

Iryna Bakhcheva

Balancing Between Human Rights and Business Development: What is the Situation with Labour Rights in Ukraine and What are the Chances to Change It?



Table of Contents

3	Executive Summary
4	Introduction
4	Existing labour standards and challenges in Ukraine
5	Problem description and rationale for action
5	Complex and outdated labour legislation
6	Shadow employment and 'envelope' wages
6	Lack of mandate of labour inspections
7	Underdeveloped mechanisms for the dialogue between employer and employees and weak trade unions
7	Income inequality, gender inequality and lack of protection for vulnerable groups
8	Insufficient legal protection against the threat of forced labour and human trafficking
8	Policy recommendations
8	Develop implementation tools for GPBHR
8	Elaborate the national guide on business and human rights for business
9	Ensure transparency and inclusiveness of the NAP development process
9	Raise public awareness on the issue of business and human rights and labour rights
9	Introduce incentives for companies that promote a human rights agenda in their business
9	Bring labour inspections in line with ILO norms and standards
10	Strengthen tracking and prevention mechanisms for human trafficking and forced labour
10	Promote gender equality
10	Way towards business development and human rights balance
11	References

Balancing Between Human Rights and Business Development: What is the Situation with Labour Rights in Ukraine and What are the Chances to Change It?

Iryna Bakhcheva

EXECUTIVE SUMMARY

The topic of business and human rights received a new impetus after the adoption of the United Nations (UN) Guidelines on Business and Human Rights in 2011. This topic is extremely relevant for developing countries such as Ukraine. Over the past 30 years, Ukraine has witnessed dramatic changes in the socio-economic system and a business development boom. Business development, however, was not always contributing to improving the human rights situation. In particular, there is a problem with observance of labour rights in Ukraine with high unregistered employment, inequality in the labour market and labour legislation that does not correspond to the realities of the market.

This policy brief outlines the existing legal framework in the field of labour rights and existing loopholes in the system of labour rights protection. The brief offers policy recommendations to the government on how to improve the situation and bring business on board in the promotion of labour and human rights protection. In particular, the article contains recommendations for the development of a national action plan in light of the adoption of the UN General Principles on Business and Human Rights by Ukraine in 2019.

INTRODUCTION

Business – irrespective of being locally embedded or multinational, small or big, public or privately-owned – affects human rights and the well-being of people (The Danish Institute for Human Rights n.d.). After the collapse of the Soviet Union, business development has played an important role in democratisation of Eastern European states, such as Ukraine. After 1991, private entrepreneurship was decriminalised which led to a business development boom in the 1990s. On the one hand, business provided opportunities for economic growth, it was able to fulfil the market gap for products and create new jobs. On the other hand, the unregulated proliferation of business entities in the early years of independence was not always perceived as beneficial for the well-being of people. ‘Business of the 1990s’ became a catchphrase in the post-Soviet states, often linked to infringements of human rights such as racketeering, illegal deals, clashes between businesses that led to murders, substantial delays in payment of wages for employees, unmotivated job cuts etc.

Nowadays Ukraine is prone to turn its business development into a win-win environment where business would have a chance to function and grow without infringing human rights of people connected to this business (e.g. employees, consumers etc) (Ministry of Justice 2019). This intention is reflected in the attempts to modernise the national labour legislation and ratification of fundamental international treaties that protect human rights from the possible negative impact of business activities.

Ratification of the relevant international treaties was an important first step in shifting the mindset of the business development in the post-Soviet Ukraine, yet the situation with legal enforcement is still far from ideal. Current reports on business abuses of human rights show that Ukraine still has a high level of illegal employment (UNIAN 2020). According to official estimations, in 2019 every fifth Ukrainian works without a labour contract, predominantly in the agro-sector, fishery, forestry, retail, etc (Ministry of Justice 2019). In the ‘white-collar’ sectors, the employees might have an official labour agreement, but the official salary would be paid as a

minimum to ‘optimise the taxation of the firm’ with the rest paid under the counter. Alternatively, the employees could be forced to register a private entity and provide services to the employer as a private entrepreneur at the same time, by its nature, being a hired employee (binding to the place and work schedule, with a clear schedule of payments). Unfortunately, Ukraine also has insufficient legal protection against the threat of forced labour and according to the Global Slavery Index 2018, in Ukraine, more than 286 thousand people live in modern slavery (Ministry of Justice 2019: 40; Global Slavery Index 2018).

