Technical comments
to draft labour legislation regarding its compliance with the provisions
of ILO conventions and recommendations

IV. Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding Improvement of Legal Framework for Labour of Certain Categories of Workers
The draft Law is not posted on the official website of the Ministry of Economy of Ukraine.

Background and disclaimer

The comments therein have been prepared with a view to supporting the process of social dialogue on labour law reform in Ukraine. They represent technical expert opinions only and are provided without prejudice to any official comments that may be made by the Office on the final draft or by the ILO bodies responsible for supervising compliance of Ukrainian labour legislation with international labour standards. The present Technical Note does not constitute an endorsement by the International Labour Office of the opinions expressed therein.

ILO technical support in the drafting process of labour legislation seeks to increase the involvement of its primary beneficiaries – employers and workers – throughout the process of labour law reform. This reflects the core ILO principles of social dialogue and tripartism. It also expresses the letter and spirit of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), ratified by Ukraine. Paragraph 5(c) of the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152) also emphasizes the importance of consultations in relation to 'the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations'.

In addition, some of the comments below are made in light of non-ratified ILO standards, as well as Recommendations. These particular comments are provided on the understanding that, in the present context, such standards are referred to not as binding instruments, but as a useful point of reference.

ILO standards are adopted by a qualified majority of delegates attending the International Labour Conference; hence their content represents internationally accepted good practice, recommended by the ILO.
The current technical support is being provided in the framework of the technical cooperation project "Rights at Work: Improving Ukraine's Compliance with Key International Labour Standards"[1].

Specific technical comments are provided in the comparative table below.

No.	The provisions of current national legislation	The provisions of draft Law	The provisions of ILO conventions and recommendations	Discrepancies and gaps identified in draft Law
		Labour Code of Ukraine, 1971 (LC)		
1.	Article 2[1]. Equality of labour rights of citizens of Ukraine Any employment discrimination, in particular violation of the principle of equal rights and opportunities, direct or indirect restriction of the rights of employees depending on race, skin color, political, religious and other convictions, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, the state of health, disability, suspicion or disease availability HIV/AIDS, marital and property status, family obligations, the place of residence,	Article 2[1]. Equality of labour rights of citizens of Ukraine Any employment discrimination, in particular violation of the principle of equal rights and opportunities, direct or indirect restriction of the rights of employees depending on race, skin color, political, religious and other convictions, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, the state of health, disability, suspicion or disease availability HIV/AIDS, marital and property status, family obligations, **pregnancy, child birth, feeding a**	Ukraine has ratified: Discrimination (Employment and Occupation) Convention, 1958 (No. 111). *There are no comments from CEACR on this issue.* Under the Article 2 of C111, each ILO member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and	**1.** Proposed amendments to the Article 2[1] of LC do not contradict the provisions of ILO instruments. **2.** Under the Explanatory note to the draft Law, this draft act derives main progressive provisions from the ILO Convention No.183 (the Convention has not been ratified by Ukraine). In accordance with the Article 9 (1) of C183, each ILO member shall adopt appropriate measures to

[1] The views and opinions, expressed in this technical note, do not necessarily reflect the official policy or position of Canadian Government.

