and 9, and d) equipping schools participating in the piloting of the NUS reform at the basic education level with STEM equipment, furniture, ICT devices, etc.
- *Activity 1.2. NUS reform for grades 10 to 12* by a) developing educational and methodological materials for the pilots of grades 10 to 12, b) developing teacher and lyceum leader training programs for grades 10-12, and c) equipping schools participating in the piloting of the NUS reform at the level of high-profile school education with STEM equipment, furniture, ICT devices, etc
- *Activity 1.3. Strengthening the UIRO capacity* through a) an organizational capacity audit, b) the design of a capacity development plan, c) staff training, d) the creation of a digital platform for the storage, distribution, organization, and assessment of digital educational materials, and e) material and technical equipment for educational and methodological labs of UIRO. UIRO capacity would also be further strengthened through technical assistance to design a fit-for-purpose instrument for measuring teacher classroom practices, and to implement this instrument in a sample of classrooms in grades 8-12.

Sub-component 2. Strengthen MoES Management Capacity (US\$2,7M). This part seeks to strengthen the capacity to successfully manage, monitor, and evaluate the rollout of the NUS reform by investing in i) the development of sustainable institutional and operational capacity of the MoES, ii) the creation of a special online platform (SOP) for conducting State Final Examination (DPA) (conducted for students in grades 4, 9, and 11), iii) modernization of the education management information system (AIKOM), and iv) education infrastructure planning. The activities will include:

- *Activity 2.1. Institutional and operational capacity of MoES* (for effective support to response and recovery of the school education sector, implementation of subventions, and continuation of the New Ukrainian School reform (including the development and support of the upper secondary school pilot).
- *Activity 2.2. Creating SOP for DPA* through a) the development and piloting of SOP software, b) modernization of SOP software, its technical support, and c) expansion of software functionality for the grade 9 DPA. The development of the SOP would complement the NUS reform by increasing efficiency in the measurement and analysis of student performance trends over time and across the country.
- *Activity 2.3. Modernization of AIKOM* through a) development of new AIKOM functionality and b) support for AIKOM interoperability with the solutions/clients developed as part of the UNESCO/GPE project.
- *Activity 2.4. Education infrastructure planning* through preparation of infrastructure development plans for educational institutions, as induced by the war-related challenges to their safe operation, and the need to rebuild educational infrastructure on the ‘build-back-better’ approach. These could include, i.e., characterization, development of feasibility studies and detailed designs for at least 5 typical transformations of the pre-schools.

Sub-component 3. Project management and monitoring. The objective of this part is to support the effective management and implementation of the proposed program. This part would finance the day-to-day management and monitoring of the proposed project through a Project Implementation Unit (PIU). It would cover salaries for such consultants, including a project manager and fiduciary, environmental and social risk management specialists. It would also finance training activities, targeted technical assistance, data collection and analysis, project monitoring and evaluation, and operating costs.

Sub-component 4. Contingent Emergency Response Component. Following an eligible crisis or emergency, the Borrower may request the World Bank to re-allocate project funds to support emergency response and reconstruction. This component would draw from the uncommitted loan/credit/grant resources under the project from other the IPF component to cover emergency response. As part of project preparation, the Borrower prepares, with the World Bank’s support, a CERC Annex to the Project Operations Manual (POM).

The LEARN (IPF Component) is being prepared under the World Bank’s Environment and Social Framework (ESF).

Per Environmental and Social Standard ESS2 (Labor and Working Conditions) the implementing agencies can promote sound worker-management relationships and enhance

the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. For this purpose this LMP was developed by MoES.

2. OVERVIEW OF LABOR USE ON THE PROJECT

Number of Project Workers:

At this stage, the exact labor requirements and the number of project workers are still to be determined. Based on the updated design of the IPF component of the Project, which focuses on piloting the NUS reform in grades 8 and 9 in approximately 150 schools, the majority of labor recruitment will focus on providing consulting services, educational content development, and the procurement of laboratory and IT equipment for pilot schools. These activities will support the MoES in education system management, including planning, monitoring, and financial planning. By previous estimates, around 20-40 persons will be hired as individual consultants or firms for the general management of the project activities.

- PIU – individual consultants and contractors. The PIU staff represent the core team responsible for project management, fiduciary oversight, environmental and social standards compliance, monitoring and evaluation, and coordination with the World Bank.
- NIO (NUS Implementation Office) – individual consultants and contractors/firms. The NIO staff are directly involved in developing and piloting educational and methodological materials for grades 8–12, supporting training programs for teachers and school leaders, and providing technical inputs to the rollout of the New Ukrainian School reform at upper secondary level.
- ERCO (Education Reform Communication Office) – individual consultants and contractors/firms. The ERCO team supports sectoral communication activities, including messaging for education reforms, dissemination of public information, and engagement with stakeholders at national and regional levels.
- ECPE (Early Childhood and Preschool Education) – individual consultants and contractors/firms. The ECPE unit contributes to activities related to preschool and early childhood education strengthening under Sub-component 2, including support for infrastructure planning, data systems, and methodological improvements.

It is expected that the Project will engage the following categories of project workers as defined by ESS2:

Direct Workers: This category will include individual consultants working for the Project Implementation Unit (PIU), the NUS Implementation Office (NIO), the Education Reform Communication Office (ERCO), and the Early Childhood and Preschool Education (ECPE) units under the MoES, responsible for managing the piloting of the NUS reform, educational content development, monitoring and reporting, financial management, and procurement of equipment and supplies, and etc. The number of direct workers is estimated at 7-15 key specialists. Direct workers in PIU, NIO, ERCO and ECPE are engaged as individual consultants and contractors/firms under civil law contracts.

Contracted Workers: Contracted workers will be hired for the installation of laboratory and IT equipment and for providing technical and consulting assistance, such as teachers'

professional development and impact evaluations of teaching practices. The number of contracted workers is expected to be around 150 but could vary based on the needs of the pilot schools.

Key Supplier Workers: These workers will be individuals or legal entities hired by suppliers and contractors responsible for delivering and installing laboratory and IT equipment in pilot schools. The exact number of these workers is unknown and will depend on the procurement and needs of the schools.

Migrant Workers: The employment of international migrants is not expected under this project.

Timing of Labor Requirements:

Direct workers will be required full-time throughout the project implementation duration. The timing for contracted workers will depend on the procurement and installation schedule for the equipment, as well as the timing of the teachers' professional development activities.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities

Key Labor Risks and Hazards:

The key labor risks related to occupational and health safety during project implementation are largely associated with the installation of laboratory and IT equipment in pilot schools, as well as the general risks related to workers in the context of the ongoing conflict with the Russian Federation. Some potential risks include, but are not limited to:

- Working at height, in case of equipment installation requiring elevated workspaces.
- Handling heavy materials such as laboratory equipment.
- Missile attacks or UAV attacks during worker activities due to the ongoing war conflict in Ukraine.
- Hazards related to ammunition or unexploded ordnance in conflict-affected areas.
- Incidents related to chemicals usage in laboratories (e.g., solvents, fuels).
- Electrical work risks associated with setting up equipment.
- Traffic accidents during equipment transportation to pilot schools.
- COVID-19 risks, particularly in teacher training and professional development activities, where in-person interaction is required.
- Risks of Sexual Exploitation and Abuse or Sexual Harassment (SEA/SH) during interactions between project workers, or between project workers and other ministry staff and teachers.
- Risk associated with employee interaction with territorial recruitment centers (TRCs). Under martial law, some employees may be subject to official procedures carried out by the TRC in accordance with applicable law. This may create additional psychological stress for employees, as well as certain time delays associated with

lengthy administrative procedures, which may potentially affect their engagement at work and overall productivity.

Other labor risks are considered minimal. The project will be monitored continuously by the PIU, and any necessary adjustments or corrective actions will be made during implementation.

The Borrower will inform the Bank within 48 hours about any incident or accident related to the project which has, or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, or security incident, accident or circumstance), but no later than three calendar days after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage. The Borrower will prepare a report on the event and the corrective action and submit to the Bank within 30 calendar days of the event.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

This section sets out the **key aspects** of national labor legislation with regards to term and conditions of work, and how national legislation applies to different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraph 11 (i.e. wages, deductions and benefits).

Relations between employer and employee are regulated by the Labor Code of Ukraine (hereinafter - the LC)¹, which is a principal legislative act governing employment relation in Ukraine, and was adopted in 1971. A number of LC's provisions are elaborated in the subordinate legislative acts.

The provisions of the Civil Law Code of Ukraine regulate relations between the parties to the concluded civil law agreements for the provision of consulting services within the framework of the Project implementation, in particular between the MoES and the consultants of the PIU.

The Law of Ukraine "On remuneration"² defines the economic, legal and organizational principles of remuneration of employees who are employed on the basis of an employment contract with a company or an individual citizen.

The Law of Ukraine "On leaves"³ sets state guarantees of the right to leave, vacations, determines conditions, duration and procedure of their granting to the employees for satisfaction of own needs, interests and comprehensive development of a personality.

The Law of Ukraine "On the collective agreements"⁴ determines the legal basis of development, conclusion and accomplishment of collective agreements and agreements with the purpose of assistance in regulation of employment relationships, social and economic interests of workers and employers.

