

Annex IV.D Labor Management Procedure

Definitions

EHS	-	Environment Health and Safety Guidelines
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
HEI	-	Higher Education Institution
LMP	-	Labor Management Procedure
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 TO THE PROJECT

The proposed Ukraine Improving Higher Education for Results Project Development Objective (PDO) is to improve efficiency, conditions for quality, and transparency in higher education system of Ukraine.

The achievement of the Project's PDO is expected via implementation of four components, as described in more detail below:

Part 1: Sectoral Improvement in Governance, Financing, Quality, and Transparency

The aim of this part is to support the activities of the Government of Ukraine in implementing and monitoring sectoral reforms that impact governance, financing, quality, and transparency in higher education. This part includes two complementary sub-parts:

- Sub-part 1.1: Financing of strategic sector-wide investments to support autonomy, transparency, and monitoring, including, in particular: (a) development of information systems to engage stakeholders, enhance transparency, and ensure informed policy in the higher education sector of the Borrower; (b) development of standardized digital tools for assessing learning outcomes in higher education institutions; and (c) conducting communication campaigns.
- Sub-part 1.2: Support for the introduction and use of performance-based incentives in the higher education system of the Borrower.

Part 2: Consolidation and Partnerships for Enhanced Efficiency and Quality

The aim of this part is to support the Government in improving financial efficiency in the higher education sector and to support the creation of preconditions for university mergers, including the development and implementation of technical and economic justifications for university mergers and partnerships, as well as the development of guiding principles and a "roadmap" for carrying out university mergers and partnerships. This part may also finance merger support packages on a pilot basis following the above measures.

Improving conditions for quality teaching and learning at individual state HEIs that have started the merger process, including: (a) equipping modern basic educational laboratories and advanced research laboratories; (b) equipping information technologies; (c) conducting minor repair and restoration works; and (d) conducting research and necessary technical assistance for planning merger processes.

Sub-part 2.1. Strategic Investments for Successful University Consolidation

Under this sub-part, the Project may finance investment packages as a pilot project for implementation in consolidated (reorganized) HEIs of the following measures related to key priorities in higher education: (i) improving the quality of teaching, learning, and research activities while ensuring digital transformation in the sector; (ii) implementing national reforms in governance and financial autonomy; and (iii) ensuring successful implementation of consolidation at the institutional and/or program level (i.e., unique to each consolidation). A key aspect of development is that this investment package should facilitate the consolidation process and support quality enhancement measures that would otherwise be unlikely, or that institutions could not implement independently without additional initial funding provided under the Project. The list of pre-defined investment packages for reorganized HEIs will consist of goods and small-scale repair works. They will be selected by the Ministry of Education and Science to facilitate the successful implementation of governance reforms and financial autonomy, as well as to improve quality and relevance. The consolidation support packages will include, in particular, laboratories for teaching, research and/or training, laboratory equipment, learning support tools and other educational facilities, modern digital infrastructure to support distance learning, and small-scale repair works. New construction will not be supported.

Part 3: Capacity Building and Enhancing the Educational Environment and Research Potential of Individual State HEIs_including, in particular: a) development of change management plans;

b) provision of digital educational resources, digital devices, multimedia equipment, and software, as well as modern digital infrastructure to ensure continuity of learning through remote and distance learning methods; c) provision of modern basic educational laboratories and advanced research laboratories; d) training of management staff to support higher education reforms; e) conducting refurbishment, rehabilitation, reconstruction works; f) providing support to the Ministry of Education and Science and selected state HEIs for strengthening academic innovations, labor market links, strategic planning and change management, engaging entrepreneurs and businesses, human resources management, financial management, and taxation.

The Project will finance pre-defined categories of goods and services, including modern digital infrastructure for distance learning, digital devices, multimedia equipment and software, electronic learning management systems, and similar IT investments to enhance the quality of distance learning. Investments will also include modern basic educational and research laboratories, related equipment, targeted training of management for reform support, refurbishment, rehabilitation, reconstruction works, and targeted assistance, among others, for the development of change management plans, academic innovations, labor market linkage, strategic planning and change management, business and entrepreneur engagement, human resources management, and financial management/taxation.

In addition to the previously defined categories of goods and services, the Project will also finance the installation of solar battery systems. These investments will support energy resilience and continuity of educational and research activities by providing backup power supply for critical infrastructure, including digital learning systems, IT equipment, laboratories, and other essential facilities. The installation of solar batteries will enhance the reliability of distance and on-site learning, reduce disruptions caused by power outages, and contribute to improved energy efficiency and sustainability of higher education institutions.

