EU-ILO Project «Enhancing the labour administration capacity to improve working conditions and tackle undeclared work»

Project Results Overview
July 2017-December 2019
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The Project “Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work”, funded by the European Union (EU), was implemented by the International Labour Organization (ILO) since 01 July 2017 until 31 December 2019.

Its main goals were to contribute to the improvement of the working conditions in Ukraine and to the reduction of undeclared work (UDW), through the enhancement of Ukrainian legal framework on occupational safety and health (OSH), labour relations and labour inspection and the improvement of the efficiency and effectiveness of the State Labour Service of Ukraine (SLS).

The Project’s main components included the provision of technical assistance on the approximation of the Ukrainian legislation to the International and European Labour Standards on OSH, labour relations and labour inspection and the capacity building of the SLS.

The key results of the project are summarized below. The Ukrainian decision makers were provided with deep analysis of the current situation and challenges in Ukraine in the spheres of OSH, labour relations, labour inspection and UDW, with comprehensive recommendations on the best way to address them. Project also contributed to a shared vision on the main priorities in those domains, improvement path to follow and respective roadmap.

In the area of OSH, the project’s main recommendations were incorporated in the Concept of OSH management system reform; the stakeholders benefitted from 10 analytical papers with comprehensive recommendations on the approximation of national legislation with EU acquis and technical advises on the legal acts drafted to transpose a number of EU directives.

On UDW, besides the analysis of the phenomenon and recommendations to tackle it, the project also supported the draft and advocacy of the National Action Plan to Fight UDW and prepared the national information campaign on UDW.

In the domain of labour inspection, we can stress the comprehensive analysis and recommendations on aligning the legal framework on labour inspection with the international standards; substantial recommendations on SLS information system modernization; and better understanding how to apply strategic planning methodologies to the SLS inspection activity management. Moreover, the Memorandum of Understanding on Collaboration between SLS and Portuguese Labour Inspectorate is a good basis to share, study and transfer the best practices.

As for capacity building, about 1,200 participants were informed on international and EU standards in the above areas through stakeholder’s events and 413 stakeholders’ representatives improved their knowledge on these domains through Project’s events; 263 professionals were provided with trainings on OSH and risk assessment; 256 labour inspectros were trained on labour inspection techniques and communication skills to better detect and deter UDW. In addition up to 100 experts were involved in specific trainings.
The EU-ILO Project “Towards safe, healthy and declared work in Ukraine” for 2020-2022 builds on the achievements and contributes to the further improvement of working conditions in Ukraine.

The Project team acknowledges and highly values the active involvement and dedication of the national stakeholders, contributions of the colleagues from ILO in Geneva, Budapest and Ukraine, and the donor’s invaluable and continuous support.

EU-ILO Project team
November 2019
Project outcomes, outputs and activities

1. Legal framework on occupational safety and health (OSH), labour relations, labour inspection (LI)


1.1.1. OSH profile update
1.1.2. Trainings on EU Acquis
1.1.3. Tables of concordance EU directives and national legislation
1.1.4. Tripartite workshop
1.1.5. + 1.1.6. “White paper” on the reform of legislation on OSH and labour relations
1.1.7. Training on the application of EU Acquis and national legislation

1.2. Legal framework on labour inspection ILO conventions 81, 129

1.2.1. Analysis of the national legal framework on LI on compliance with ILO conventions
1.2.2. Recommendations for further revision of the national legal framework on LI

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Project outcomes, outputs and activities

2. Improving working conditions and fight against undeclared work (UDW)

2.1. State Labour Service (SLS) information technologies (IT)
   - 2.1.1. + 2.1.2. Analysis of:
     a) SLS IT and data collected in inspection visits;
     b) Existing databases outside SLS and its interoperability
   - 2.1.3. + 2.1.4. Recommendations on:
     a) improvement of SLS IT system for planning inspections and processing inspections results;
     b) data sharing (specially in UDW)

2.2. UDW
   - 2.2.1. Consolidate the 2016-2017 diagnostic on UDW and propose measures to tackle it
   - 2.2.2. National Action Plan to Fight UDW

2.3. Enhancing State Labour Service capacity
   - 2.3.1. Study visit to Portugal, focused on LI system, OSH and labour relations
   - 2.3.2. Trainings for labour inspectors on tackling UDW
   - 2.3.3. Trainings on OSH and working conditions (for labour inspectors and other stakeholders)
   - 2.3.4. Training on strategic planning of labour inspection activities

Implementation of UDW strategy
   - 2.2.3. Preventive action (information campaign)
   - 2.2.4. Deterrent action, (inspection campaign)

2.1.5. 9 trainings on communication to detect and deter UDW
OCCUPATIONAL SAFETY AND HEALTH (OSH)

- Concept of OSH Reform, adopted by CMU – Project's recommendations incorporated
- National OSH Profile – overview of the current situation and recommendations (presented and validated)
- “White paper” - EU Directives and Reform of OSH and Labour Relations' Legislation and ROADMAP (presented and validated)
- Analysis of alignment of the national legislation with selected EU directives on OSH and labour relations (tables of concordance for 6 directives and Brief notes) presented and validated
- EU Directives transposed: 2009/104/EC (work equipment); 89/656/EEC(PPE);
- EU Directives in adoption path: 89/654/EEC (workplaces);
- EU Directives being drafted: 89/391/EEC (Framework);
- EU Directives in standby: 2003/88/EC (Working time); 91/533/EEC (obligation to inform);
- Technical advise on:
  several draft legal acts;
- Trainings (international and EU OSH Acquis, risk assessment, etc.)