	membership in trade union or other consolidation of citizens, participation in strike, the recourse or intention of appeal to the court or other bodies behind protection of the rights or provision of support to other workers in protection of their rights, reporting of possible corruption or corruption-related offenses, other violations of the Law on the Prevention of Corruption, as well as assistance to a person in the implementation of reporting, on the language or other signs which are not connected with kind of work or conditions of its accomplishment is forbidden.	**child**, the place of residence, membership in trade union or other consolidation of citizens, participation in strike, the recourse or intention of appeal to the court or other bodies behind protection of the rights or provision of support to other workers in protection of their rights, reporting of possible corruption or corruption-related offenses, other violations of the Law on the Prevention of Corruption, as well as assistance to a person in the implementation of reporting, on the language or other signs which are not connected with kind of work or conditions of its accomplishment is forbidden.	occupation, with a view to eliminating any discrimination in respect thereof. Article 1 of C111 as bases of discrimination race, colour, sex, religion, political opinion, national extraction, social origin. ILO Declaration on Fundamental Principles and Rights at Work declares that all ILO members have an obligation to promote and to realize the principles concerning the fundamental rights, namely the elimination of discrimination in respect of employment and occupation.	ensure that maternity does not constitute a source of discrimination in employment, including access to employment. The current edition of the Article 2^1 of LC does not contain clear provisions on the prohibition of any discrimination in the field of maternity. Thus, the proposed amendments should be considered positive. However, the use of the wording "*feeding a child*" may be interpreted differently in the practical implementation of the proposed edition of the Article 2^1 of LC (e.g., in the text of draft Law, the developers also use more detailed wording "*feeding a child under the age of one and a half*"). Therefore, the given wording needs to be clarified.
2.	Article 25. Prohibition to require certain information and documents when concluding an employment contract	Article 25. Prohibition to require certain information and documents when concluding an employment contract	There are no provisions of ratified conventions on this issue.	**1.** The current edition of the Article 25 of LC does not specify the specifics of submission of documents related to maternity when

	When concluding an employment contract, it is prohibited to require from persons entering employment the information about their party and national affiliation, origin, registration of place of residence or stay and documents, the submission of which is not required by law.	When concluding an employment contract, it is prohibited to require from persons entering employment the information about their party and national affiliation, origin, registration of place of residence or stay**, pregnancy, childbirth, feeding a child (with the exception of women who will perform heavy work, work in harmful and hazardous working conditions or underground, with the exception of underground non-physical work and cleaning and domestic services)** and documents, the submission of which is not required by law.		concluding an employment contract. Thus, the proposed changes should be considered as positive. In turn, it would be appropriate for the developers to propose in the draft Law appropriate sanctions against persons violating the provisions of the proposed edition of the Article 25 of LC. **2.** A commentary to the wording "*feeding a child*" was made in the commentary to the Article 2^1 of LC. **3.** In addition, the Article 9 (2) of C183 draws attention on prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is: (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or (b) where there is a recognized or significant risk

				to the health of the woman and child.
3.	Article 40. Termination of the employment contract at the initiative of the employer An employment contract concluded for an indefinite period, as well as a fixed-term employment contract before its expiration, may be terminated by employer only in the following cases: 1) changes in the organization of production and labour, including liquidation, reorganization, bankruptcy or re-profiling of an enterprise, institution, organization, reduction of the number or staff of employees; 2) the revealed inconsistency of the employee with the position held or the work performed due to insufficient qualifications or health conditions that prevent the continuation of this work, as well as in case of refusal to grant admission to state secrets or cancellation of admission to state secrets, if the performance of the duties assigned to him requires access to state secrets; 3) systematic non-fulfillment by the employee without good reason of the	Article 40. Termination of the employment contract at the initiative of the employer An employment contract concluded for an indefinite period, as well as a fixed-term employment contract before its expiration, may be terminated by employer only in the following cases: 1) changes in the organization of production and labour, including liquidation, reorganization, bankruptcy or re-profiling of an enterprise, institution, organization, reduction of the number or staff of employees; 2) the revealed inconsistency of the employee with the position held or the work performed due to insufficient qualifications or health conditions that prevent the continuation of this work, as well as in case of refusal to grant admission to state secrets or cancellation of admission to state secrets, if the performance of the duties assigned to him requires access to state secrets; 3) systematic non-fulfillment by the employee without good reason of the	Ukraine has ratified: Termination of Employment Convention, 1982 (No. 158). *There are no comments from CEACR on this issue.* Under the Article 4 of C158, the employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service. In accordance with the Article 7 of C158, the employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity.	**1.** The current legislation prohibits any dismissal of an employee at the initiative of the employer during his/her temporary incapacity, as well as during the employee's leave. According to judicial practice, such a prohibition applies even to a special form of an employment contract, according to which the terms of termination of the contract, including pre-term termination, can be established by agreement of the parties. Thus, according to the Decision of the Constitutional Court of Ukraine № 6-p(II)/2019 of 04.09.2019 "*provisions of the Article 40 (3) of LC provide guarantees of protection of the employee from illegal dismissal, which are special requirements of the legislation that must be implemented by the employer to comply with labour*