Part 4: Project Management, Monitoring, and Evaluation

The purpose of this part is to support the effective management and implementation of the proposed project. As this is a complex and long-term development project, activities within the project require support from a special group of individual consultants, hereinafter referred to as the Project Implementation Unit (PIU). These consultants will enhance the Ministry of Education and Science's capacity for project implementation, providing expertise in project management, procurement, financial, legal management/control, monitoring and evaluation, as well as environmental and social management and safeguards, etc. The PIU will be engaged to support the implementation of the project on a regular basis throughout the project period under the leadership and supervision of the Coordinator/Co-Coordinator.

Part 5: Support for Academic and Social Scholarships for Students of Higher Education Institutions

This part will support academic scholarships provided by the Ministry of Education and Science, and social scholarships provided by the Ministry of Social Policy of Ukraine. The Ministry of Education and Science administers academic scholarships, according to a well-established legislative and regulatory base, described in Appendix 10 of this Guide. The basic amount of the academic scholarship for students in HEIs averages 2000 UAH per month (approximately \$67 USD) as of 2022. The basic amount of the academic scholarship, appointed by the Government of Ukraine, is the same across different regions and HEIs, although institutions may assign additional awards to students. The number of scholarship recipients is determined based on semester performance, controlled by the Academic Council of the HEI. In 2022, the average annual beneficiaries are approximately 172,000 students enrolled in academic full-time programs. Under Part 5, the Project will reimburse the Ministry of Education and Science for academic scholarships paid during the 2021-2022 academic

year, starting from the date of signing the amendments to the Loan Agreement at least until the end of April 2022, for students of professional pre-higher and higher education institutions. The Ministry of Social Policy of Ukraine assigns social scholarships to HEI students from vulnerable segments of the population, as described in Appendix 11 of this Guide. The law defines categories of students eligible for social scholarships, for example, students who are orphans or internally displaced persons, with special educational needs, or from low income families. These scholarships range from 1180 to 3720 UAH (about \$40 - \$125 USD) depending on the category. The annual number of students receiving social scholarships is about 50,000. Under Component 5, the Project will reimburse social scholarships paid during the 2021/2022 academic year, starting from the date of signing the amendments to the Loan Agreement at least until the end of April 2022, for students of professional pre-higher and higher education institutions.

Part 6: Emergency Response Component

The Emergency Response Component (CERC), outlined in Appendix 12 of this Guide, aims to support the country's future response in case the current emergency persists, or if a new unexpected emergency arises, following procedures regulated by paragraph 12, Section III of the Bank's Policy on Investment Project Financing (IPF) for projects in situations of urgent assistance needs or limited capacity. There is a possibility that the current emergency situation in Ukraine will continue for some time, requiring further changes in project design to provide urgent interventions. There is also the possibility that a natural disaster, epidemic, or other emergency situation may arise during implementation, causing serious negative economic and/or social consequences. Anticipating such an event, this CERC with zero allocation allows the Government of Ukraine to reallocate project funds to response measures in response to the relevant crisis or emergency.

OVERVIEW OF LABOR USE ON THE PROJECT

Number of Project Workers. At this stage the type of labor requirements and exact number of project workers cannot be determined. According to the amended scope of the Project, labor will also be engaged for refurbishment, rehabilitation, and reconstruction works of limited scale, installation of equipment, and implementation of pre-feasibility and feasibility studies at selected higher education institutions. These activities may involve from 20 to 80 contractors, subcontractors, technical specialists, and temporary workers. Therefore, labor requirements may include both consulting personnel and workers involved in civil works and equipment installation, depending on the specific activities implemented at the HEI level.. Recruitment of labor force will take place primarily within the framework of providing consulting services, administration of project activities and conducting trainings and education. By previous estimated number of 20-40 persons will be hired either as individual consultants for general management of project activities.

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

Direct workers. Direct workers would include the individual consultants working for the Project Implementation Unit (PIU) established under the MoES. The number of direct workers estimated at 5-7 key staff members who will be responsible for the project management, monitoring, evaluating and reporting, financial management, procurement, compliance with environmental and social requirements. These employees are not civil servants and full-time employees of the MoES, but will be engaged on the basis of concluded civil legal agreements with the MoES and will provide consulting services as individual entrepreneurs.