The Law of Ukraine "On employment"⁵ determines the legal, economic and organizational principles of realization of state policy in the sphere of employment of the population,

¹ The [Labor Code of Ukraine \(LC\)](#) dated December 10, 1971 No 322-VIII

² The Law of Ukraine "[On remuneration](#)" dated March 24, 1995 No 108/95-BP

³ The Law of Ukraine "[On leave](#)" dated November 15, 1996 No 504/96-BP

⁴ The Law of Ukraine "[On the collective agreements](#)" dated July 1, 1993 No 356-XII

guarantee of the state protection of the rights of citizens to work and realization of their rights to social protection against unemployment.

On March 17, 2020, the Parliament of Ukraine adopted the Law of Ukraine no. 530-IX⁵ “On Amending.

Certain Legislative Acts of Ukraine Aimed at Prevention of the Outbreak and Spread of the Coronavirus Disease (COVID-19)”, which amends inter alia the laws governing employment relations. The adopted changes to the Labor Code to address issues related to remote work, flexible schedule and salaries/compensations during the halted operations.

4.1 Types of Employment Contracts

According to the Constitution of Ukraine (article 43) everyone has the right for labor and for opportunity to earn for living by job that were chosen freely by person.

Non-residents have the same rights to work in Ukraine as any Ukrainian has. However, nonresidents have to provide certain documentation before starting to work in Ukraine. The first one is the work permit.

According to the article 23 of Labor Code (LC) of Ukraine, there are following types of Employment contracts:

The main types of employment agreements are:

- a) open-ended employment agreement (for indefinite term);
- b) fixed-term employment agreement;
- c) employment agreement for a temporary work (temporary or seasonal work):
 - Open-ended Employment agreement. This type of contract is the most common in Ukraine. The type of contract is regulated by the LC and laws of Ukraine mentioned above, internal rules of an Employer (Company) and collective agreement.
 - Fixed-term employment agreement. The only difference between this type of contract and the first one is that the Parties limit their collaboration on a specific period of time, based on the type of activity performed: a) working conditions (for example, to replace an employee on maternity leave); b) the nature of the work (for example, hiring an employee to perform temporary repair works); c) the interests of the worker (for example, in connection with the family circumstances). Fixed-term employment agreements, especially those, which are to be renegotiated once or several times shall be considered as employment agreements, concluded on indefinite period of time (Art. 391 of the LC). There are two special types of a fixed-term employment agreements such as employment agreements with (1) temporary and (2) seasonal workers. Terms and conditions of such work are determined by special legislative acts (Art. 7 of the LC).
 - Employment agreement for a temporary work (temporary or Seasonal work). Seasonal work is a temporary employment that is provided for a certain period (season), which does not exceed 6 months.⁹ Temporary work is a type of employment, whereby workers are engaged only for a specific period of time. Employment agreement on

⁵ The Law of Ukraine “On employment” dated July 05, 2012 No 5067-VI

temporary work may be concluded for a period not exceeding 2 months, and in case of replacement of an absent employee - for a period that does not exceed 4 months. Employment agreement on temporary and seasonal works terminates upon its expiration. This special form of contract is actually a service agreement. By using this sort of agreement, the Parties agree and acknowledge that all conditions of their collaboration are conveyed in the agreement.

- Probationary period. Parties to employment agreement may agree on a probation period to verify the employee's competence (Art. 26 of the LC). According to the article 27 of LC, the probationary period cannot be longer than 3 consecutive months for regular employees. In some cases, it can be up to 6 consecutive months, but it must be agreed with the Primary Trade Union Organization. Workers (blue-collar occupation) are the subject of a maximum 1-month probation period.

The LC requires that an employment agreement is concluded in writing (Art. 24 of the LC), however it does not prohibit conclusion of the employment agreement in verbal form. An employer has no right to require an employee to perform work not stipulated in the employment agreement (Art.31 of the LC). The law provides that the terms of employment agreements, which may worsen the position of workers in comparison with the labor legislation of Ukraine are void (Art. 9 of the LC). The employment agreement may contain additional benefits for workers in addition to those basic benefits provided in the in the legislation) (Art. 9¹ of the LC).

According to Art. 24 of the LC, written form of employment agreement is mandatory in following cases:

- a) when the worker requests concluding of an employment agreement in writing; b) when the employment agreement is concluded with a minor; c) in instances of remote work; d) in instances of organized recruitment; e) in instances of concluding of an employment agreement for work in areas with special natural geographical and geological conditions and increased health risk conditions; f) concluding of an employment contract⁷.

Before an employee starts the work, the employer is obliged to (Art. 29 of the LC): 1) inform an employee about rights, obligations, working conditions, benefits and compensations, dangerous and harmful production factors as well as the possible consequences of their impact; 2) familiarize an employee with the internal labor rules and collective agreement; 3) to indicate employee's workplace, and provide with the necessary means of work; 4) to instruct the employee on OHS, industrial sanitation and fire protection.

In accordance with the Civil Code of Ukraine, the MoES may receive consulting or other types of services related to the implementation of the Project (including for the involvement of consultants in the PIU) in accordance with concluded contracts of a civil law nature. Such a contract must specify the terms and duration of the contract and its price. Consultants who are involved in the provision of services under the terms of a civil law contract are not full-time employees of the MoES and do not have the status of civil servants.

4.2 Wages and deductions

The wage is calculated in monetary form (Art. 94 of the LC). The collective agreement, as an exception, may provide for partial payment of a salary in kind not exceeding 30 percent of the whole salary per month,⁸ which is not aligned with ESS2.

The wages may consist of: basic wage, additional wage payments, and other incentive and compensation payments. Forms and systems of remuneration, labor standards, rates, tariffs, salary schemes, bonuses, rewards and other incentive, compensation and guarantee payments are often provided in the collective agreement.

The salary is to be paid regularly within the time limits established by the collective agreement or regulatory act of the employer, but not less frequently than twice a month for a period not exceeding sixteen calendar days, and not later than seven days after the end of the period for which the payment is made (Art. 15 of the LC).

Minimum wage is guaranteed by the law (Art. 95 of the LC). The amount of the minimum wage is set by the government at least once a year and may not be lower than the subsistence level for persons of working age. The minimum wage is subject to indexation.

Deductions from the wages can be made only in cases provided by the legislation (Art. 127 of the LC).

There are three types of deductions (Art. 127 of the LC): i.) mandatory payments (income tax, single social tax, military fee); ii.) deductions made to ensure the fulfillment of obligations to third parties (for example, alimony and other payments under executive documents); iii.) deductions made to cover debts to the company.

Deductions are to be made monthly until the full repayment of the debt. The total amount of all deductions shall not exceed 20 percent, and in cases separately provided by the legislation of Ukraine - 50 percent of the monthly salary (Art. 128 of the LC).

The employer shall notify the employee about (Art. 110 of the LC): i.) the total amount of the salary with a breakdown by type of payment; ii.) the amount and grounds of deductions; iii.) the amount of the actually salary to be paid. Deductions that are not prescribed by law are prohibited.

The Law of Ukraine “On remuneration of labor” (article 1) defines wage as remuneration usually calculated in monetary terms which the employer pays to the employee for the work he has done according to the labor contract. The remuneration consists of main salary – remuneration for performed work according to the established norm of labor (working time, working performance, etc.) and of additional salary- remuneration for outstanding deliverables or performance or for harmful working conditions. Pursuant to Article 3 of abovementioned Law, the minimum level of salary – it is fixed by legislation level of remuneration for month or hour. In case if the salary level of an employee who has fulfilled the monthly deliverables is lower than the established minimum wage, the employer makes an additional payment up to the level of the minimum salary. As of 2024, the minimum salary level 8000 UAH (approx. 194 USD). The employers usually deduct the income tax and military tax automatically from the wages and transfer them to the appropriate fiscal authorities, and pay additionally social insurance contributions for each employee.

4.3 Working Hours

The Project engages both directly employed staff and individual consultants contracted under civil law agreements. The regulation of working time depends on the contractual status of project workers.

For workers employed under labor contracts, working time is regulated by the Labor Code of Ukraine. In accordance with Article 50 of the Labor Code, the standard working time shall not exceed 40 hours per week. Reduced working hours may apply to specific categories of workers in line with Ukrainian legislation. Overtime and night work are regulated and limited by the Labor Code and are allowed only in exceptional cases defined by law, with mandatory compensation and recordkeeping.

At the same time, the majority of Project personnel are engaged as consultants under civil law contracts (service contracts). Such contractual relationships are governed by the Civil Code of Ukraine and the terms and conditions stipulated in individual contracts.

Civil Law Contracts

Consultants engaged under civil law contracts are not considered employees and are not subject to the provisions of the Labor Code of Ukraine. Their working time is not regulated through fixed daily or weekly schedules unless otherwise expressly defined in the contract. Instead, such contractual relationships are result-oriented and focused on the provision of agreed services or delivery of defined outputs.

Under civil law agreements:

- the consultant independently determines the organization of their working time and place of work;
- there is no obligation to comply with internal labor regulations, fixed working hours, or time-tracking systems applicable to employees;
- remuneration is linked to completed tasks, deliverables, or milestones rather than to hours worked;
- performance is assessed based on the quality, completeness, and timeliness of agreed outputs;
- consultants bear responsibility for proper fulfillment of contractual obligations in accordance with the terms of the contract.