	duties imposed on him by the employment contract or by the rules of the internal labour regulations, if disciplinary or social penalties were previously applied to the employee; 4) absenteeism (including absence from work for more than three hours during the working day) without good reason; 5) failure to appear for work for more than four months in a row due to temporary disability, not counting maternity leave, if the legislation does not establish a longer period of retention of the place of work (position) in case of a certain disease. For employees who have lost their ability to work due to work injury or occupational disease, the place of work (position) is retained until the restoration of working capacity or the establishment of disability; 6) reinstatement at work of an employee who previously performed this work; 7) appearance at work in a state of intoxication, in a state of narcotic or toxic intoxication; 8) committing theft (including petty) of the owner's property at the place of work, established by a court	duties imposed on him by the employment contract or by the rules of the internal labour regulations, if disciplinary or social penalties were previously applied to the employee; 4) absenteeism (including absence from work for more than three hours during the working day) without good reason; 5) failure to appear for work for more than four months in a row due to temporary disability, not counting maternity leave, if the legislation does not establish a longer period of retention of the place of work (position) in case of a certain disease. For employees who have lost their ability to work due to work injury or occupational disease, the place of work (position) is retained until the restoration of working capacity or the establishment of disability; 6) reinstatement at work of an employee who previously performed this work; 7) appearance at work in a state of intoxication, in a state of narcotic or toxic intoxication; 8) committing theft (including petty) of the owner's property at the place of work, established by a court		*legislation. One of such guarantees is, in particular, the statutory prohibition of the employer to dismiss an employee who works under an employment contract and at the time of dismissal is temporarily incapacitated for work or on leave. Thus, the non-extension of such a requirement to the employment relationship under the special form of employment contract is a violation of the guarantees of protection of employees from illegal dismissal and puts them in unequal conditions compared to employees of other categories*". **2.** The developers of the draft Law propose to allow in some cases the dismissal of an employee at the initiative of the employer during the period of his/her temporary incapacity for work, as well as during the period of leave. This cases, for example, include such grounds for terminating an employment

	verdict that has entered into force, or by a resolution of a body whose competence includes the imposition of an administrative penalty or the application of measures of public influence; *Clause 9 excluded* 10) induction or mobilization into the armed forces of the employer – physical person during a special period; 11) establishment of the employee's inconsistency with the position for which he was accepted or the work performed during the probationary period. Dismissal on the grounds specified in Clauses 1, 2 and 6 of the Article 40 (1) is allowed if it is impossible to transfer the employee with his consent to another job. It is not allowed to dismiss an employee at the initiative of the employer during employee's temporary incapacity (with the exception of dismissal under paragraph 5 of this Article), as well as during the employee's leave. This rule does not apply in case of	verdict that has entered into force, or by a resolution of a body whose competence includes the imposition of an administrative penalty or the application of measures of public influence; *Clause 9 excluded* 10) induction or mobilization into the armed forces of the employer – physical person during a special period; 11) establishment of the employee's inconsistency with the position for which he was accepted or the work performed during the probationary period. Dismissal on the grounds specified in Clauses 1, 2 and 6 of the Article 40 (1) is allowed if it is impossible to transfer the employee with his consent to another job. **Dismissal of an employee at the initiative of the employer during employee's temporary incapacity, as well as during the employee's leave shall not be allowed in case of termination of the employment contract on the grounds provided for in Clauses 1 (except for the liquidation of the enterprise,**		contract as systematic non-fulfillment by the employee without good reason of the duties imposed on him/her by the employment contract or by the rules of the internal labour regulations (Clause 3 of the Article 40 (1)) or absenteeism (Clause 4 of the Article 40 (1)). In this case, it should be noted that the dismissal at the initiative of the employer of the employee during his/her temporary incapacity or leave may actually deprive him/her of the opportunity to defend himself against the allegations made to him, in accordance with the Article 7 of C158. **3.** Commentary on dismissal and maternity is provided in the commentary to the Article 184 of LC.