Contracted Workers. Contracted workers would be hired for minor works of installation of equipment, implementation of modernization of places of installation of equipment as well as for the technical and consulting assistance activities under the project. The number of contracted workers will be around 150, but this number may vary depending on HEIs needs. Contracted workers engaged under the Project may include construction workers, electricians,

technicians, installers, and other skilled or semi-skilled workers employed by contractors and subcontractors. These workers will be subject to the requirements of this LMP, national labor legislation, and ESS2, including provisions on occupational health and safety, working hours, grievance mechanisms, and codes of conduct.

Key Supplier Workers: Individuals who will be engaged by key contractors to perform major types of project activities. The exact number of this type of employee is unknown and will depend on the proposals of the types of project activities provided by HEIs.

Workers, members of local communities and volunteers. This category of workers will not be involved in the implementation of the Project.

Migrant workers: *International migrants are not expected to be hired under the project.* However, some internal migrants, i.e. workers from other regions of Ukraine may be employed as workers outside their area of residence. The main risks associated with these workers is that they may be employed on part-time /temporary basis without defined benefits/written contracts etc. It might also be possible that unskilled workers have to work overtime without appropriate pay.

Timing of Labor Requirements

The direct workers at PIU will be required full time and round the year of the project duration. The timing and sequencing of labor on the project currently cannot be defined. This section can be filled once the sequencing of the implementation plan and procurement plans are finalized.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

2.1 Project activities

The activities envisaged under the Project include refurbishment, rehabilitation, and reconstruction works of limited scale, installation of laboratory, digital and technical equipment, and implementation of pre-feasibility and feasibility studies at selected higher education institutions. Such activities may include renovation and modernization of laboratories and learning spaces, upgrading of utilities and safety systems, installation of equipment, and related civil works. New construction will not be supported.

2.2 Key Labor Risks and Hazards

The key labor risks related to the occupational and health safety relate to the above-mentioned works and risks associated with the danger caused by the military aggression of the Russian Federation. The specific civil works are not known currently as the higher education institutions will have to define those in their applications during project implementation. However, it can be estimated that some of those generic risks would include, but not be limited to the following:

- Working at height.
- Moving objects, lifting of heavy structures/equipment. Slips, trips, and falls.
- Noise.
- The danger of missile attacks, UAV attacks;
- The danger is caused by the identification of ammunition or its parts;
- Exposure to chemicals (paints, solvents, lubricants, and fuels, pulverized silica, fuels, etc.)
- Material and manual handling.

- Demolition hazards and debris, e.g. asbestos containing materials used for insulation Welding h (roofs, walls, etc.), lead containing paints on wall, windows, etc. Electrical Works. azards
- Dust, airborne fibers and materials, etc.
- Traffic accidents.
- Risks related to the spread of COVID-19 among workers.

Additional labor risks may include electrical hazards related to installation of equipment, working at heights during installation or rehabilitation works, risks related to handling and transportation of heavy equipment, and risks associated with temporary disruption of normal HEI operations during works. These risks will be mitigated through site-specific OHS measures, contractor OHS plans, and supervision by the PIU.

In addition to the generic occupational health and safety risks identified above, the Project is implemented in an active war context, which creates additional, significant risks for workers. These include, but are not limited to:

- Shelling, missile strikes, UAV/drone attacks, artillery attacks, and other explosive hazards that may cause severe injuries or fatalities, as well as damage to construction sites and facilities;
- Risks related to the presence of unexploded ordnance (UXO), explosive remnants of war (ERW), and suspected dangerous objects in or near construction areas;
- Risks associated with air raid alarms, the need for urgent evacuation, restricted access to shelters, and interruptions of works due to security alerts;
- Risks related to disruptions of critical infrastructure (electricity, heating, communication, and water supply), which may create unsafe working conditions;
- Increased risks during transportation and logistics due to road damages, military checkpoints, curfews, and security restrictions;

Stress, anxiety, fatigue, and other psychosocial risks among workers caused by prolonged exposure to a conflict environment and constant security threats.

Appropriate measures shall be introduced by the PIU, HEIs, and Contractors to manage these risks, including compliance with national civil protection and emergency regulations, ensuring access to safe shelters, clear emergency preparedness and response procedures, UXO/ERW risk awareness, coordination with local authorities, and communication of security protocols to all workers.

Other labor risks are not considered to be significant. Ukraine also has few regulations governing migrant workers, explained below. As per the initial screening and country reports, the project is evaluated low on gender-based violence risk. However, the PIU will monitor implementation of the Project and will ensure the introduction of changes to this Plan and the adoption of corrective measures, if necessary.

3. 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, 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.

