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The Honourable Dmytro Razumkov
Chairman
Verkhovna Rada of Ukraine
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By registered mail

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Violation of international labour standards (ILS) relating to the draft law #2681 “On trade unions”

Dear Mr Chairman,

We write to you on behalf of the European Federation of Building and Woodworkers.

You may recall that earlier this year we had an opportunity to express our concerns to your parliament and the government of Ukraine on the provisions in the draft law No. 2681 which violate international labour standards.

We regret that on 27 May the draft law No. 2681 was considered by the Committee of the Verkhovna Rada of Ukraine on Social Policy and Protection of Veterans Rights in apparent disregard for these concerns.

We have highlighted various violations in this draft legislation including provisions that permit:

- Limiting the exercise of the right to freedom of association by arbitrarily reducing the number of workplace unions;
- Denying managerial staff the right to form or join a union;
- Setting a minimum membership threshold which undermines the right of workers to form or join unions of their choice at the workplace, especially for workers in small and medium enterprises;
- Creating a new trade union supervisory body with wide and unchecked powers to control the activities of trade unions;
- Removing the employer’s obligation to provide collective bargaining information to trade unions;
- Removing trade union access to the check-off system for trade union membership dues collection and granting the government power to confiscate union property, undermining union independence and autonomy as a result.

These are serious violations of Conventions 87 and 98 of the International Labour Organization that need to be addressed before the process can continue. We understand that these violations are also contrary to Ukraine's Constitution.

Under international labour standards, Ukraine is under a duty to ensure that legislation with implications for the exercise of labour and trade union rights has the full and meaningful involvement of representative trade unions (see the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and paragraph 5(c) of the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152)).

The ILO Committee on Freedom of Association has also drawn the attention of governments to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which calls for consultations aimed "in particular, at joint consideration of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions" including "the preparation and implementation of laws and regulations affecting their interests".

We urge you to use your good offices to ensure that Ukraine complies with international obligations and its national Constitution by suspending the draft law number 2681, ensuring that any law passed by the Parliament under your leadership avoids any international embarrassment to Ukraine, and by seeking the ILO's technical expert advice and support to analyse the draft bill and ensure that concrete steps are taken to engage in meaningful consultation with representative trade unions before resuming consideration of the draft bill.

We count on your cooperation.

Yours sincerely,



Johan Lindholm
EFBWW President



Tom Deleu
EFBWW General Secretary