Civil law contracts do not establish entitlement to overtime compensation, night work allowances, rest days, or other labor guarantees provided under the Labor Code of Ukraine, unless explicitly stipulated in the contract. Consultants are not subject to restrictions related to overtime or night work; however, the Project does not require consultants to perform work under hazardous or unsafe conditions.

Where necessary for coordination purposes, civil law contracts may specify indicative timelines, deadlines, or availability periods; however, such provisions do not constitute a fixed working schedule and do not create an employment relationship.

All civil law contracts under the Project are concluded in compliance with Ukrainian civil legislation and in line with the World Bank Environmental and Social Framework, including ESS2. The Project ensures that consultants engaged under civil law contracts are treated fairly, are not subject to forced labor or discrimination, and perform their assignments under safe and healthy working conditions.

4.4 Rest Period

The Project engages personnel under both labor contracts and civil law contracts. Provisions related to rest periods and days off depend on the contractual status of project workers.

For workers employed under labor contracts, rest periods and days off are regulated by the Labor Code of Ukraine. Employees are entitled to a break for rest and meals of up to two hours, which is not included in working time and is usually provided approximately four hours after the start of work. The timing of such breaks is established by internal regulations, and

employees may use this time at their own discretion and may be absent from the workplace (Article 66 of the Labor Code of Ukraine).

The duration of uninterrupted weekly rest for employees shall be at least forty-two hours. Employees working under a five-day workweek are granted two days off per week, while those working under a six-day workweek are granted one day off, with Sunday being the common day off. Engagement of employees to work on rest days is generally prohibited and allowed only in exceptional cases defined by law, with appropriate compensation in accordance with the Labor Code of Ukraine.

Civil Law Contracts

Consultants engaged under civil law contracts are not subject to the provisions of the Labor Code of Ukraine concerning rest periods, breaks, weekends, or public holidays. Civil law contracts do not establish fixed working schedules, regulated break times, or mandatory days off.

Under civil law agreements:

- consultants independently determine their rest periods, breaks, and working rhythm;
- there are no regulated meal or rest breaks unless explicitly stipulated in the contract;
- weekends, public holidays, and rest days do not apply as legally protected categories;
- remuneration is not linked to working or non-working days but to completed services or agreed deliverables.

Where coordination with the Project requires availability during specific periods, deadlines or indicative timeframes may be agreed contractually; however, such arrangements do not constitute fixed working hours or rest schedules and do not create employment relationships.

The Project does not require consultants engaged under civil law contracts to perform assignments in a manner that would compromise their health, safety, or well-being. All civil law contracts are implemented in compliance with Ukrainian civil legislation and the World Bank Environmental and Social Framework, including the principles of fair treatment, non-discrimination, and safe working conditions.

4.5 Days-off

At five-day working week employees shall be provided with two days-off per week, and at six-day working week – with one day-off. Uninterrupted weekly rest period shall be at least fortytwo hours

Work on days-off shall be prohibited. Engagement of certain employees in work on these days shall be allowed only subject to permit of the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization and only in exceptional cases which are determined by legislation

Engagement of particular employees in work on days-off shall be allowed in the following exceptional cases:

- for prevention or liquidation of consequences of natural disaster, epidemics, epizootics, industrial accidents and immediate remedy of their consequences;

- for prevention of accidents which endanger or may endanger life or normal living conditions of people, loss or damage of property;
- for performance of urgent unforeseen works on which further normal operation of enterprise, institution or organization as the whole or separate subdivisions thereof depends;
- for performance of urgent handling operations in order to avoid or prevent downtime of rolling equipment or accumulation of cargo in departure and destination points.

Engagement of employees in work on days-off shall be affected on the ground of written order (instruction) of the owner or authorized by him/her body.

Work on day-off may be compensated for as agreed by the parties by providing another rest day or in monetary form in double amount. (Labor Code, Articles 66-71).

4.6 Leaves

Citizens having labor relations with enterprises, institutions or organizations irrespective of ownership form, kind of activity and industry, as well as those working under labor contract with individual shall be provided with annual (basic and additional) leaves with preservation of workplace (office) and salary for their periods.

The Law of Ukraine “On Leaves” stipulates the types of leaves. It could be:

1) annual leaves

- main leave;
- additional annual leave for work in harmful and difficult working conditions;
- additional annual leave for irregular working hours;
- additional leave for victims of Ukrainian revolution of 2014⁶(art. 77 LC).

2) leave for studying, pregnancy and child birth;

3) research leave;

4) maternity leave;

5) payless vacation.

The total duration of annual basic and additional leave may not exceed 59 calendar days, and for employees employed in mining industry - 69 calendar days (Law “On Leaves” article 10).

Annual basic leave shall be given to employees for the period of at least 24 calendar days per working year worked to be calculated as from the date of entering into labor contract. Persons aged under eighteen years old shall be given annual basic leave for the period of 31 calendar day (Art. 74-75 of LC).

Other paid and unpaid leaves or rest and illness leaves granted by the employer within the year shall not be set off from the annual leave.

⁶ The Ukrainian revolution of 2014 (also known as the Euromaidan Revolution or Revolution of Dignity) took place in Ukraine during November 2013 - February 2014, when a series of violent events involving protesters, riot police, and unknown shooters in the capital, Kyiv, culminated in the ousting of the elected Ukrainian President and the overthrow of the Ukrainian Government.

National festivals, week holidays and general holidays coinciding with the leave period shall not be counted in the leave period in calculating the days of annual paid leave (Labor Code, articles 77 - 78).

Because of the COVID-19 spreading, the new updates in Labor Code (article 84) from March 2020 have been provided. It indicates that in case Cabinet of Ministers of Ukraine carry out a quarantine, the period of unpaid vacation is not limited to 15 calendar days. It means that an employee may be granted an unpaid vacation upon his/her consent for the entire period of quarantine established by the Cabinet of Ministers of Ukraine.

4.7 Minimum Age of Employment and Child Labor

Ukraine has ratified the Minimum Age Convention. The Ukrainian laws set that the minimum age for a person to be employed is **16 years** (Art. 188 of the LC). Children who have reached the **age of 15**, as an exception, can be employed upon parent's consent (Art. 188 of the LC). Moreover, employment of children is allowed upon reaching the age of 14 with a parent's consent. Children have a possibility to perform light work that does not harm their health and does not disrupt the learning process and also shall be fulfilled in their free time (Art. 188 of the LC). However, the law does not clearly define the categories of light work. The Ukrainian law prohibits for the possibility of employing children under 14 years old. The exploitation of children who have not reached the employment age by using their labor is prohibited (Art. 150 of the Criminal Code of Ukraine).

The procedure of persons' under 18 years old employment is determined by the labor legislation of Ukraine.⁷

An employee shall not be admitted to work without concluding an employment agreement. A minor employee is required to submit:

- a passport or other identity document;
- employment record book;
- and in cases provided by law - a document on education (specialty, qualification), health status and other documents (Art. 24 of the LC).

Employment agreement with minor employees shall be concluded in writing exclusively (Art. 24 of the LC). Each legal entity shall keep special records of employees under the age of 18, indicating the date of their birth (Art. 189 of the LC).

All persons under the age of 18 can be hired only after a preliminary medical examination. Moreover, employees under the age of 21, are subject to mandatory medical examination every year.⁸ The owner of a company is obliged to conduct regular monitoring of employees' working time (Art. 60 of the LC). The Ukrainian legislation does not provide for specific risk assessment and monitoring of children's working time and working conditions as per ESS2.

⁷ Art. 21 of the Law of Ukraine [“On the Protection of Childhood”](#)

⁸ Art. 191 of the LC; Decree of the Ministry of Health of Ukraine [“On approval of the Procedure for medical surveys of employees of certain categories”](#)

Minor employees are not allowed to be put under probation period (Art. 26 of the LC). The employment of minors for work under hazardous conditions is prohibited. Minor employees cannot be employed to perform:

- heavy works and works under harmful or hazardous working conditions;
- underground works;
- work during the night;
- overtime works and works on weekends;
- lifting and moving of things, which weight exceeds the established limits.⁹

The Decree of the Ministry of Health of Ukraine¹⁰ No 46 dated 31.03.94 provides a hazardous work list (list of jobs and works, that can be performed by minors, inter alia works underground, underwater, or working with dangerous machinery, equipment or tools). This Decree provides for few exemptions and allows employment of children of 17 years old to some hazardous works. Furthermore, students of technical schools (vocational educational institutions) can be engaged in hazardous work as part of a vocational training program for 4 hours a day under labor protection rules. Minor employees can be engaged in industries and works related to the chemical industry upon permission of the head of the legal entity. Such provisions allowing persons of the age of 17 years to be engaged in some forms of hazardous work represent a gap with ESS2 requirements.

Limits regarding lifting and moving of heavy items by minors were approved by the Decree of the Ministry of Health of Ukraine¹¹ No 59 dated 22.03.96. This requirement shall be abided by both legal and natural persons using labor of minors aged between 14 and 18. The Decree provides for a prohibition to employ minors to perform work connected solely with lifting, holding or moving of heavy items. However, minors having no medical contraindications are allowed to perform work that requires lifting and moving of heavy items. Minors under the age of 15 are not allowed to perform long-term work that consists of lifting and moving of heavy items. It is envisaged that minors' work with loads shall not exceed 1/3 of their working time. Such provisions are not aligned with ESS2 requirements.