	complete liquidation of an enterprise, institution, organization. …	**institution, organization), 2, 6, 11 of the Article 40 (1) of this Code** …		
4.	Article 55. Prohibition of night work It is prohibited to involve in night work: 1) pregnant women and women with children under the age of three (Article 176); 2) persons under the age of eighteen (Article 192); 3) other categories of employees provided by the law. It is not allowed to involve women in night work, with the exception of cases provided by the Article 175 of this Code. Work of the persons with disabilities at night is allowed only with their consent and provided that it does not contradict medical recommendations (Article 172).	Article 55. Prohibition of night work **The legislation, collective agreement, agreement of the parties may establish the prohibition of night work.**	Ukraine has ratified: Maternity Protection Convention (Revised), 1952 (No. 103). *There are no comments from CEACR on this issue.* Under the Paragraph 5 (1) of Maternity Protection Recommendation, 1952 (No. 95), night work should be prohibited for pregnant and nursing women and their working hours should be planned so as to ensure adequate rest periods.	**1.** In fact, the proposed edition of the Article 55 of LC changes only the legal regulation of night work for women. In accordance with the draft Article 177 of LC, pregnant women and women that are feeding a child under the age of one and a half can not be involved in night work; employees with children under the age of three or children with disabilities may be involved in such work only upon their consent. No further amendments are proposed to the Articles that regulate the peculiarities of night work persons under the age of eighteen (Article 192) and persons with disabilities (Article 172). **2.** It should be noted that up-to-date international standards, such as the Night Work Convention 1990 (No. 171), do not prohibit night

				work for women. This Convention applies to all employed persons and states that specific measures required by the nature of night work, shall be taken for night workers in order to protect their health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement, and compensate them appropriately. Such measures shall also be taken in the fields of safety and maternity protection for all workers performing night work. The Night Work Convention, 1990 (No. 171) has not been ratified by Ukraine.
5.	Article 63. Prohibition of involvement in overtime work It is prohibited to involve in overtime work (Article 62): 1) pregnant women and women with children under the age of three (Article 176);	Article 63. Prohibition of involvement in overtime work **The legislation, collective agreement, agreement of the parties may establish the prohibition of involvement in overtime work.**	Ukraine has ratified: Forty-Hour Week Convention, 1935 (No. 47). Under the Article 1 of C47, each member of ILO which ratifies this Convention declares its approval of: (a) the principle of a forty-hour week applied in such a manner that the standard of living is not	**1.** In fact, the proposed edition of the Article 63 of LC changes only the legal regulation of overtime work for women. In accordance with the draft Article 177 of LC, pregnant women and women that are feeding a child under the age of one and