3.1 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:

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 3356-XII

⁵ The Law of Ukraine "[On employment](#)" dated July 05, 2012 No 5067-VI

⁵ <https://zakon.rada.gov.ua/laws/show/530-20#Text>

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).⁸
- 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 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.

3.2 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 consist 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 November 2020, the minimum salary level 5000 UAH (approx. 176 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.

3.3 Working Hours

The Labor Code of Ukraine (Article 50) envisages a regular 40-hour work week. Reduced working hours shall be established (Article 51 of the LC of Ukraine):

- for employees aged from 16 to 18 years old - 36 hours per week, for persons aged from 15 to 16 years old (pupils aged from 14 to 15 years old working within the period of vacations) - 24 hours per week.
- for employees performing works in harmful working conditions – not more than 36 hours per week

In addition, legislation shall prescribe for reduced working hours for certain categories of employees (teachers, doctors, etc)

Reduced working hours may be established at the expense of own funds of enterprises and organizations for women having children under fourteen years old or disabled child.

According to the article 54 of Labor Code, when working at night the established working hours (shift) shall be reduced by one hour.

Working hours at night shall be put in a par with those during the day if this is required subject to conditions of production, in particular in continuous productions, as well as when working in shifts at six-day working week with one day-off. Night working hours shall be from 10:00 p.m. until 06:00 a.m.

Part-time work may be established by agreement of the parties or at the initiative of the employer (Art. 56 of the LC). Moreover, an employer is obliged to establish part-time work at the request of a pregnant woman, a woman who has a child under the age of 14 or a disabled child. Employees shall receive payment for part-time work in proportion to the actual worked hours. Part-time work does not affect restrictions on the scope of employee's rights. If the

introduction of part-time work is initiated by the employer, they are required to notify the employee not later than 2 months before the establishment of new working conditions

Engagement of women in work at night shall not be allowed, except for those branches of national economy in which this is of particular necessity and is allowed as temporary measure.

Engagement of pregnant women and women having children under three years old may not be engaged in night works, overtime works, works on days-off, and business trips. Women having children aged from three to fourteen years old or disabled children may not be engaged in overtime works or sent on business trips without their consent. (Labor Code, articles 175-177).

In general, the law prohibits the overtime work, and allows overtime work only in the following exceptional cases (Art 62, LC): a) emergency situations; b) carrying out socially necessary works on water supply, gas supply, heating, lighting, sewerage, transport, communication; c) to perform loading and unloading operations in order to prevent or eliminate downtime of rolling stock or accumulation of goods; d) if necessary, finish the started work, which, due to unforeseen circumstances or accidental delay, could not be finished during normal working hours, when its termination could lead to damage to state or public property; e) to continue work in case of nonappearance of the substitute employee, when the work does not allow a break.

Overtime work of one employee shall not exceed 4 hours in total for every two consecutive days and 120 hours in total per year (Art. 65 of the LC). The employer is obliged to keep records of overtime work of each employee.

Remuneration for overtime work is paid in double amount. It is not allowed to provide a day off as compensation for overtime work (Art. 106 of the LC).

There is a possibility to establish non-fixed working time in cases of impossibility to estimate duration of workday for a certain category of workers.⁶ The employer provides for a list of positions and categories of workers with non-fixed working time in the collective agreement.

As mentioned above, night work is considered as a work starting from 22:00 to 6:00. Working time at night is reduced for one hour (Art. 54 of the LC).

The following categories of employees are prohibited to be engaged in work at night: i.) pregnant women and women with children under the age of 3; ii.) minor employees; iii.) other categories of employees provided by law.

Night work is paid at the increased amount indicated by the general, branch (regional) agreements and collective agreements, but not less than additional 20 percent of the salary for each hour of work at night (Art. 108 of the LC).

3.4 Rest Period

Employees shall be provided with break for rest and meal lasting not more than two hours. The break shall not be included into working hours. The break for rest and meal shall be usually provided in four hours after start of work. Time of start and end of the break shall be established by internal regulations. Employees shall use the break time at their own discretion. During this time they may be absent from the workplace. (article 66 of Labor Code).

The duration of the weekly uninterrupted rest shall be at least forty-two hours (Art. 79 of the LC).

Employees, working a five-day working week are granted two days off per week, and those working six-day per week – one day. The common day off is Sunday. The second day off is to be indicated by the schedule of an enterprise (Saturday or Monday).