Children who have reached the age of 15 can be hired without compromising their health and education. The working time for children under the age of 16 is limited according to their developmental needs and vocational training needs. A shorter working time is established for:

- a) employees between 16 and 18 years – up to 36 hours per week;
- b) employees between 15 and 16 years – up to 24 hours per week. The working hours of students who work during the school year in their free time cannot exceed half of the maximum working time mentioned above for persons of the respective age (Art. 51 of the LC). Minors' wages are equivalent to the wages of full-time employees (Art. 194 of the LC). Persons under the age of 18 are provided

⁹ Art. 11 of the Law of Ukraine “[On Labor Protection](#)” and Art. 21 of the Law of Ukraine “[On the Protection of Childhood](#)”

¹⁰ Decree of the Ministry of Health of Ukraine “[On approval of the List of heavy works and works with harmful and hazardous working conditions, on which the use of minors labor is prohibited](#)”

¹¹ Decree of the Ministry of Health of Ukraine “[On the approval of limiting norms of lifting and moving of heavy items by minors](#)”

with an annual basic leave of 31 calendar days.¹² Minor employees are entitled to vacations at any time of their choice.¹³

An employer may terminate employment of a minor employee only upon the consent of the local state committee for juveniles (Art. 51 of the LC).

4.8 Overtime Work

An employer can order overtime work in case that is related to national defense or emergencies. According to LC (Art. 62) The employer or authorized by him/her body may use overtime work only in the following exceptional cases:

- performance of works required for country defense, as well as for rehabilitation of public or natural disaster, industrial accident and immediate remedy of their consequences;
- performance of publicly important works on water and gas supply, heating, illumination, sewerage, transport, communications – to remedy incidental or unexpected circumstances preventing their proper functioning;
- in case of necessity to complete the work started which as the result of unforeseen circumstances or accidental delay according to production conditions could not be completed within normal working hours, when termination thereof may result in damage or loss of state or public property, as well as in case of need in immediate repair of mechanisms, machines or other equipment when their failure causes stoppage of works for significant number of workers;
- in case of necessity to perform handling operations for prevention or removal of downtime of rolling equipment or accumulation of cargo in departure and destination points;
- to continue work in case of non-appearance of employee who shall take shift when work may not be interrupted; in these cases, the owner or authorized by him/her body shall be obliged to take immediate measures as to replacement of alternate with another employee. In Overtime work (Labor Code, Article 62) shall not be engaged:

1) pregnant women and women having children under three years old (Labor Code, Article 176);

2) persons under eighteen years old (Labor Code, Article 192);

3) employees studying in comprehensive schools and vocational schools while continuing to work, during school days (Labor Code, Article 220).

Women having children aged from three to fourteen years old or disabled child may be engaged in overtime work only subject to their consent (Labor Code, Article 177).

Engagement of disabled in overtime work shall be possible only subject to their consent and provided that this is in compliance with medical recommendations (Labor Code, Article 172).

Overtime works may be performed only on the ground of permit of the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization (Labor Code, Article 64).

¹² Art. 6 of the Law of Ukraine “On vacations”

¹³ Art. 11 of the Law of Ukraine “On vacations”

As mentioned above, overtime work shall not exceed four hours during two successive days and 120 hours per year for every employee. The owner or authorized by him/her authority shall keep record of overtime work of every employee (Labor Code, Article 65).

The overtime work is paid at double amount of the regular hourly rate for the first two hours of overtime work and at 2 times the regular rate for the subsequent hours (Labor Code, Article 106).

4.9 Labor Disputes

There are two kinds of labor disputes in Ukraine: (1) individual labor disputes (disagreement between an employee and employer arose in connection with the establishment or change of working conditions, the conclusion or change of a collective agreement, the implementation of a collective agreement or its separate provisions and non-compliance with labor legislation

Individual labor disputes are considered by (1) labor dispute commissions (ILD) (an authorized body created at a particular enterprise) and (2) courts. An employee may apply to ILD or directly to the court for a labor dispute settlement. In case of ILD's absence at a particular enterprise, a labor dispute is to be considered directly by the respective court.

LDC is a mandatory primary authority to consider labor disputes (if the total staff number is at least 15 people), which deals with all categories of disputes, other than those falling within the exclusive competence of courts (Art. 224 of the LC). LDC is comprised of the elected persons at the enterprise (at least half of them shall be employees of the enterprise) (Art. 223 of the LC). Despite the fact that LDC is defined as a mandatory body, it is an employee's right, not an obligation to apply to the LDC before initiating proceedings before courts (Art. 233 of the LC).

An employee may apply to the LDC within three months after he/she has or should have found out about the infringement of his/her right and, in the case of salary disputes, an employee shall not be limited in time. It should be stressed that the LDC may restore the set period of time if such period of time is not met for valid reason. Employee's application is registered by the LDC (Art. 225 of the LC).

LDC shall consider employee's application within 10 days after its receipt and notify employee about the rendered decision within three days (Art. 226 of the LC). LDC's decision is binding and shall be executed within 13 days after its rendering in case it was not appealed before the court (Art. 229 of the LC).

Ukrainian courts have exclusive jurisdiction over certain kinds of labor disputes (Art. 232 of the LC): at the enterprises, at which there is no LDC established, over reinstatement of employees, over registration of labor relations in case of work performance without the conclusion of the employment contract, over implementation of labor laws, over denial of employment to certain categories of workers, who are protected by laws from denial of employment (pregnant women, women with children under the age of three or a child with a disability, single mothers (parents) with children under the age of fourteen, young specialists after graduation, who were directed by their institution to work at the enterprise in accordance with concluded contracts, employees who had proof of employment by means of transfer from another enterprise). These kinds of labor disputes cannot be settled by LDC.

A labor arbitration board is authorized to consider disputes regarding implementation of the collective agreement or its specific provisions, non-compliance with labor legislation as well

as regarding issues within the competence of a conciliation commission in case of its failure to provide a ruling on the settlement of a collective labor dispute¹⁴.

The decision of a labor arbitration board shall be binding.

4.10 Trade unions

According to the Constitution of Ukraine and Law of Ukraine “On trade unions, their rights and guarantees of activity”¹⁵, the citizens of Ukraine have the right, on the basis of free will, without any permission to form trade unions for the purpose of representation, exercise and protection of their labor and socio-economic rights and interests, to enter into and withdraw from them. The State recognizes trade unions as authorized representatives of workers and defenders of their rights in State, local and self-government bodies.

According to the Law “On trade unions, their rights and guarantees of activity” the trade unions have following rights:

- represent and defend interests of their members (Article 19);
- collective negotiations and the conclusion of collective agreements (Article 20);
- executive of public control over compliance with labor law (Article 21);
- ensuring employment of the public (Article 22);
- ensuring social defense and high level of life (Article 23);
- social insurance (Article 24);
- representation of employees in labor disputes (Article 26);
- organization of strikes and other mass events (Article 27);
- creation of educational, cultural and research organizations (Article 29).

5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The health and safety requirements in Ukraine stipulated by the Law of Ukraine “On Labor protection”. The Law of Ukraine “On Labor Protection” defines basic provisions concerning implementation of the employees' constitutional right to protection of their life, health in the course of labor activity, to the proper, safe and healthy working conditions and regulates relations between the employer and the employee on security, occupational hygiene and working surroundings issues. Besides, the Law sets a unified procedure of labor protection in Ukraine.

This Law shall apply to all legal entities and natural persons who in compliance with the legislation use hired labor, as well as to all employees. The Law sets responsibility of the employer for creation of safe working conditions, for state of collective and individual means of protection from harmful influence of manufacturing mechanisms and equipment, as well as for observation of the norms of labor protection.

The Law entitles the employees to refuse doing work, if working situation is dangerous for his life or health (Article 6). They shall also enjoy the right to privileges and compensations for

¹⁴ Art. 11-12 of the [Collective Dispute Law](#)

¹⁵ Law No 1045-XIV, adopted on September 15, 1999

difficult and harmful working conditions and to compensation of damage caused by violation of labor protection rules (Article 7). It is established that damage to the employee's health or in case of his/her death shall be compensated by the Industrial Accident and Occupational Disease Social Insurance Fund of Ukraine. Besides, it is provided for that in compliance with collective or labor agreement the employer may make additional payments to the injured persons or members of their families at the expense of own funds (Article 9).

The Law regulates the question of labor protection of separate categories of employees: women, minors and disabled (Articles 10-12). In particular, the Law prohibits the use of women's work at difficult jobs and jobs with harmful and dangerous working conditions, underground jobs except for non-physical jobs and jobs connected with sanitary and consumer services. It is also prohibited the recruitment of women for lifting and transportation of things which weight exceeds set for them limits.