	2) persons under the age of eighteen (Article 192); 3) employees studying in secondary schools and vocational schools without discontinuing work, during class days (Article 220). The legislation may establish other categories employees prohibited from involvement in overtime work. Women with children aged from three to fourteen or with a child with disability may be involved in overtime work only upon their consent (Article 177). Involvement of persons with disabilities in overtime work shall be possible only upon their consent and provided that it does not contradict medical recommendations (Article 172).		reduced in consequence; and (b) the taking or facilitating of such measures as may be judged appropriate to secure this end; and undertakes to apply this principle to classes of employment in accordance with the detailed provision to be prescribed by such separate Conventions as are ratified by that member. The Paragraph 17 of Reduction of Hours of Work Recommendation 1962 (No. 116) stipulates that except for cases of force majeure limits to the total number of hours of overtime which can be worked during a specified period should be determined by the competent authority or body in each country. In Direct Request (CEACR), adopted in 2013, the Committee recalls paragraph 79 of its General Survey of 1984 on working time in which it pointed out that undue facilitation of overtime, for example, by not limiting the circumstances in which it may be permitted or by allowing relatively high maximums could, in the most egregious cases, tend to defeat the	a half can not be involved in overtime work; employees with children under the age of three or children with disabilities may be involved in such work only upon their consent. In accordance with the Article 50 (1) of the current edition of LC, the normal working hours of employees may not exceed 40 hours per week. The Article 62 of LC emphasizes that overtime work is generally not allowed. The employer may use overtime work only in exceptional cases specified by law. Under the Article 65 of LC, overtime work should not exceed four hours for each employee for two consecutive days and 120 hours per year. **2.** No further amendments are proposed to the Articles that regulate the peculiarities of night work persons under the age of eighteen (Article 192), employees studying in secondary schools and vocational schools without

			Recommendation's objective of a social standard of a 40-hour week and make irrelevant the provisions as to normal working hours. Under the Paragraph 5 (1) of Maternity Protection Recommendation, 1952 (No. 95), overtime work should be prohibited for pregnant and nursing women and their working hours should be planned so as to ensure adequate rest periods.	discontinuing work, during class days (Article 220) and persons with disabilities (Article 172).
6.	Chapter XII Labour of women	Chapter XII **Labour of employees with children**	–	Despite the neutral nature of the proposed title, it should be noted that the content of draft Chapter XII of LC are still concentrated primarily around the regulation of the labour of women (not only with children, but also pregnant women).
7.	Article 174. Work where the labour of women is prohibited It is prohibited to use the labour of women in heavy work and work in harmful and hazardous working conditions or underground, with the exception of underground non-	**Article 174. Work where the labour of pregnant women and women feeding a child is prohibited and work prohibited to women** **It is prohibited to use the labour of pregnant women and women that are feeding a child under the age of one and a half in heavy work and work in harmful and hazardous working conditions or**	Ukraine has ratified: Underground Work (Women) Convention, 1935 (No. 45); Maternity Protection Convention (Revised), 1952 (No. 103); Safety and Health in Mines Convention, 1995 (No. 176).	**1.** Currently, the List of heavy work and work with harmful and hazardous working conditions, where it is prohibited to use the labour of women, approved by Order of the Ministry of Health of Ukraine No. 256, of 29.12.1993 was declared invalid in accordance with the

	physical work and cleaning and domestic services. It is also prohibited to involve women in lifting and moving objects whose weight exceeds the maximum limits prescribed for them. The list of heavy work and work with harmful and hazardous working conditions, where it is prohibited to use the labour of women, as well as the limits prescribed for women for lifting and moving heavy objects shall be approved by the central executive body, which ensures the formulation of state health care policy in coordination with the central executive body, which ensures the formulation of state occupational safety policy.	**underground, with the exception of underground non-physical work and cleaning and domestic services.** **It is prohibited to involve women in lifting and moving objects whose weight exceeds the maximum limits prescribed for them.** **The list of heavy work and work with harmful and hazardous working conditions, where it is prohibited to use the labour (involve) of women, in particular pregnant women and women that are feeding a child under the age of one and a half, as well as the limits prescribed for women for lifting and moving heavy objects shall be approved by the central executive body, which ensures the formulation of state health care policy**	Under the Article 2 of C45, no female, whatever her age, shall be employed on underground work in any mine. In Direct Request (CEACR), adopted in 2015, the Committee notes that the C176, which is the up-to-date standard and provides for preventive and protective measures for all mineworkers, irrespective of gender, was ratified by Ukraine in 2011. The Committee takes this opportunity to recall that with respect to underground work, the States parties to C45 should be invited to contemplate ratifying C176, and possibly denouncing C45. The Committee also recalls that, in conformity with Article 7, C45 will be next open to denunciation during a one-year period from 30 May 2017 to 30 May 2018. The Committee invites the Government to provide information on any decision taken in this regard. In 2020 the Committee notes the information provided by the Government, which answers the points raised in its previous direct request and has	Order of the Ministry of Health of Ukraine No. 1254, of 13.10.2017. In turn, Chapter 3 (Mining) of Section I of the above List continues to be in force until the period when Ukraine completes the procedure for denunciation of C45. In accordance with the Article 178 of LC, for pregnant women, in accordance with the medical assessment report, production rates, service standards are reduced, or they are transferred to another job, lighter and excluding the impact of adverse production factors, while maintaining the average earnings from the previous job. Women with children under the age of three, in case of impossibility of performing their previous work, are transferred to another job with the preservation of the average earnings from the previous job until the child reaches the age of three.