Despite declared goals on human rights and business, the state applies rather a neoliberal approach to facilitate business development that prioritises deregulation of the business field. For example, since 2015 there was a moratorium on state inspections, including those related to labour. Such actions were intended to help the development of business in Ukraine, but in fact, it became a motivation for businesses to ‘go into the shadow’ and be allowed to violate the rights of their employees without fear of punishment.

This policy paper will analyse the current status quo of labour rights situation in Ukraine, identify pitfalls in the labour legislation and enforcement mechanisms, and draft recommendations on how the situation might be changed through the efforts of different governmental, business and non-governmental actors. While the policy analysis is focused on the case of Ukraine, the findings and recommendations will be useful for other Commonwealth of Independent States and Central Asian countries that have similar historical and socio-economic backgrounds.

EXISTING LABOUR STANDARDS AND CHALLENGES IN UKRAINE

The right to work is a fundamental human right that should be protected at the legislative level and guaranteed by the state. This right is encompassed in the Universal Declarations of Human Rights (1948), included in the International Covenant on Economic, Social and Cultural Rights (1966), and more comprehensively disclosed in the International Labour Organization’s (ILO’s) conventions. Ukraine has

had an ILO membership since 1954¹ and has ratified 71 ILO International Labour Standards (including the eight fundamental and four priority conventions) (ILO 'About the ILO in Ukraine' n.d.). The right to work is enshrined in article 43 of the Constitution of Ukraine (1996) and guarantees the opportunity to each person to earn a living by work, which (s)he freely chooses or freely agrees to. This right is ensured by the obligation of the state to create conditions for its full implementation, to guarantee equal opportunities in choosing a profession and type of employment, to implement programmes of vocational training, training and retraining in accordance with social needs (Constitutional Court of Ukraine 1998). Ukraine also has selected the United Nations (UN) Sustainable Development Goal 8 on decent work and economic growth as a top priority (ILO 'Decent Work Results' n.d.). Also, Deep and Comprehensive Free Trade Agreement (DCFTA) between Ukraine and the European Union (EU) emphasises the importance of labour and social rights that reinforces the selected priorities in the balancing economic growth and protecting labour rights (Cabinet of Ministers of Ukraine 'Pulse of the Agreement' n.d.).

The existing soft and hard legal standards focuses rather on the obligation of the state to protect labour rights. In contrast, the 2011 UN Guiding Principles on Business and Human Rights (GPBHR) tries to 'close the gap' and makes business a subject of law, which is directly responsible for the protection of labour rights (Uvarova & Buriakovska 2019: 6). Ukraine started the adoption process in 2019, the National Baseline Assessment (NBA) was published in June 2019, and in 2021 the GPBHR came into force (Uvarova 2021; Ministry of Justice 2019). In addition, in 2021 the country adopted a new National Human Rights Strategy, which identifies business and human rights as one of its strategic goals and indicates that business must pursue responsible human rights policies in its activities (Roelke in Kinakh 2021). Conducting baseline research and adopting the GPBHR

was the first step in stating the readiness to change the status quo in the field of business and human rights. The following sections will briefly summarise the key challenges and developments in this field.