A separate chapter of the Law is devoted to regulation of relations in the sphere of labor protection management (Chapter 4). The chapter defines system of bodies of state power authorized to manage this sphere of legal relations. To these bodies the Law refers the Cabinet of Ministers of Ukraine, the central body of the executive power, which implements state policy in the field of labor protection, ministries and state committees within the limits of their authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations and bodies of local self-government. The Law contains provisions which set competence of the above bodies and their authorized officials. The Law envisages that penalty shall be imposed by bodies of state supervision over labor protection according to set by law procedure for violation of the legislation on labor protection, non-fulfillment of instructions of officials of bodies of state supervision over labor protection, legal entities and natural persons which according to the legislation use hired labor.

Training of employees and provision of personal protective equipment (PPE)

Upon employment and in the course of work, workers shall receive, at employer's expense, instructions and training on OHS, on provision of first aid to accident victims, and on safety rules in case of accidents¹⁶.

Employees engaged in high-risk jobs shall annually undergo special training at the expense of the employer and check their knowledge of the relevant legal acts on labor protection¹⁷.

The training on OHS includes: a) instructions; b) training on OHS, on provision of first aid to accident victims, and on rules of conduct in case of accidents; c) special training for high-risk jobs.

The procedure for training and testing the knowledge on labor protection issues is defined by Standard regulation on the procedure for training and testing of knowledge on occupational safety¹⁸.

The employer shall provide free of charge special clothing, special footwear and other personal protective equipment (PPE) to employees, working under harmful and dangerous working

¹⁶ Art. 18 of the Law of Ukraine “[On Labor Protection](#)”

¹⁷ Ibid.

¹⁸ [Standard regulation on the procedure for training and testing of knowledge on occupational safety \(NPAOP 0.00-4.12-05\)](#), approved by the Order of the State Committee for Labor Protection Supervision, dated 26.01.05 No. 15

conditions, as well as performing of work related to pollution or in adverse temperature conditions. In addition, such PPE are to be provided to employees, who are involved in work related to the elimination of the consequences of accidents, and natural disasters¹⁹.

In instances when the PPE is dysfunctional, without employee's responsibility, the employer is obliged to replace PPE at their own expense. If the employee purchases PPE at their own expense, the employer is obliged to reimburse such expenses²⁰.

The employer shall organize (1) regular medical examination of employees, who perform heavy work, work under harmful or dangerous working conditions, and (2) annual compulsory medical examinations of persons under the age of 21 at its own expense²¹.

Provision of workers' insurance in instances of injuries, fatalities, disability and disease

All employees are subject to mandatory state social insurance against accidents at work and occupational diseases that may cause disability²². The Social Insurance Fund of Ukraine²³ provides the financial support to the insured persons.

The following categories of workers are subject to state social insurance against accidents at work and occupational diseases²⁴:

1. employees working under the employment agreement and contract, civil agreement, and on other grounds provided by law, at enterprises, institutions, organizations, regardless of ownership;
2. pupils and students of educational institutions, clinical residents, graduate students, doctoral students involved in any work during, before or after classes; during classes, when they acquire professional skills; during the period of internship, work at enterprises;
3. persons who are detained in correctional facilities and are involved in labor activity.

Employees working under difficult and harmful working conditions are to be provided with free of charge medical and preventive nutrition, milk, carbonated salt water. Moreover, they are entitled to paid health breaks, reduction of working hours, additional paid leave, increased wages and other benefits and compensations provided in the manner prescribed by law²⁵.

The labor protection of minors, women and persons with disability

Women and minors shall not be engaged in heavy, underground works and works under harmful or dangerous working conditions as well as works that require lifting and moving of heavy items exceeding the established limits. Minors can be hired only after medical examination²⁶.

¹⁹ Art. 163 of the LC and Art. 8 of the Law of Ukraine "On Labor Protection"

²⁰ [Minimum requirements of safety and health in the use of personal PPE at the workplace](#), approved by the Order of the Ministry of Social Affairs of Ukraine, dated 29.11.2018 No 1804

²¹ Art. 17 of the Law of Ukraine "On Labor Protection"

²² Art. 5 of the Law of Ukraine "On Labor Protection"

²³ The Law of Ukraine "On State Social Insurance"

²⁴ Art. 18 of The Law of Ukraine "On State social insurance"

²⁵ Art. 7 of the Law of Ukraine "On Labor Protection"

²⁶ Art. 10, 11 of the Law of Ukraine "On Labor Protection"

Enterprises that use work of disabled persons are obliged to create relevant working conditions and implement recommendations of the medical and social expert commission²⁷.

Reporting of occupational accidents, diseases and incidents

Upon receiving information about occupational accidents, diseases and incidents from either the work administrator, or the health care institution, or a victim, or members of their family or their authorized representative, the employer is obliged to notify within 2 hours (by use of any means of communication) and not later than on the next working day (in writing), the following agencies:

- territorial institution of the State labor service;
- the Social Insurance Fund;
- the head of the primary trade union organization;
- the authorized body or Supervisory Board of the enterprise (in case of its formation);
- the State emergency service in case the accident occurred as a result of a fire.

If an accident and/or an occupational disease is subject to special investigation, employer is obliged to notify the following agencies additionally:

- local state administration or local self-government body (in the absence of an authorized body or Supervisory Board of the enterprise);
- the highest-level branch of trade union, and in case of its absence – the territorial Trade Union Association;
- the police in the case of an accident or occupational disease led to serious or fatal consequences, death of employees during the performance of their duties.

Investigation of occupational accidents and/or diseases

The employer shall keep records of accidents and/or occupational diseases²⁸.

The investigation of the accident is conducted by the commission of the enterprise within 5 working days from the date of its formation; the special investigation of the accident is carried out within 15 working days. The commission can issue documents to formalize accidents and/or occupational diseases.

As a result of the investigation of an occupational accident and/or disease, the employer prepares an internal decision in the prescribed form, and one copy must be issued to the victim or other interested person no later than three days after the end of the investigation. The record of occupational accidents/diseases is provided by²⁹:

- enterprises, management bodies and supervisory boards of the enterprise (if they are created);

²⁷ Art. 12 of the Law of Ukraine “On Labor Protection”

²⁸ Art. 22 of the Law of Ukraine “On Labor Protection”

²⁹ Paragraph 63 of the Order “On investigation and recording of occupational accidents, diseases, and emergencies”, approved by the Resolution of the Cabinet Ministers of Ukraine, dated 17.04.2019 No 337

- the Social Insurance Fund — regarding accidents that were investigated by representatives of the Fund.

The record of accidents in the enterprise is reported in the files of persons who have suffered from accidents/occupational diseases at work. State labor service, its territorial bodies and local state administrations keep operational record of accidents that are subject to special investigation.

Emergency prevention, preparedness and response arrangements to emergency situations

In Ukraine the State emergency service carries out monitoring and forecasting of emergencies for the purpose of emergency prevention³⁰.

Training of the employees on how to act in emergency situations is mandatory and is carried out during working hours at the expense of the employer. Employees who are hired for work with increased fire danger level should undergo special training (fire technical minimum). In case of emergencies and accidents at the enterprise, the employer provides urgent measures to evacuate workers, provide first aid to victims, localize and eliminate accidents or fires, eliminate their consequences, if necessary, he involves external emergency services, professional rescue services, fire departments³¹.

The employers develop and approve instructions on the appropriate actions in the event of a threat or emergency³². Moreover, there is a list of specific requirements to adopt plans and procedures regarding fire safety (evacuation plans).

Contractors OHS responsibilities and collaboration

The employer is obliged to organize the functioning of the labor protection system at the enterprise, namely:

- to establish appropriate services to resolve specific issues of labor protection, approve instructions on their duties, rights and responsibilities;
- to introduce advanced technology, safe machinery and equipment;
- to ensure proper maintenance of buildings and structures, production equipment and facilities
- to investigate and to record occupational accidents, to report occupational accidents and diseases to the competent authorities;
- to implement preventive measures upon the results of the investigation on occupational accidents;
- to organize audits of labor protection, laboratory tests of working conditions;
- to provide instruction and special training to workers.

³⁰Art. 43-49 of the [Code of Civil Defense](#), dated 02.10.2012 No 5403-VI

³¹Art. 2.4 of the [General rules on employer's labor protection of workers](#), approved by the Order of the Ministry of Emergencies of Ukraine dated 25.01.2012 No 67

³² Art. 130 of the [Code of Civil Defense](#), dated 02.10.2012 No 5403-VI

At an enterprise employing 50 or more persons, the employer is required to establish labor protection service, according to the standard regulation³³. At an enterprise employing less than 50 persons the functions of occupational safety and health service can be transferred as a secondary job to persons, who have passed proper training. An enterprise employing less than 20 persons, the employer may engage third party as an occupational safety specialist for the performance of functions of the labor protection service on a contractual basis.

Cooperation between employers in the field of OHS is provided by the General requirements on employer's labor protection of workers³⁴. Ukrainian legislation provides for a cooperation between employers, working at enterprises that are carrying out joint activity at the same territory or in the same working area. Collaboration of employers of construction projects are required by law.

Employees of other enterprises, who are involved in a particular activity shall undertake a medical examination and training on labor protection. Such workers shall be provided with necessary personal protective equipment³⁵.