			no further matters to raise in this regard. Under the Paragraph 5 of Maternity Protection Recommendation, 1952 (No. 95), employment of a woman on work prejudicial to her health or that of her child, as defined by the competent authority, should be prohibited during pregnancy and up to at least three months after confinement and longer if the woman is nursing her child. A woman ordinarily employed at work defined as prejudicial to health by the competent authority should be entitled without loss of wages to a transfer to another kind of work not harmful to her health. Such a right of transfer should also be given for reasons of maternity in individual cases to any woman who presents a medical certificate stating that a change in the nature of her work is necessary in the interest of her health and that of her child.	**2.** Also, under the Article 3 of C183 (not ratified by Ukraine), each ILO member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.
8.	Article 175. Restrictions on the involvement of women in night work	*Excluded*	Information on ratified conventions is contained in the	The commentary to this Article is reflected in the

	Involvement of women in night work is not allowed, with the exception of sectors of the economy where it is caused by special necessity and may be used only as a temporary measure. The list of sectors and types of work with indication of maximum periods of involvement of women in night work is approved by the Cabinet of Ministers of Ukraine. The restrictions specified in Part one of this Article do not apply to women working at enterprises where only members of one family are employed.		commentary to the Article 55 of LC.	commentary to the Article 55 of LC. The list of sectors and types of work with indication of maximum periods of involvement of women in night work, which is referred to in the current edition of the Article 175 (2) of LC, is currently not approved by the Cabinet of Ministers of Ukraine.
9.	Article 176. Prohibition of involvement of pregnant women and women with children under the age of three in night work, overtime work, work on days off and sending them on business trips It is not allowed to involve pregnant women and women with children under the age of three in night work, overtime work, work on days off and sending them on business trips.	*Excluded*	Information on ratified conventions is contained in the commentary to the Articles 55 and 63 of LC.	The commentary to this Article is reflected in the commentary to the Articles 55 and 63 of LC.
10.	Article 177. Restrictions on involvement of women with children aged from three to fourteen or	**Article 177. Restrictions on involvement in night and overtime work, work on days off, holidays**	Information on ratified conventions is contained in the	The commentary to this Article is reflected in the