⁶ Point 1 of the Recommendations [“On the procedure for granting employees with non-fixed working day annual additional leave for the special nature of work”, approved by the order of the Ministry of Labor, dated 10.10.97 No 7](#)

Working during rest days is prohibited. Engaging employees to work during rest days is allowed only with permission of the trade union of the enterprise in exceptional cases provided (Art. 71 of the LC).

If the employees are required to work on rest days, they have the right to another day off or a monetary compensation in double amount (Art 72 of the LC).

3.5 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 forty-two 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:

- 1) for prevention or liquidation of consequences of natural disaster, epidemics, epizootics, industrial accidents and immediate remedy of their consequences;
- 2) for prevention of accidents which endanger or may endanger life or normal living conditions of people, loss or damage of property;
- 3) for performance of urgent unforeseen works on which further normal operation of enterprise, institution or organization as the whole or separate subdivisions thereof depends;
- 4) 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 effected 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)

3.6 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 2014 ⁷(Labor Code, article 77).
- 2) leave for studying, pregnancy and child birth;

⁷The 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.

- 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 (Labor Code, Articles 74-75).

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.

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.

3.7 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 does not provide 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 children's employment is determined by the labor legislation of Ukraine.⁸

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

⁸ [Art. 21 of the Law of Ukraine "On the Protection of Childhood"](#)

year.⁹ 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.

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.¹⁶ 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.¹⁰

The Decree of the Ministry of Health of Ukraine¹¹ 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 Ukraine¹². 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.¹⁶ 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. 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"](#) ¹⁶ Art. 43 of the [Constitution of Ukraine](#)

¹⁰ Art. 11 of the Law of Ukraine "On Labor Protection" and [Art. 21 of the Law of Ukraine "On the Protection of Childhood"](#)

¹¹ 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"](#)

¹² Decree of the Ministry of Health of Ukraine ["On the approval of limiting norms of lifting and moving of heavy items by minors"](#)

¹⁶ [Art. 21 of the Law of Ukraine "On the Protection of Childhood"](#)

with an annual basic leave of 31 calendar days.¹³ Minor employees are entitled to vacations at any time of their choice.¹⁴

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).

3.8 Overtime Work

An employer can order overtime work in case that is related to national defense or emergencies. According to Labor Code (Article 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) 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).

3.9 Labor Disputes

There are two kind of labor disputes in Ukraine: (1) individual labor disputes (disagreement between an employee and employer arose in connection with the establishment or change of

¹³ Art. 6 of the Law of Ukraine "On vacations"

¹⁴ Art. 11 of the Law of Ukraine "On vacations"

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.

Collective labor disputes are considered by (1) conciliation commission (a body intended to develop a solution that can satisfy the parties to a collective labor dispute and shall be comprised of representatives of the parties) and (2) labor arbitration board (a body consisting of specialists, experts and others appointed by the parties, which rules on the substance of a labor dispute).

A conciliation commission is authorized to consider disputes regarding the establishment or change of working conditions and conclusion or amendment of a collective agreement¹⁵.

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 dispute¹⁶.

¹⁵ Art. 8-9 of the [Collective Dispute Law](#)

¹⁶ Art. 11-12 of the [Collective Dispute Law](#)

Both the decision of a conciliation commission and ruling of a labor arbitration board shall be binding.

3.10 Trade unions

According to the Constitution of Ukraine and Law of Ukraine “On trade unions, their rights and guarantees of activity”¹⁷, 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 has a 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);

4. 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 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

¹⁷ Law # 1045-XIV, adopted on September 15, 1999

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 3). 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, specially authorized body of executive power on supervision over 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 selfgovernment. 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.

4.1 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 accidents.¹⁸

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 protection.¹⁹

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 safety.²⁰

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 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 disasters.²⁵

¹⁸ [Art. 18 of the Law of Ukraine "On Labor Protection"](#)

¹⁹ [Art. 18 of the Law of Ukraine "On Labor Protection"](#)

²⁰ [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](#) ²⁵ Art. 163 of the LC and Art. 8 of the Law of Ukraine "On Labor Protection"

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 expenses.²¹

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 expense.²²

4.2 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 disability.²³ The Social Insurance Fund of Ukraine²⁴ 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 diseases:²⁵

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 law.²⁶

4.3 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 examination.²⁷

Enterprises that use work of disabled persons are obliged to create relevant working conditions and implement recommendations of the medical and social expert commission.³³

²¹ [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](#)

²² [Art. 17 of the Law of Ukraine "On Labor Protection"](#)

²³ [Art. 5 of the Law of Ukraine "On Labor Protection"](#)

²⁴ [The Law of Ukraine "On State Social Insurance"](#)

²⁵ [Art. 18 of The Law of Ukraine "On State social insurance"](#)

²⁶ [Art. 7 of the Law of Ukraine "On Labor Protection"](#)

²⁷ [Art. 10, 11 of the Law of Ukraine "On Labor Protection"](#)

³³ [Art. 12 of the Law of Ukraine "On Labor Protection"](#)

4.4 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.