Protection of labor and industrial safety in construction (SBN A.3.2-2-2009) system of standards³⁶ provides for designation of a contractor that is responsible for labor protection in the project (in case of work performing by several organizations - the general contractor), who is obliged to:

- allow admission to work only of those subcontractors (contractors) who have a permit to perform high-risk work;
- develop a schedule of joint work and measures for safe work together with subcontractors (contractors), who are involved in the work. These measures are mandatory for all organizations involved in the construction;
- identify dangerous areas on the construction site and mark them with appropriate signs;
- coordinate the contractors' compliance with labor protection requirements;
- monitor the compliance of subcontractors' employees with decisions on health and safety;
- ensure that third parties are not allowed to enter the construction site;
- ensure the registration of all persons, who enter or leave the construction site.

6. ESS2 AND POLICY GAP

6.1 ESS2 – LABOR AND WORKING CONDITIONS REQUIREMENTS

The World Bank's requirements related to labor and OHS are stipulated in the ESS2 of the Environmental and Social Framework. The Implementing agency promotes sound worker

³³ Art. 13 of the Law of Ukraine "On Labor Protection"

³⁴ Art. 2.6. of the [General requirements on employer's labor protection of workers](#), approved by the Order of the Ministry of Emergencies of Ukraine dated 25.01.2012 No 67

³⁵ Ibid.

³⁶ [Protection of labor and industrial safety in construction \(SBN A.3.2-2-2009\)](#)

management relationships and provides safe and healthy working conditions. Key objectives of the ESS 2 are to:

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
- Secure protection of project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to all specialists, workers and contractors engaged under the PIU, NIO, ERCO, and ECPE.

PIU has developed and will implement these labor management procedures applicable to the IPF component of the LEARN operation. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national legal framework and the ESS2. The procedures will address the way in which the ESS2 will apply to different categories of project workers including direct workers, and contract workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

For more details on the WB Environmental and Social Standards, please follow the below links: <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>.

6.2 Policy Gap

The Ukrainian labor protection, working conditions and OHS legislation is advanced and reflects all the key requirements of the ESS2.

The enforcement of the labor protection and OHS provisions, however, need to be improved. In addition, employees' awareness about their labor and OHS rights remains low. Labor management procedures at enterprise level, capacity building of workers remain an issue.

7. RESPONSIBLE STAFF

The overall responsibility for the implementation of all aspects of the project lie with the Ministry of Education and Science (MoES). The MoES will establish a Project Implementation Unit (PIU), NIO, ERCO and ECPE units which will be responsible for the project implementation on a daily basis. Key staff are engaged as individual consultants and contractors/firms

The PIU will employ the Head of PIU, Environmental Specialist and Social Specialist (with Public Liaison/GRM responsibilities), Procurement Specialist, Financial Management Specialist who will be in place within sixty days of Project effectiveness. Both the MoES and the World Bank team expect the PIU will be enhanced with other additional specialists including environmental and social safeguards consultants to implementation and monitor the enforcement of the World Bank's Environmental and Social standards. Alternatively, the functions may be reallocated to the existing consultants.

The Head of PIU will be responsible for implementing the labor management procedures concerning the direct workers.

The PIU Environmental Specialist and Social Specialist hired within the PIU with GRM and OHS responsibilities are responsible for the following aspects of the Labor Management Procedures under training and procurement activities:

- Ensure that Environmental and Social instruments required by the ESF are prepared, as applicable, for each training event and procurement package. Verify that OHS requirements and labor safety procedures are described in detail and comply with ESS2 and national standards.
- Regularly monitor that service providers/suppliers (including any sub-contractors) meet their contractual obligations toward contracted and sub-contracted workers in line with the World Bank Standard Procurement/Request for Bids documents, ESS2, and the national Labor Code.
- Monitor that OHS standards are met at training venues and during the handling, transport, delivery, installation/commissioning, and initial operation/testing of equipment, in line with national OHS legislation and approved OHS Plans.
- Ensure that all workers engaged by service providers/suppliers are informed about, and have access to, the project grievance redress mechanism (GRM).
- Review the LMP of service providers/suppliers and adapt them, as needed, to the requirements and risk profile of training and procurement activities.
- Ensure that grievances are properly registered, tracked, and addressed.

The Environmental Specialist and Social Specialist will oversee labor and safety performance on a regular basis—through in-person spot checks at training sessions, storage/delivery points, and installation sites, and/or through remote monitoring. PIU Social and Environmental Specialists are responsible for:

- Monitoring and reporting on the implementation of Labor Management Procedures by training providers and suppliers (including sub-contractors).
- Clearly communicating job descriptions and employment conditions to contracted workers.
- Maintaining a system for regular review and reporting of labor and OHS performance during trainings and equipment handling/delivery/installation.
- Establishing and operating a workers' grievance registration mechanism and addressing grievances in a timely manner.

- Delivering regular orientation and OHS training to □ employees of service providers/suppliers, including emergency preparedness relevant to training venues and equipment operations, and training on communicable-disease prevention (e.g., COVID-19).

8. POLICIES AND PROCEDURES

This section outlines the policies related to the management of the project workers with a focus on occupational health and safety (OHS), reporting, monitoring, and general project management policies. All type of workers involved in the project must comply with Ukrainian legislation on OHS, the LC, and labor-related laws, as well as the World Bank's Environmental and Social Standard 2 (ESS2). These measures will be implemented to manage identified risks and hazards. Contractors must ensure that their internal regulations align with the current legislation or adjust them accordingly. These regulations should be communicated and made available to all staff and workers, covering the following aspects:

- **Non-discriminatory Nature of Employment.** As per Article 2.1 of the LC, any form of discrimination based on gender, age, race, ethnicity, political opinion, social origin, residence, disability, status, or trade union activity, among other unrelated factors, is strictly prohibited.
- **Terms of Employment.** All workers will have written contracts specifying the terms and conditions of their work. Each worker will sign two copies of the contract, and terms of employment will be clearly available at work sites. New hires will receive an orientation that includes an explanation of the employment contract, workplace regulations, and OHS arrangements.
- **Employee Rights and Obligations.** Workers' rights will be outlined in accordance with Ukrainian legislation. These rights include safe working conditions, scheduled lunch breaks and rest periods, timely payment of wages, the right to appeal to employers or authorities in cases of labor disputes, and the right to form or join trade unions.
- **Occupational Safety and Health (OHS).** The Ministry of Education and Science (MoES) and the Project Implementation Unit (PIU) will ensure a safe working environment for all direct and contracted workers. A designated individual within the PIU will be responsible for managing OHS across all work environments, including pilot schools. OHS arrangements will include:
 - **Risk Identification:** An assessment of potential OHS risks associated with tasks to be carried out, such as equipment installation or handling chemicals, must be conducted. This assessment will identify hazards and propose appropriate mitigation measures.
 - **OHS Training:** All workers must receive comprehensive training on OHS policies, workplace safety protocols, and the specific risks involved in their work. This training will include emergency preparedness and response procedures.
 - **First Aid and Emergency Protocols:** First aid assistance must be readily available at all project sites, with emergency evacuation plans in place. Staff will be trained in these procedures and made aware of the protocols in case of emergencies.

- **OHS Standards in Procurement.** The MoES will include specific OHS requirements in all procurement and bidding documents. These requirements must comply with Ukrainian standards as well as international best practices, including the World Bank Group Environmental, Health, and Safety (EHS) Guidelines and Good International Industry Practices (GIIP). OHS measures will also be reflected in the project’s Environmental and Social Management Plans (ESMP).
- **OHS Monitoring and Reporting.** Contractors will be required to submit regular reports on OHS performance, including any incidents, near-misses, or non-compliance issues. These reports will be reviewed by the PIU and supervising specialists to ensure that OHS measures are effectively implemented and any risks are addressed promptly. Periodic site visits will be conducted to ensure ongoing compliance.
- **Risk Assessment and Emergency Preparedness.** All contractors must perform risk assessments prior to the commencement of any activities, especially tasks involving potential hazards such as electrical work or handling laboratory chemicals. **All incidents and near misses must be recorded and reported in accordance with applicable legislation.** During emergencies, contractors shall also comply with the relevant recommendations and instructions of the State Emergency Service of Ukraine. Workers will receive training on these procedures, and drills will be conducted periodically to ensure readiness.
- **Workplace Safety for In-person Training Activities.** Specific Occupational Health and Safety (OHS) measures must also be applied to all in-person training activities, regardless of location. Training environments must be assessed for potential risks, and necessary safety measures (such as appropriate PPE, emergency procedures, and safety guidelines) must be in place to protect trainers and trainees. Furthermore, during war events or heightened security risks, additional precautions should be implemented. These include identifying safe locations with adequate shelter options, establishing protocols for rapid evacuation, ensuring clear communication of emergency procedures, and maintaining access to first aid supplies and contact information for emergency services. All staff and participants will be briefed on conflict-related risks and trained to respond effectively in case of emergencies.
- **Code of Conduct.** The project has adopted a Code of Conduct that establishes clear measures to prevent and address Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) in the workplace. This Code of Conduct is attached to the present document as Annex 1.