	children with disabilities in overtime work and sending them on business trips Women with children aged from three to fourteen or children with disabilities may not be involved in overtime work or sent on business trips without their consent.	**and non-working days, sending on business trips** **Pregnant women and women that are feeding a child under the age of one and a half may not be involved in night and overtime work, work on days off, holidays and non-working days, as well as sent on business trips.** **Employees with children under the age of three or children with disabilities (with the exception of persons specified in Part one of this Article) may be involved in night and overtime work, work on days off, holidays and non-working days, as well as sent on business trips upon their consent.**	commentary to the Articles 55 and 63 of LC.	commentary to the Articles 55 and 63 of LC.
11.	Article 179. Maternity and childcare leaves Based on a medical assessment report, women shall be granted paid maternity leave for 70 calendar days before childbirth and 56 calendar days (in case of birth of two or more children and in case of childbirth complications – 70 days) after childbirth, starting from the day of childbirth.	Article 179. Maternity and childcare leaves Based on a medical assessment report, women shall be granted paid maternity leave for 70 calendar days before childbirth and 56 calendar days (in case of birth of two or more children and in case of childbirth complications – 70 days) after childbirth, starting from the day of childbirth.	Ukraine has ratified: Maternity Protection Convention (Revised), 1952 (No. 103). *There are no comments from CEACR on this issue.* Under the Article 3 (4) of C103, the leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement	**1.** Proposed amendments to the Article 179 of LC do not contradict the provisions of ILO instruments. **2.** Also, under the Article 4 (5) of C183 (not ratified by Ukraine), the prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of

	The duration of maternity leave shall be calculated cumulatively and constitute 126 calendar days (140 calendar days – in case of birth of two or more children and in case of childbirth complications). It shall be granted to women in full, regardless of the number of days actually used before childbirth. At the woman's request, she will be granted childcare leave for the period until the child reaches the age of three with the payment of benefit for this period in accordance with the law. …	**The prenatal part of maternity leave shall be extended by the number of calendar days equal to the period between the estimated in the medical assessment report and the actual date of childbirth, without reduction in the postnatal part of such leave.** At the woman's request, she will be granted childcare leave for the period until the child reaches the age of three with the payment of benefit for this period in accordance with the law. …	and the period of compulsory leave to be taken after confinement shall not be reduced on that account.	childbirth, without reduction in any compulsory portion of postnatal leave.
12.	Article 184. Guarantees upon hiring and prohibition of dismissal of pregnant women and women with children It is prohibited to deny women hiring and reduce their wages for reasons related to pregnancy or having children under the age of three, and single mothers – for having a child under the age of fourteen or a child with a disability. In case of refusal to hire these categories of women, the employer shall be obliged to inform those women of the reasons for refusal in	**Article 184. Guarantees upon hiring and prohibition of dismissal** **It is prohibited to deny women hiring and reduce their wages for reasons related to pregnancy or feeding a child.** **It is prohibited to terminate employment contracts at the initiative of the employer with**	Ukraine has ratified: Maternity Protection Convention (Revised), 1952 (No. 103); Termination of Employment Convention, 1982 (No. 158). *There are no comments from CEACR on this issue.* Under the Article 6 of C103, while a woman is absent from work on maternity leave, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice	Proposed amendments to the Article 184 of LC do not contradict the provisions of ILO instruments.

	writing. Such refusal may be appealed in court. Dismissal of pregnant women and women with children under the age of three (under the age of six – in accordance with the Article 179 (6)), single mothers having children under the age of fourteen or children with disabilities at the initiative of the employer is not allowed, with the exception of complete liquidation of the enterprise, institution, organization, when dismissal with compulsory employment is allowed. Compulsory employment of the specified women shall be also ensured in case of their dismissal after the expiration of the fixed-term employment contract. For the period of employment they shall retain the average wages, but not more than for three months from the date of expiration of the fixed-term employment contract.	**pregnant women and women with children under the age of one and a half, with the exception of liquidation of enterprise, institution, organization.** **It is prohibited to terminate employment contracts at the initiative of the employer with women, men with children under the age of three or children with disabilities under the age of fourteen on the grounds provided for in Paragraphs 1 (except for the liquidation of an enterprise, institution, organization), 2, 6, 11 of the Article 40 (1) of this Code.**	of dismissal at such a time that the notice would expire during such absence. In accordance with the Paragraph 4 (1) of Maternity Protection Recommendation, 1952 (No. 95), wherever possible the period before and after confinement during which the woman is protected from dismissal by the employer should be extended to begin as from the date when the employer of the woman has been notified by medical certificate of her pregnancy and to continue until one month at least after the end of the period of maternity leave.	
13.	Article 186[1]. Guarantees provided to persons raising minor children without a mother	Article 186[1]. Guarantees provided to persons raising minor children without a mother	Ukraine has ratified: Workers with Family Responsibilities Convention, 1981 (No. 156).	Proposed amendments to the Article 186[1] of LC do not contradict the provisions of ILO instruments.