4.5 Investigation of occupational accidents and/or diseases

The employer shall keep records of accidents and/or occupational diseases.²⁸

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 by:²⁹

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

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 ³⁶ Art. 43-49 of the Code of Civil Defense, dated 02.10.2012 № 5403-VI

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 prevention.³⁶

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 departments³⁰.

The employers develop and approve instructions on the appropriate actions in the event of a threat or emergency.³¹ Moreover, there is a list of specific requirements to adopt plans and procedures regarding fire safety (evacuation plans).

4.6 Contractors OHS responsibilities and collaboration

The employer is obliged to organize the functioning of the labor protection system at the enterprise, namely⁴⁴:

- 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.

At an enterprise employing 50 or more persons, the employer is required to establish labor protection service, according to the standard regulation³². 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 workers.³³ 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.

³⁰ [_01.2012 No 67](#)

³¹ [Art. 130 of the Code of Civil Defense, dated 02.10.2012 No 5403-VI](#) ⁴⁴
Art. 13 of the Law of Ukraine "On Labor Protection"

³² [_11.2004 No 255](#)

³³ [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](#)

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 equipment.³⁴

Protection of labor and industrial safety in construction (SBN A.3.2-2-2009) system of standards³⁵ 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.

5. ESS2 AND POLICY GAP

5.1 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 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, non-discrimination 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 migrant workers, 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 direct and contracted workers employed by the project PIUs and contractors (fulltime, part-time, temporary, assignment-based and migrant workers). Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment

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

agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants. PIU will develop and implement internal labor management procedures applicable to the project. 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: www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards.

5.2 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.

6. 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) which will be responsible for the project implementation on a daily basis.

The PIU will employ the Project Coordinator, Environmental and Social Specialist (with Public Liaison/GRM responsibilities and labor safety OHS Supervision functions), 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 staff including environmental and social safeguards consultants to implementation and monitor the enforcement of the World Bank's Environmental and Social Safeguards standards. Alternatively, the functions may be reallocated to the existing consultants.

The Project Coordinator in the PIU will be responsible for implementing the labor management procedures concerning the direct workers.

The PIU Environmental and Social Specialist (a person hired/designated within the PIU with Public Liaison/GRM and labor safety and OHS responsibilities), will be responsible for the following aspects of the labor management procedures:

- Ensure that ESMP developed for each selected HEI renovation project. Ensure that OHS requirements and labor safety procedures are described in details and comply with ESS2 and the national standards.
- Ensure that bidding documents include OHS and labor management requirements.
- Ensure that contractor(s) responsible for the civil works under the project prepare the OHS plan to meet the requirements of national occupational health and safety regulations before the start of the works.

- Monitor regularly that the Contractor(s) are meeting contractual obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and the national Labor Code.
- Monitor that OHS standards are met at work places in line with national occupational health and safety legislation and Occupational Health and Safety Plan.
- Ensure that the workers for all contractors and subcontractors are aware about the grievance redress mechanism.
- Review the LMP and OHS plans in order to adapt them to the requirements of the project activities.
- Ensure that grievances are registered and addressed properly by the appropriate party.

The Environmental and Social Specialist will oversee labor and safety performance on a regular basis (daily) in person and/or hire supervision consultants particularly when civil works will start on selected HEI. Supervision Consultant(s) (if envisaged by the project) will be responsible for the following:

- Monitor and report on implementation of project contractors' labor management procedures
- Maintaining records of recruitment and employment process of contracted workers.
- Communicating clearly job description and employment conditions to contracted workers
- Having a system for regular review and reporting of labor, and occupational safety and health performance on site.
- Developing and implementing a grievance registration mechanism that would record and address the grievances raised by the workers.
- Delivering regular orientation and OHS training to employees Conducting training for employees on COVID-19 protection.

In the context of refurbishment, rehabilitation, reconstruction works and installation of equipment, the PIU Environmental and Social Specialist will ensure that contractors and subcontractors comply with labor management and occupational health and safety requirements, including the preparation and implementation of site-specific OHS plans, provision of personal protective equipment, worker training, and reporting of labor-related incidents.