All project workers will sign the CoC and the records will be kept on file. The workers’ grievance redress mechanism, mentioned in Section 10, includes confidential channels where workers can submit complaints related to SEA/SH. Complainants will be provided with information on referral services available in Ukraine to respond to such behaviors. All contractors involved in the project will be required to develop and implement a Code of Conduct that reflects these commitments, which will be submitted to the supervision PIU Specialist. Contractors will also be responsible for reporting on labor and occupational health and safety performance. This information will be included in their monthly reports. In addition, the contractor shall report to the Borrower about any inspections and audits carried out by the respective ministries such as

the Labor Inspection. The findings of the labor audits will be presented to the Borrower and the Bank, if requested.

9. AGE OF EMPLOYMENT

The minimum working-age in this project will be the age of 18 years. The national legislation prohibits child labor. Persons under the age of 18 years will not be allowed to be engaged in hazardous work.

The contractors will be required to verify the identify the age of all workers. This will require workers to provide official documentation to verify age such as a national identification card, passport, driver's license, birth certificate, valid medical or school records.

If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

10. TERMS AND CONDITIONS

The terms and conditions of employment applying to all types of project workers shall be governed by the internal regulations of contractors and suppliers in line with the Ukrainian Labor Code and other labor-related legislation. These terms and conditions will be clearly mentioned in the written contracts for all type of workers, whether full-time or part-time, and be made known to project workers prior to commencement of work.

The work hours are 40 per week for all workers. The number of weekly overtime hours and the payment of overtime shall be governed by the provisions of the Ukrainian Labor Code which is in line with the ESS2 and shall not exceed four hour per week and 120 days per year. The overtime work will be allowed only in circumstances prescribed by the labor code. Overtime hours will be paid at the rate of two times of the base wage. It is not allowed to provide a day off as compensation for overtime work. The contractor is obliged to keep records of overtime work of each employee.

There is no project-wide collective labor agreement.

11. GRIEVANCE MECHANISM

ESS 2 requires the establishment of a grievance mechanism for all project workers including direct and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed about the grievance mechanism upon hiring and about the measures taken to protect them from retaliation for its use. Measures will be taken to ensure easy access to the grievance mechanism for all such project workers; therefore, a separate mechanism will be established for handling their grievances, as outlined in Note 17 to ESS2.

The MoES, with the technical and administrative support of the PIU, will ensure an effective grievance mechanism for workers. The mechanism will be maintained throughout the entire Project implementation period. As the MoES is the legally mandated institution and the contracting authority, it retains full responsibility for receiving, registering, assessing, and monitoring grievances. PIU staff provide support in the day-to-day operation of the mechanism; however, as service providers engaged under civil law contracts, they cannot assume institutional or legal responsibility for the functioning of the GRM.

Information about the existence of the grievance mechanism is easily accessible to all project workers (both direct and contracted) via electronic communication and internal communication channels. Additionally, the grievance mechanism will be described during onboarding and initiation meetings for direct workers.

All contractors are required to have a grievance mechanism for their workers (Contracted Workers) and this will be specified in their contractual agreements. The worker GRM as set out in this LMP will also be made accessible to Contracted Workers.

The grievance mechanism operates based on the following principles:

- Grievances will be handled confidentially, assessed impartially, and resolved transparently.
- Submission and processing of grievances will be free of charge for complainants.
- The MoES with support of the PIU will ensure that all project-affected parties have equal opportunities to submit their grievances in an accessible manner. Project participants may use various communication methods (telephone, email, postal address, etc.). The GRM is available to all project workers.
- The MoES with support of the PIU will allow for anonymous submissions.
- Project Workers may submit grievances at any time during project implementation and during their official engagement period.
- All grievances, whether simple or complex, will be reviewed and resolved as quickly as possible.
- Actions taken in response to a grievance will be timely, decisive, and constructive.

If the complainant is dissatisfied with the outcome of the amicable settlement mechanism, they may appeal according to the procedure set out below. Workers may also resort to court proceedings at any stage of the grievance resolution process.

Grievances are submitted to the Project Coordinator / Co-Coordinators. The review of grievances and submission of the results of grievance consideration to the Project Coordinator/Co-Coordinators is carried out by the Project Manager – Head of the Group of Consultants, with the involvement of relevant specialists within their respective areas of competence, as necessary, except in cases where the grievance directly concerns the Project Manager.

In cases where a grievance is filed against the Project Manager, the responsible person for reviewing the grievance and submitting the results to the Project Coordinator/Co-Coordinators shall be appointed upon instruction of the Project Coordinator/Co-Coordinators.

The grievance mechanism ensures that all grievances are handled confidentially, assessed impartially, and resolved in a transparent manner. Submission and processing of grievances are free of charge for complainants. All project workers have equal and unrestricted access to the grievance mechanism and may submit grievances through various communication channels, including telephone, email, or postal address. Anonymous submissions are permitted.

Project workers may submit grievances at any time during project implementation and throughout the period of their official engagement. All grievances, whether simple or complex,

are reviewed and addressed as promptly as possible. Actions taken in response to grievances are timely, constructive, and aimed at amicable resolution.

All grievances are registered, documented, and systematically tracked throughout the entire grievance handling process, including communication with the complainant. If the complainant is dissatisfied with the outcome of the grievance resolution process, they may appeal in accordance with the established procedure or seek resolution through judicial proceedings at any stage.

The Human Resource Management Consultant (Maryna Chubenko, PIU) is designated as the responsible person for grievance registration. She maintains the grievance log and ensures proper recording of all submitted grievances.

In connection with digitalization processes, enhanced opportunities for grievance submission will be provided. Suggestions or grievances may be submitted via email, website, online platform, telephone, post, or a grievance box on the website. A grievance form template will be provided (Annex 3. Workers' grievance form). Channels for submitting grievances will be listed and communicated to employees during weekly meetings.

A suggestion is a communication from a project worker expressing advice, recommendations, or opinions concerning working conditions, occupational health and safety, management practices, or the overall work environment, aimed at improving efficiency, safety, fairness, and well-being in the workplace and considered under the internal feedback and suggestion mechanism for workers.

Project workers are encouraged to use informal methods of resolving disagreements or disputes. If workers have a reasonable grievance or complaint regarding their work or the people they work with, they should, wherever possible, start by discussing it with their manager. It may be possible to agree a solution informally between worker and manager. This makes it more likely that disputes can be resolved faster and closer to the source of the problem and less likely that they will escalate into intractable problems.

Formal Grievance: If the matter is serious and/or the worker wishes to raise the matter formally, the worker should set out the grievance in writing to his or her manager and/or the via the channels below.

Grievance submission channels:

- a) **In writing:**
 - By email: ez@mon.gov.ua and a copy to marina.chubenko@mon.gov.ua
 - By post: 01135, Kyiv, 10 Beresteyskiy Ave.
- b) **In person** (to be recorded in writing by the recipient):
 - By phone: (044) 481-47-57, (044) 481-47-65, (044) 481-47-95
 - Verbally, addressed to the Grievance Coordinator

Project workers can also use the public GRM channels as set out below:

Ministry of Education and Science of Ukraine (MoES):

- By telephone: (044) 481-47-57, (044) 481-47-65, (044) 481-47-95
- By e-mail: ez@mon.gov.ua

- Through the official web page: mon.gov.ua
- In writing: 01135, Kyiv, 10 Beresteyskiy Ave.
- In person: at the above address or other designated authority offices
- Other: Written complaints submitted directly to project staff (e.g., during project meetings)

Education Ombudsman Service:

- By e-mail: ez@eo.gov.ua
- Through the web page: <http://zvernennya.eo.gov.ua>
- In writing: 04053, Kyiv, Lvivska Sq., 14A
- By telephone: +380 951 438 726

Government Contact Center:

By telephone: 1545

Receipt, Acknowledgment, and Registration:

- The worker submits a grievance through one of the designated channels to the Project Coordinator / Co-Coordinators.
- Workers will be encouraged, where possible, to use the grievance form template provided to all staff in paper or electronic form.
- If a worker wishes to submit a grievance orally by phone or in person, the responsible person for grievance registration will record it on their behalf and process it through the same channels.
- Upon request, grievances may be submitted anonymously. This option will be clearly indicated on the grievance form and/or in cases of oral submission.
- If anonymity is waived, the worker will provide contact details or other relevant means to receive updates on the status of their grievance.
- All received grievances will be entered into the workplace grievance log (Annex 4. GRM Log Template).
- In all cases, the responsible person for grievance registration will promptly contact the complainant to confirm receipt, registration, and eligibility assessment of the grievance and provide a registration number. Clear and publicly available standards on response timelines will be established and respected.

Grievance Verification and Assessment:

- Grievance review and assessment, as well as submission of the results to the Project Coordinator / Co-Coordinators, are carried out by the Project Manager – Head of the Consulting Team, with the involvement of relevant specialists within their areas of competence, as necessary, except in cases where the grievance directly concerns the Project Manager.
- To verify the grievance, it must be discussed with the employee, investigated, and evidence gathered to the extent possible. This may include site visits, if necessary, for interviews or fact-finding regarding the incident or issue.

- The Project Manager may involve a responsible staff member or representative of the relevant department (e.g., social or legal), depending on the grievance nature, to ensure impartial and professional review.
- In cases where a grievance concerns the Project Manager, the responsible person for grievance review and submission of results to the Project Coordinator / Co-Coordination shall be appointed upon instruction of the Project Coordinator / Co-Coordination.
- The Project Manager (or appointed responsible person, where applicable) shall decide on the admissibility of the grievance or its escalation, if necessary.