10 analytical papers on OSH with the detailed recommendations on how to improve the situation and align with the ILO and EU standards

4 training manuals on occupational risk management

150 EXPERTS were trained as trainers on 6 EU OSH directives through the specialized trainings

413 STAKEHOLDERS' REPRESENTATIVES improved their knowledge of EU standards on OSH, labour inspection, undeclared work (Project's seminars, conferences, trainings)

113 professionals trained on EU OSH standards, risk management in 4 sectors with the highest work related accidents' incidence rate:

85 SLS labour inspectors (labour protection) 18 regions

15 technical inspectors (trade unions)

13 OSH experts

1200 TOP AND MIDDLE MANAGERS, EXPERTS, SOCIAL PARTNERS, were informed on EU and international standards and best practices on OSH, labour inspection, labour relations, UDW (21 events of the stakeholders)
Key achievements
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Guidelines and Recommendations to the Concept on the Reform of the National System for Occupational Risk Prevention and Promotion of OSH

Analysis of the degree of concordance between the national legislation and some selected EU directives – 6 tables of concordance

Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives

National Occupational Safety and Health Profile Ukraine - 2018

“White Paper” EU Directives and Reform of OSH and Labour Relations’ Legislation and ROADMAP

Training materials on risk management and OSH in Transport, Forestry, Construction
Regions covered by TOT on OSH for labour inspectors

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Regions covered by TOT on OSH for labour inspectors

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SLS EXPERTS on labour relations, OSH learned the strategic planning methods and drafted the strategic plan for labour inspection activity.

30
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8
decision makers visited ACT and learned the best practices on OSH, UDW, Labour inspection

20
EXPERTS got acquainted with the Spanish labour inspectorate IS and provided their inputs to the Project Concept Note on SLS business process reengineering and IS modernization.

Key achievements

LABOUR INSPECTION
- Analysis and recommendations on the improvement of labour inspection national legal framework presented and validated
- Support to the formulation of a Strategic Plan for SLS’s Labour Inspection Activity
- State Labour Service of Ukraine and Authority for Working Conditions (ACT - Portugal) signed a Memorandum of Understanding on Collaboration

STATE LABOUR SERVICE INFORMATION SYSTEM (IS SLS)
- Analysis and recommendations on modernization of the State Labour Service information systems
- Project concept note drafted – “Efficient, effective and accountable labour inspection in Ukraine” (modernization of SLS business-processes and IS)

Ukrainian Labour Inspection Legal Framework. Analysis and Recommendations

Evaluation of existing information systems of the State Labour Service of Ukraine and of other institutions related to labour inspection with particular focus on SLS activities to tackle undeclared work

December 2018

Report and recommendations on modernization of the State Labour Service information system
UNDECLARED WORK (UDW)

- Report on “Undeclared Work in Ukraine: Nature, Scope and Measures to Tackle It” presented and validated
- Draft National Action Plan to fight UDW – submitted to the Government
- National information campaign on UDW
- Trainings for labour inspectors on UDW
- Trainings on institutional communication

TRAINERS’ TEAM

(9 labour inspectors) were trained and can train their colleagues

30 specialists

OF COMMUNICATION UNITS of SLS, other authorities, social partners were trained to better implement the National Information Campaign on UDW

Key achievements

256

SLS LABOUR INSPECTORS (LABOUR RELATIONS) of all regions and 16 TU legal inspectors were trained on labour inspection techniques and communication skills to better detect and deter UDW

NATIONAL INFORMATION CAMPAIGN ON UDW, mediaplan and visuals were developed and validated
### Main challenges

**OSH**
- Shift from "protection and compensation" approach to "prevention" approach following the GPP
- To transpose the EU Framework Directive 89/391/EEC through the national framework law on OSH
- Specific directives should be transposed through Laws or CMU Decrees

**UDW**
- Approval of National Action Plan to Fight UDW
- To incorporate the provisions of ILO Recommendation 198 on Employment Relationship into the national legislation
- To provide legal competence to labour inspection to address unregistered employers

**LABOUR INSPECTION**
- LI – should act as an impartial State authority, with the mission of improving working conditions, through the promotion and enforcement of the compliance with law by both employers and workers
- To help realize that "LI is good for both workers and business"
- To improve effectiveness, efficiency, quality, transparency, accountability and the image of LI
- To adopt the LI Statute aligned with the ILO C81 and C129
- To take LI out of the scope of the Law 877-V, 05.04.2007

**IS SLS**
- Business processes reengineering
- To implement an IS that improves efficiency, effectiveness and accountability
- Web-based IS that allows: results-based management, remote and real-time access, transactional services, interoperability, …
- Update hardware
## OSH

- **Recommendations to the Concept of OSH Reform incorporated**
- **Consultations on:** EU Directives 92/57/EEC, 92/85/EEC and 2006/54/EC; on medical examination (Min. Health); and on ILO C161, C187 and R198

## Synergies

- **Joint training with the ILO project on OSH in mining**
- **Draft Action Plan to Fight UDW shared with DANIDA project**
- **DANIDA project might be involved in the National Communication Campaign to Fight UDW**

## Project visibility & awareness raising

- **Bilingual project website**
- **1200 persons reached via project participation in 21 stakeholder’s events**
- **At least 10 articles and project manager’s interviews published in national OSH specialized journals (at least 14,300 copies/month)**
- **Project closure event**

## Resource mobilization

- **New EU-ILO project for 2020-2022 signed “Towards safe, healthy and declared work in Ukraine”**
- **Project concept note developed (SLS business processes and information system modernization)**

## Trade Unions

- **Trade unions’ legal and technical inspectors trained on OSH and UDW**

## Labour Inspection

- **MoU signed between SLS (Ukrainian LI) and ACT (Portuguese LI)**

## Pensions

- **Facilitation of the contact between Portuguese and Ukrainian Authorities**