In the context of refurbishment, rehabilitation, reconstruction works and installation of equipment, the PIU Environmental and Social Specialist will ensure that contractors and subcontractors comply with labor management and occupational health and safety requirements, including the preparation and implementation of site-specific OHS plans, provision of personal protective equipment, worker training, and reporting of labor-related incidents. **Implementation of these requirements will be regularly monitored through semi-annual on-site monitoring missions covering all relevant Project sites, with documented findings and follow-up actions.**

7. POLICIES AND PROCEDURES

This section sets out information on OHS, reporting and monitoring and other general project policies related to the management of project-related labor pool.

All the contractors under the project will have to comply with the Ukrainian legislation requirement of OHS, Labor Code and labor related laws as well as the provisions set under the

World Bank's ESS 2 to manage the risks and hazards that are identified. The contractor(s) will have to prepare or adjust their internal regulations, in case they do not comply with the current legislation. They will also make them known and available to their staff and workers and will cover the following aspects:

7.1 Non-discriminatory Nature of Employment

All the workers hired under the project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination. As per Article 2.1 of the Ukraine Labor Code, any discrimination based on gender, age, race, ethnicity, political option, social origin, residence, handicap, status or trade union activity, as well as other criteria not related to his professional qualities, shall be prohibited.

7.2 Terms of Employment

All workers will have **written contracts** describing terms and conditions of work. Workers will sign the employment contract in two copies. Terms and conditions of employment will be available at work sites. Each staff or worker will receive a brief orientation covering the contents of the contract; the internal regulations of the institution; the work safety and OHS arrangements in the work place.

- The PIU will have to ensure that all part-time and seasonal construction workers all have written contracts as unpaid overtime work and generally failure to pay individuals who do not have signed contracts is one of the main risks of abuse in the Ukraine construction industry.

7.3 Employee Rights and Obligations

The section should specify the employee rights in line with the Ukrainian legislation which include, among others, the right to a safe working environment; lunch breaks and rest days; timely payment of wages and salaries; the right to appeal to employers, trade unions and authorities in case of labor disputes; the right to associate freely.

7.4 Occupational Safety and Health

Occupational health and safety requirements under this Project will apply to all project workers, including direct workers, contracted workers, and subcontractors involved in refurbishment, rehabilitation, reconstruction works, installation of equipment, and feasibility studies. OHS measures will be proportionate to the nature and scale of the activities and will be implemented in line with ESS2, national legislation, WBG EHS Guidelines, and Good International Industry Practice (GIIP).

The MoES/PIU will provide a healthy work environment for direct workers and assign an individual who will be responsible for the OHS arrangements at work and on site; describe and explain the main risks of the work involved to the employee; train employees and workers on the OHS arrangements at the enterprise; provide appropriate protective equipment, clothing and gear to mitigate the existing risks; record and report the work incidents on site; ensure that first-aid help is available on site and have emergency and evacuation protocols prepared and explained to staff and workers in case of emergencies.

The MoES will include into the bidding documents specific OHS standard requirements that all contractors and sub-contractors will meet under this project. The standards will be consistent with Ukrainian regulations and norms. The risk/hazards management practice will be required to follow the international best practices, e.g. WBG EHS guidelines (Environment Health and Safety Guidelines) and GIIP (Good International and Industry Practices). The MoES/PIU/HEI and contractors are expected to have a system in place, develop and implement procedures that will keep the work place safe. The MoES/PIU and HEI are expected to detail the OHS requirements and management procedures required in the Environment

and Social Management Plans (ESMP) to be developed for each selected HEI renovation project (see ESMF for more details). The OHS requirements and procedures that will be detailed on ESMP for each selected HEI for renovation will enter the bidding documents and require selected contractors to put in place: - Risk Assessment Procedure;

- Work permitting for hazardous work (working at heights, hot work, work on energized lines, work within confined spaces);
- Golden rules for life threatening works;
- Emergency response procedure;
- Fall prevention and working at heights;
- Excavations safety, Ladders and scaffolders safety; welding and cutting safety; Cranes, Derricks, and forklifts safety; power and hand tools safety;
- Respiratory prevention to chemical and airborne hazards (including dust, silica and asbestos); Electrical safety (hazardous energies control, lock out tag out, energy verification, safe distance work, wiring and design protection, grounding, circuit protection, arc fault protection, Electrical safety, PPE and dielectric tools); hazards communication; Noise and vibration safety; Steel erection safety; fire safety; material handling safety; concrete and masonry safety;
- Refuse to work policy if working place is deemed unsafe
- Construction personal protective equipment (PPE);
- OHS training;