PROBLEM DESCRIPTION AND RATIONALE FOR ACTION

Complex and outdated labour legislation

Ukraine has a fairly broad legislative basis for labour regulation. As of January 2022, the Ukrainian labour legislation consists of 11,884 acts (Verkhovna Rada Portal n.d.) and many of them are frequently reviewed. This makes labour accounting quite a complicated process. On the other hand, the key document in this field – the Labour Code of Ukraine – is long overdue an update; the code takes its origin from the 1970s when Ukraine was a part of the Soviet Union. Despite constant amendments, the general framework of the document lost its relevance because of the striking differences between the Soviet and modern Ukraine: the Ukrainian Socialist Soviet Republic (USSR) had a planned economy and modern Ukraine is market-based, the Soviet enterprises were subsidised by the state and the current ones operates with their own budget, etc (Official Web-Portal of Verkhovna Rada of Ukraine, n.d.).

Such outdated legislation creates a lot of bureaucratic nuances and does not correspond to available modern technologies and the needs of business in the 2020s. For example, most documents regarding labour relations are required in paper form. Until last year, there have been electronic signatures or scanned copies that were not acceptable for labour contracts and labour-related documents that were a problem during Covid-19-related lockdowns (Badritdinova 2020). In addition, by law, there was a need to state the employee's working place and hours, which hindered transfer to remote

¹ Being a part of the USSR, Ukraine became an ILO member in 1954. In 1991, Ukraine joined ILO as an independent country.

working and working hours flexibilisation. As a result, many online workers often did not have a labour contract (around two-thirds according to the NBA survey) or they were not paid for the work done online (around one-third of respondents) (Ministry of Justice 2019: 41). In other cases, such legal restrictions made it impossible to provide a more convenient work schedule and mode for many employees, even if the employer was ready to go for it. Thus, the workers in non-standard labour relations might have been disadvantaged in access to legal instruments to protect their rights. Only in 2021, the Verkhovna Rada of Ukraine² registered two laws that made easier remote working employment and relax demand for obligatory hard copies of work record books (PWC 2021). The Verkhovna Rada tried to push the project of the new labour code, however, it met strong resistance and critics from different stakeholders.

Shadow employment and 'envelope' wages

On the Ukrainian job search platforms, employers quite often indicate 'official employment' as one of the benefits of the opened job position (see illustration 1). There are no clear statistics on shadow employment in Ukraine, however, the State Employment Service estimated that every fifth Ukrainian worked without an employment contract in 2020 (UNIAN 2020). Other estimations assume that up to ten million Ukrainian workers have unregulated employment (SlovoiDilo 2021). This means working without labour contracts or official registration as well as distortion of data in official employment documents, for instance, by indicating lower wage levels and paying the rest 'in the envelope'. Most unregistered workers were in agriculture, wholesale and retail trade, construction, transport and courier services (UNIAN 2020). Such unregistered workers are at higher risk of violation of their labour and social rights as they do not have a written agreement to identify their working conditions (including safety at work). They barely can rely on the state

social security services in the case of injury and pension provision owing to the informal nature of their employment. Such people do not have instruments to protect their fundamental labour rights and access to social security. In the context of the economic crisis caused by the Covid-19 pandemic, illegal workers remain even more vulnerable because the employer can abruptly cut their employment or stop paying salaries.

Illustration 1 – Typical open call for a job where 'official employment' is mentioned as a benefit of the job position in January 2022 (Robota.UA n.d.).

Lack of mandate of labour inspections

Article 265 of the Labour Code envisages a significant fine for unregistered labour relations: up to 30 minimal wages which is UAH 201,000 (around EUR 6,300) per one illegal employee (Labour Code 1971; Ministry of Justice 2019). Yet the number of illegal employment remains high in the country. One of the reasons behind this is the absence of an effective model of conducting labour inspections and applying fines. Since 2015, the state has been implementing the moratorium policy for any inspections of the state controlling bodies, including the labour inspection (article 3 of the final provisions of the Law of Ukraine no 71 2015). In 2020, the government prolonged the moratorium for major inspections to support entrepreneurs during the lockdown periods (Government of Ukraine Law

² The parliament of Ukraine.

533-IX 2020).³ The initial goal was to weaken the administrative burden on business (especially small and medium-sized enterprises) and foster economic development, notwithstanding, these provisions hindered the identification of the unregistered employment cases or paying the salaries under the counter in order to minimise a tax burden.