	The guarantees established by Articles 56, 176, 177, 179 (3) – (8), 181, 182, 182[1], 184, 185, 186 of this Code shall also apply to parents raising children without a mother (including in case of a long stay of the mother in medical facility), as well as guardians (carers), one of the adoptive parents, one of the foster parents.	The guarantees established by Articles **56, 177, 179 (3) – (8), 181, 182, 182[1], 184, 185, 186** of this Code shall also apply to parents raising children without a mother (including in case of a long stay of the mother in medical facility), as well as guardians (carers), one of the adoptive parents, one of the foster parents.	Under the Article 4 of C156, with a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken to enable workers with family responsibilities to exercise their right to free choice of employment; and to take account of their needs in terms and conditions of employment and in social security. In Direct Request (CEACR), adopted in 2018, the Committee previously noted that sections 176, 177, 179, 181, 182[2], 184, 185, and 186 of LC, concern leave entitlements and working-time arrangements for female workers and for fathers, only when they raise children without mothers. The Committee requests the Government to ensure that the draft Labour Code grants leave entitlements and working-time arrangements to men and women on an equal footing, and to provide a copy of the new Labour Code once it is adopted. It requests the	

			Government to continue to provide information on the implementation in practice of leave entitlements and working-time arrangements, including statistical information, disaggregated by sex, on the number of beneficiaries of such arrangements.	
Law on Occupational Safety and Health, 1992				
14.	Article 10. Occupational safety and health of women It is prohibited to use the labour of pregnant women in heavy work and work in harmful and hazardous working conditions or underground, with the exception of underground non-physical work and cleaning and domestic services, as well as involve women in lifting and moving objects whose weight exceeds the maximum limits prescribed for them in accordance with the list of heavy work and work in harmful and hazardous working conditions, the maximum limits for lifting and moving heavy objects by women approved by the central executive body, which ensures the formulation of state health care policy.	Article 10. Occupational safety and health of women It is prohibited to use the labour of pregnant women and women that are **feeding** a child under the age of one and a half in heavy work and work in harmful and hazardous working conditions or underground, with the exception of underground non-physical work and cleaning and domestic services, as well as involve women in lifting and moving objects whose weight exceeds the maximum limits prescribed for them in accordance with the list of heavy work and work in harmful and hazardous working conditions, where it is prohibited to use the labour (involve) of women, in particular pregnant women and women that are	Information on ratified conventions is contained in the commentary to the Article 174 of LC.	The commentary to this Article is reflected in the commentary to the Article 174 of LC.

	The labour of pregnant women and women with minor children is regulated by law.	**feeding** a child under the age of one and a half; the maximum limits for lifting and moving heavy objects by women approved by the central executive body, which ensures the formulation of state health care policy. The labour of pregnant women and women with minor children is regulated by law.		
Law on Vacations, 1996				
15.	Article 20. The procedure for granting of social leave The duration of maternity leave shall be calculated cumulatively and constitute 126 calendar days (140 calendar days – in case of birth of two or more children and in case of childbirth complications). It shall be granted to women in full, regardless of the number of days actually used before childbirth. …	Article 20. The procedure for granting of social leave **The prenatal part of maternity leave shall be extended by the number of calendar days equal to the period between the estimated in the medical assessment report and the actual date of childbirth, without reduction in the postnatal part of such leave.** …	Information on ratified conventions is contained in the commentary to the Article 179 of LC.	The commentary to this Article is reflected in the commentary to the Article 179 of LC.