In addition, occupational health and safety plans, will among other issues, include the following: the construction contractor will define an OHS accountability matrix for all staff including Project manager, contract manager, OHS staff, foremen, and all employees with clear roles and OHS responsibilities. Each Contractor must have its own OHS staff that will be responsible for the implementation and supervision of the OHS program. Contractors will provide a safe workplace; therefore, a risk assessment will be completed before the commence of any construction activities, and safety measures will be implemented in accordance with applicable safety standards. PPEs and other preventive measures will be provided at no cost for employees. All employees will strictly follow Golden rules³⁶ for life threatening works (OHS rules that cannot be broken in any circumstances), which will be enforced under contractual matrix of consequences. There will be a construction OHS committee with representatives of employees, the Borrower and all subcontractors. Bi-weekly OHS meetings will be conducted to discuss preventive measures, deviations and non-compliances, accidents and corrective actions. Contractors will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported internally. A time frame for a corrective action will be set and followed up. Daily OHS briefings will be conducted before the commencement of the works highlighting the hazards and preventive measures from each job. Contractors will document and report to the Borrower all accidents and illness with a day lost or more, fatalities or serious injuries that may happen at the work site. There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured workers. Projects with major civil works should have medical doctor on site. Contractors will control the access to the construction site only to authorized people and verify if workers are meeting training and accreditation requirements in accordance with the set training standards and applicable regulatory requirements (I .e. in many countries truck drivers, crane and derrick operators must be accredited, as well as electricians. Workers must be trained to perform hazardous works such as working at

³⁶Golden rules usually address issues such as work at heights, work in confined spaces, excavation work, personal protective equipment (PPE), system of work permits, lifting, working on powered systems, traffic, work in high risk situations, etc.. Employers should define their Golden rules in accordance with the nature of work.

heights, confined spaces, welding etc.). All workers must complete at minimum an OHS induction to have access to the construction site.

If accommodations are provided for workers, Contractors will ensure that they are provided in good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. There will be separate facilities provided for men and women.

The Supervision Consultant (Environmental and Social Specialist) will conduct periodic supervision of contractor's OHS performance, including site visits, at least monthly and weekly in case of large infrastructure works. These supervisions will cover compliance with above mentioned standards, accidents, violations of golden rules, recommendations, and progress of ongoing corrective actions. The Borrower will include in the contract(s) as requirement for contractors to report on issues such as number of accidents rates, severity rates, number of recurring noncompliance, violations of Golden rules, fatalities and serious injuries; and penalties for noncompletion.

The Supervision Consultant will review and approve contractors' safety plans and procedures.

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.

The construction contractor will develop and implement a Code of Conduct. The construction contractor should also submit the Code of Conduct to supervision consultant for review and approval. The Code of Conduct will reflect the company's core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to SEA/SH prevention. Contractors and subcontractors will be required to adopt and enforce Codes of Conduct addressing respectful behavior in the workplace and prevention of sexual exploitation and abuse and sexual harassment (SEA/SH). All workers will receive training on the Code of Conduct prior to commencement of works. SEA/SH-related grievances will be handled through confidential channels in accordance with a survivor-centered approach, ensuring safety, confidentiality, and respect for survivors' wishes.

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the construction contractor's monthly report and will be reviewed by the supervision consultant's team.

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.

8. 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.

9. 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.

10. 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. The review of grievances and submission of the results of grievance consideration to the Project Coordinator 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 shall be appointed upon instruction of the Project Coordinator.

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.

Administration Specialist (PIU) is designated as the responsible person for grievance registration. This person 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. 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.
- 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
- 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, 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 shall be appointed upon instruction of the Project Coordinator.
- 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.

11. CONTRACTOR MANAGEMENT

Whether the Education for Results 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 design and build contractors who will engage contracted workers, the PIU and/or the supervision 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;
- Business 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' enrolment in the related programs;
- Worker payroll records, including hours worked and pay received;
- Identification of safety committee members and records of meetings; and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

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; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of noncompliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

Contractors engaged under the Project will be contractually required to comply with this LMP, prepare site-specific labor management and occupational health and safety plans prior to commencement of works, and ensure that all workers are informed of their rights, obligations, and grievance mechanisms. Compliance will be monitored by the PIU.

12. COMMUNITY WORKERS

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

13. PRIMARY SUPPLY WORKERS

The project will finance minor rehabilitation works and the primary suppliers will be suppliers of construction materials, tools and equipment. There is 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.