Underdeveloped mechanisms for the dialogue between employer and employees and weak trade unions

Social dialogue between employers and employees is crucial for increasing living standards and the competitiveness of economies. The Western countries' experience demonstrates that high socio-economic results can be rather achieved in the case of social partnership between the participants of social and labour relations, who take responsibility for the development and implementation of mutually agree on decisions and the establishment of social consent (Yatsenko 2020: 4). A traditional actor in such dialogue is trade unions.

In Ukraine, employees have a right to freely join existing trade unions or establish a new trade union in the company. The Federation of Trade Unions of Ukraine is the voluntary association of the trade unions that unites about five million trade union members. The Federation consists of more than 40 all-Ukrainian trade unions and 24 territorial associations of trade unions. The network unites more than 50,000 trade union organisations around Ukraine. Despite a large number of registered trade unions in Ukraine, the number of their members tends to fall due to the low effectiveness of the movement (Yatsenko 2020: 3). According to the 2019 social survey, more than half of respondents do not trust trade unions (Razumkov Centre 2019). Ukrainian citizens are not inclined to consider trade unions as a tool to protect their own interests in cooperation with employers (Yatsenko 2020: 3). Thus, the potential of trade unions in protecting labour rights in Ukraine is underused.

Income inequality, gender inequality and lack of protection for vulnerable groups

Many inequalities exist in the labour field. Firstly, there is a striking difference in the salaries of the managers and employees. The statistics show the salary of a company manager can be 200 times higher than the salary of an employee of the same company (Ministry of Justice 2019: 42). The difference in the private sector is more substantial than in state employment (Ministry of Justice 2019). In the EU countries, there is a public dialogue on the necessity to limit the differences between the highest and lowest salaries at one enterprise on the legislative level, we cannot find anything alike in the Ukrainian public discussion yet.

Secondly, even despite the adapted law on equal opportunities for men and women, there is a gender pay gap. In all economic activities men's wages are higher by an average of 22% and in some activities this climbs over 35% (Fedkovych 2018). For example, this gap equals 41.1% in postal and courier activities, 36.8% in financial and insurance activities, and 35.1% in arts, sports, entertainment and recreation (Fedkovych 2018). Additionally, women more often may face discrimination during job searches as some employees would prefer male candidates who are less likely to go on maternity leave.

Sometimes even the legislation may have a discriminatory pretext. For example, in 2016 a female flight attendant-instructor filed a lawsuit in connection with the fact that her employer did not allow her to go on business trips because her son is less than three years old (Ministry of Justice 2019: 56). The Ukrainian Labour Code (under article 176) prohibits night shifts and business trips for young mothers whose children have not reached the age of three. The woman argued that her husband, who officially took parental leave, was taking care of the child. However, the court not only did not satisfy the plaintiff's claim but also stated that the plaintiff was abusing her right to apply to the court

³ Unless there will be complaints against the employer from employees.

because the given article of the law is imperative (Ministry of Justice 2019: 56).

Thirdly, according to sociological research, violations of their rights by businesses are often faced by the elderly, people with disabilities, members of the lesbian/gay/bisexual/transgender community, young people (especially those without work experience), etc (EBA 2021). Employers often have a lack of understanding for pursuing social programmes to support the employment of the vulnerable groups at their enterprises.

Insufficient legal protection against the threat of forced labour and human trafficking

The NBA indicated the high risk connected to forced labour and trafficking in Ukraine (Ministry of Justice 2019: 40). Global Slavery Index rated Ukraine as 49th out of 167 countries in the world with estimated 286,000 people living in modern slavery (Global Slavery Index 2018). The United States State Department regularly includes Ukraine in its annual report on human trafficking, indicating that the government does not fully meet the minimal standards for the elimination of human trafficking (Ministry of Justice 2019: 40). Thus, elaborating better legal enforcement mechanisms for human trafficking and forced labour prevention remains of high relevance in Ukraine.