Response and Feedback:

- As an initial response, the complainant will be informed about the results of the eligibility assessment and the measures undertaken to resolve the grievance. This initial response will be provided via official letter, email, or phone call within 30 working days of receipt.
- For admissible and simple grievances, the Project Manager will provide a response without further review within 15 days of receipt, proposing remedial actions and reaching agreement with the complainant.
- For grievances requiring additional assessment, the Project Manager will contact the complainant via phone or an official meeting to collect further details and, within 45 days of receipt, provide a response outlining proposed resolution measures and agreed next steps.
- In all cases, the response will clearly explain the proposed actions, including any alternatives, and, where applicable, clarify the complainant’s rights and options, such as:
 1. agreeing to continue the grievance resolution process;
 2. requesting a reassessment;
 3. pursuing other organizational, judicial, or non-judicial remedies.

If the complainant accepts the response, the decision is implemented, and the grievance log is updated with the closure (resolution) date.

Appeal process:

- The grievance mechanism does not replace or hinder judicial and administrative remedies that are necessary for resolving disputes beyond the scope of the grievance mechanism. The key function of the GM is to resolve issues as they arise, before they escalate to a level that may require judicial or administrative review. Thus, workers retain the right to take their case to court if they are not satisfied with the outcome of the grievance investigation.

Agreement and Resolution:

- If the grievance is resolved, the responsible person documents the actions taken, the time required for resolution, and the satisfactory outcome.
- If unresolved, the responsible person records additional information, including measures taken, communications, and final decisions made by the complainant and the organization regarding alternative options.
- Confidentiality must be maintained in documentation when requested by the complainant.

- In all cases, the total number of grievances, the time required for resolution, and the number of unresolved cases will be recorded.

12. CONTRACTOR MANAGEMENT

Whether the Lifting Education Access and Resilience in Times of Need in Ukraine Project will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts or National Procurement Guidelines, both should include labor and occupational, health and safety requirements that must comply with the Ukraine national legislation and ESS2.

As part of the process to select contractors who will engage contracted workers, the PIU and/or the consultant may review the following information:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrollment in the related programs;
- Worker payroll records, including hours worked and pay received;

The PIU generally, and a specific assigned person (e.g. Environmental and Social Specialist) within the PIU, will monitor the performance of Contractor(s) in relation to contracted workers. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; and (c) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

All **Project Workers**, as defined under ESS2—including both direct and contracted workers—must be hired, promoted, and, where necessary, their employment terminated based on clear principles of **non-discrimination, equal opportunity, no-harassment, and freedom of association**. Contractors and subcontractors engaged by the project will be required to implement recruitment and employment practices that do not discriminate based on gender, age, race, ethnicity, disability, political opinion, religion, social origin, or any other characteristics unrelated to a worker's professional qualifications.

All terms and conditions of employment must be provided in a language or format that is accessible and understandable to the worker, ensuring transparency and preventing any miscommunication.

The project and its contractors must maintain a work environment free from **harassment and abuse**. Strict measures will be implemented to ensure that all workers are protected from any form of harassment, whether verbal, physical, sexual, or psychological. The contractors will adopt a **zero-tolerance policy** for harassment in the workplace, and a system must be in place to handle complaints or grievances related to such incidents, ensuring timely and confidential resolution. If contractors are unable to establish such a mechanism, contracted workers may use the grievance mechanism described in this Labor Management Procedure. Contractors will ensure that all workers are made aware of their rights under **Ukrainian labor and employment laws**, including:

- The right to fair wages and timely payment without unauthorized deductions.
- The right to safe and healthy working conditions.
- The right to rest periods and leave entitlements as outlined in national legislation.
- The right to freely join or form unions or associations.

13. COMMUNITY WORKERS

No community contribution is expected under the project and no community workers will be involved in the project's minor works.

14. PRIMARY SUPPLY WORKERS

The project will finance minor rehabilitation works and the primary suppliers will be suppliers of construction materials, tools and equipment. There are little or no risk of child or forced labor or serious safety issues in relation to primary suppliers under the Ukraine Improving Higher Education for Results Project. If there are any risks related to child and forced labor, and safety identified, the PIU will prepare the procedures to address these risks.

Annex 1. Code of Conduct

Ukraine Lifting Education Access and Resilience in times of Need (LEARN)

Undertaking for Ethical Conduct

To: _____

I, (name), (registered at), (series and number of the passport of a citizen of Ukraine), presently working as (position) as part of the Project Management Unit of the **Ukraine Lifting Education Access and Resilience in times of Need (LEARN) Project** hereby solemnly affirm the following:

1. Background Checks

I hereby confirm that information provided for all background checks (educational, employment verification, criminal, civil) to the PMU is correct and truthful, and I have no criminal proceedings or convictions against me, in the past or present.

CONFIRMED:

2. Fraud and Corruption

I have read Definitions of Practices Constituting Fraud and Corruption in accordance with Section 7 of World Bank Anticorruption Guidelines (attached herewith as Annex 2) and other relevant government ethical conduct provisions and confirm that they have not been violated. Furthermore, I confirm that I shall adhere to these Guidelines and ethical conduct provisions in the conduct of my duties so long as I remain a member of the Project team.

CONFIRMED:

3. Family Connections Disclosure

I do not have any financial or family connections with:

- Any other staff working under this project or in the government directly or indirectly related to the project or ongoing procurement processes;
- Employees or representatives of firms or suppliers taking part in active procurement processes under this project or with active contracts under this project;
- Employees or representatives of firms or suppliers receiving grants or other payments under this project.

Furthermore, I hereby confirm that if this situation changes as a result of new procurement actions or reconfigurations under existing contracts, I shall immediately amend this declaration and resubmit.

CONFIRMED:

[**OR** in case family connections exist]

I hereby disclose that I have a family and/or financial relationship with: who is working as or who is associated with the project as a result of.....

4. Anti-Harassment

I hereby confirm that I will perform my duties without making any unwelcome sexual advances, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating intimidating, hostile or offensive work environment, or attempting to punish a complainant for refusal to comply with such a request.

CONFIRMED:

I further confirm that the above information is correct to the best of my knowledge. I understand that failure to disclose relevant information or submission of inaccurate information shall be grounds for disciplinary action, including potentially dismissal and referral of any pertinent information to the relevant authorities.

CONFIRMED:

Signature:

Date:

Annex 2. World Bank Anticorruption Guidelines

These Guidelines address the following defined sanctionable practices when engaged in by recipients of Loan proceeds in connection with the use of such proceeds:

- a) A “corrupt practice” is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.
- b) A “fraudulent practice” is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
- c) A “collusive practice” is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party.
- d) A “coercive practice” is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.
- e) An “obstructive practice” is (i) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements to investigators in order to materially impede a Bank investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or (ii) acts intended to materially impede the exercise of the Bank’s contractual rights of audit or access to information.

The above practices, as so defined, are referred to collectively and individually in these Guidelines as “Fraud and Corruption”.

Annex 3. Workers' grievance form

Project Title:

Lifting Education Access and Resilience in Times of Need in Ukraine (LEARN)

(or insert relevant project name)

Date of Submission: □□ / □□ / □□□□

Unique Grievance ID: _____ *(to be assigned by HR/GRM Focal Point)*

A. Worker Information (Confidential)

(This section is for internal use only. Information will not be disclosed without consent.)

- **Full Name:** _____
- **Position / Role:** _____
- **Department / Unit:** _____
- **Supervisor's Name:** _____
- **Employment Type:**
 - PIU staff
 - Consultant
 - Contractor employee
 - Other (please specify): _____
- **Preferred method of communication:**
 - Phone E-mail In person Written response

I wish to remain anonymous. (If checked, do not complete the name field above.)

B. Nature of Grievance

(Please select one or more categories that best describe your concern.)

- Working conditions (hours, workload, contracts, pay)
- Occupational health and safety
- Discrimination, harassment, or bullying
- Sexual exploitation, abuse or harassment (SEA/SH)
- Management or supervision issues
- Violation of labor rights / unfair treatment
- Other (please specify): _____

C. Description of the Grievance

(Please describe clearly the issue, when and where it occurred, and who was involved.)

Date of incident: _____

Location: _____

D. Steps Already Taken

(If any — for example, reported to a supervisor, HR, or another person.)

None

Reported to: _____ on □□ / □□ / □□□□

Action taken so far (if any): _____

E. Desired Outcome / Proposed Resolution

F. For Official Use Only (to be completed by GRM / HR Focal Point)

- **Date received:** _____
 - **Received by:** _____
 - **Grievance category:** _____
 - **Action required:** Immediate Investigation Referral No action
 - **Assigned to:** _____
 - **Status:** Open In progress Resolved Closed
 - **Date resolved:** _____
 - **Summary of resolution / corrective action:**
-
-

G. Confidentiality and Protection from Retaliation

All grievances are handled confidentially. Retaliation or adverse actions against a person who submits a grievance are strictly prohibited. Workers may report anonymously and are encouraged to report in good faith.

Annex 4. GRM Log Template

No	Date	Type	Channel	Recipient				Location	Name of complainant/anonymous	Brief of Grievance	Brief of response	Date of response	Status
				PIU	Consultant	Contracted worker	Other						