To sum up, Ukraine has already a wide legislative basis for legal guarantees of labour rights protection and step-by-step is closing legislative gaps, such as remote work regulation. Whereas labour protection is not a *tabula rasa* for Ukraine, there is an urgent need to find a *juste milieu* between pursuing economic growth promotion policies (that are often perceived in the neoliberal light as deregulation policies) and protecting labour and social rights of employees. Being skewed to one side will not allow the country to develop sustainably and will create social disbalances and inequalities between different social groups.

POLICY RECOMMENDATIONS

While pursuing policies of fostering economic development and stimulating business

development we should not forget about the human rights and labour rights aspects. In a simpler sense, protecting human rights should be included in the business development agenda. The first step towards this was the adoption of the GPBHR, however, more actions will be needed to solve the mentioned problems.

Develop implementation tools for GPBHR

GPBHR is a well-designed tool for engaging business actors in human rights issues. Yet, this tool will not work without proper enforcement mechanisms. It is envisaged that countries which have adopted GPBHR will develop a national action plan on business and human rights (NAP). Ukraine is currently developing such a NAP (National Action Plans on Business and Human Rights n.d.) and already has updated a national strategy on human rights by adding references to the GPBHR (Order of the President of Ukraine 2021). However, if we open the action plan for this strategy, we will see only one activity planned for 2021-23 related to business and human rights – conducting a study of the best practices on GPBHR implementation (Cabinet of Ministers of Ukraine 2021). This actually illustrates a lack of funding for the action from the state budget. On the other hand, what state body will be responsible for the implementation of these principles is another open question. The topic is interdisciplinary and requires the involvement and cooperation of regulatory bodies and institutions operating in the field of human rights as well as those working with the business. Clarification of these issues is needed to facilitate the proper functioning of the GPBHR.

Elaborate the national guide on business and human rights for business

For the document to work, it is important to develop practical guidelines for applying these principles to business entities. The guide should contain analyses of the ways business may affect human rights (including labour rights) and practical recommendations on how to avoid any negative effect. The state has

leverage to influence state-owned enterprises and, therefore, the state can make compliance with business and human rights requirements mandatory for state-owned enterprises.

Ensure transparency and inclusiveness of the NAP development process

NAP should be developed transparently with the involvement of multistakeholder expert groups and public consultations. Currently, the public hearing is an obligatory instrument for drafting and adopting any strategic document in Ukraine, however, public review of the legal document is mandatory at the stage of its adoption but not at the stage of its development. A participative approach of NAP development, when expert and public consultations are used from the beginning of the process, should be adopted. This will benefit the quality of the NAP and will ensure that actions are adjusted to the peculiarities of the situation in Ukraine. This is particularly important to invite business representatives to this process since business is the central actor of the GPBHR.

Raise public awareness on the issue of business and human rights and labour rights

It is important to hold a constant public dialogue on the issue of how business interacts with human rights. Some events were organised on the GPBHR topic already, such as a panel discussion during the 2021 Kharkiv Legal Forum (Kharkiv Info 2021). However, information about the practical application of GPBHR should be disseminated not only among law professionals but also among the general public. To this end, information must be provided in an inclusive language that is understandable to the wider public.

On the other hand, there is a need to raise the legal literacy of employees and employers. As we discovered earlier, labour legislation in Ukraine is complicated and constantly changing and, in many cases, employees lack a basic understanding of their labour rights and knowledge on where to seek advice in case of the infringement

of their rights. In my opinion, the state can provide free legal assistance and seminars on labour rights via the already existing centres of free legal aid.

Introduce incentives for companies that promote a human rights agenda in their business

Different incentive methods can be used to encourage companies with proactive human rights policies. Firstly, best practices can be shared on the national, regional, and local levels on how the companies promote the human rights agenda. In 2020, ILO's project organised online events to share real companies' experience on how to identify and minimise gender-based violence risk for their employees. Similarly, round tables can be organised for business representatives to share their experience of promoting human and labour rights.

Another tool is public procurement. For example, Scotland and the city of Malmö ask for a Code of Conduct as an obligatory document for public procurement (Uvarova & Buriakovska 2019: 40). Alternatively, companies with developed and implemented business and human rights policies could be scored higher. Companies can also be given the tools to assess the integrity of their counterparties. The UK provides a tool for businesses to check if their counterparty is under sanctions connected to human rights violations abroad (Uvarova & Buriakovska 2019: 42). Ukraine has an online system, YouControl, that permits checking a business partner and this system might be updated with business and human right-connected indicators.

Bring labour inspections in line with ILO norms and standards

Ukraine needs to update labour inspection regulations to meet international standards and to help track violations of labour rights.

Strengthen tracking and prevention mechanisms for human trafficking and forced labour

It is necessary to strengthen cooperation with the international society that works in the field of human trafficking prevention as Ukraine is often considered a transition country. This should be accompanied by measures on legal awareness of citizens, especially in the field of employment abroad.

Promote gender equality

Ukraine has already the legislative basis that aims to guarantee gender equality in the labour field and minimise a gender pay gap, yet the status quo reveals that gender pay disparities are still a norm. Despite the existence of a legislative framework, there is no practical mechanism for the implementation of equal treatment of men and women (JurFem 2020). Currently, the Cabinet of Ministers of Ukraine (CMU) is working on finalising the national strategy to reduce the gender pay gap until 2023 and approve an action plan for its implementation. The government should supplement the legal framework on gender pay equality with measures in the field of non-formal education in gender stereotypes, awareness-raising events in the field of equal pay, paternity leave and promote the quota principle for the representation of women in the core bodies of companies and politics.

WAY TOWARDS BUSINESS DEVELOPMENT AND HUMAN RIGHTS BALANCE

Post-Soviet business development was reduced to the dogma of deregulation. In other words, stimulating business development was perceived as minimising state intervention in business. While it seemed natural at the beginning of the transition from an over-regulated Soviet economic system to a free-market economy, now there is a need to find a balance between business development and respect for human rights. This policy brief provides an understanding of the main challenges related to business and human rights with a focus on

labour rights in Ukraine. Although this article has dealt with the example of Ukraine, the analysis and policy recommendations may be relevant for other post-Soviet and post-socialist countries with a similar history and challenges of social and economic development. Among the post-Soviet countries only Georgia has developed a NAP (National Action Plans on Business and Human Rights n.d.). Four more countries with post-socialist inheritance (Poland, Czechia, Lithuania and Slovenia) declared a need for a more human-rights oriented business development by adopting GPBHR and developing NAPs and Serbia has another governmental initiative (National Action Plans on Business and Human Rights n.d.). This means the process has only started in the region and collaboration and mutual learning from the process will be a win-win for all post-socialist countries.

REFERENCES

- Badritdinova J 'What to do to speed up business recovery after the corona crisis' (2020), available at <https://biz.nv.ua/ukr/experts/zastariliy-trudoviy-kodeks-i-tarifi-na-ekvayring-problemi-ekonomiki-novini-ukrajini-50123627.html> (last visited 2 February 2022)
- Cabinet of Ministers of Ukraine Order 756- 23 June 2021 'On approval of the action plan for the implementation of the National Strategy in the field of human rights for 2021-2023' (2021), available at <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-dij-z-realizaciyi-nacionalnoyi-strategiyi-u-sferi-prav-lyudini-na-20212023-roki-i230621-756> (last visited 2 February 2022)
- Cabinet of Ministers of Ukraine 'Pulse of the Agreement: monitoring the implementation of the action plan for the implementation of the Agreement', available at <https://pulse.kmu.gov.ua/ua/about-agreement> (last visited 2 February 2022)
- Constitutional Court of Ukraine 'Resolution of the Constitutional Court of Ukraine 12- /1998. Right to Work', available at <https://ccu.gov.ua/storinkaknygy/443-pravo-na-pracyu/> (last visited 2 February 2022)
- European Business Association (EBA) 'Business and Human Rights in Ukraine: First Research Results are Published' (2021), available at <https://eba.com.ua/biznes-i-prava-lyudyny-v-ukrayini-oprylyudneno-pershi-rezultaty-doslidzhennya/> (last visited 2 February 2022)
- Fedkovych G 'Right to Equal Remuneration for Equal Work: Ukrainian Realities' (2018), available at <https://genderindetail.org.ua/spetsialni-rubriki/legal-advice/pravo-na-rivnu-oplatu-pratsi-za-robotu-rivnoi-tsinnosti-ukrainski-realii-134693.html> (last visited 2 February 2022)
- Free Legal Aid, available at <https://www.legalaid.gov.ua/> (last visited 2 February 2022)
- Global Slavery Index 'Country Data: Ukraine' (2018), available at <https://www.globallslaveryindex.org/2018/data/country-data/ukraine/> (last visited 2 February 2022)
- Government of Ukraine Law of Ukraine 533-IX 'On Amendments to the Tax Code of Ukraine and Certain Legislative Acts of Ukraine on Tax Reform' (2020), available at <https://zakon.rada.gov.ua/laws/show/533-20#Text> (last visited 2 February 2022)
- International Labour Organization (ILO) 'About the ILO in Ukraine', available at https://www.ilo.org/budapest/countries-covered/ukraine/WCMS_470662/lang-en/index.html (last visited 2 February 2022)
- International Labour Organization (ILO) 'Decent Work Results', available at https://www.ilo.org/IRDashboard/#country_iso=UKR (last visited 2 February 2022)
- JurFem 'Gender Aspects of Remuneration' (2020), available at <http://jurfem.com.ua/genderni-aspekty-oplaty-praci/> (last visited 2 February 2022)
- Kharkiv Info 'An international legal forum will be held in Kharkiv' (2021), available at <https://kharkov.info/news/v-harkove-proydet-mezhdunarodnyy-yuridicheskiy-forum> (last visited 2 February 2022)
- Kinakh M 'Business and Human Rights: Looking for Sustainable Models' (2021), available at <https://yur-gazeta.com/golovna/biznes-i-prava-lyudini-poshuk-stiykih-modeley.html> (last visited 2 February 2022)
- Ministry of Justice 'National Baseline Assessment on Business and Human Rights in Ukraine' (2019), available at <https://minjust.gov.ua/m/informatsiya-schodo-rezultativ-provedennya-natsionalnogo-otsinyuvannya-bazovih-pokaznikiv-u-sferi-biznesu-ta-prav-lyudini-v-ukraini> (last visited 2 February 2022)
- Ministry of Social Policy 'The draft Labor Code complies with the law of the European Union', available at <https://www.kmu.gov.ua/news/248637524> (last visited 20 February 2022)
- National Action Plans on Business and Human Rights, available at <https://globalnaps.org/> (last visited 2 February 2022)
- Official Web-Portal of Verkhovna Rada of Ukraine (n.d.), available at: <https://rada.gov.us> (last visited on 2 February 2022)
- Order of the President of Ukraine Document 119/2021 'About the National Human Rights Strategy' (adopted 24 March 2021), available at <https://zakon.rada.gov.ua/laws/show/119/2021#Text> (last visited 2 February 2022)

- PWC 'Reformation of Labour Legislation' (2021), available at <https://www.pwc.com/ua/uk/publications/tax-and-legal-alert/2021/labour-law.html> (last visited 2 February 2022)
- Razumkov Centre of Research 'Level of trust in public institutions and electoral orientations of Ukrainian citizens' (2019), available at <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/riven-doviry-do-suspilnykh-instytutiv-ta-elektoralni-orientatsii-gromadian-ukrainy> (last visited 2 February 2022)
- Robota.UA 'All-Ukrainian Portal for Job Search', available at <https://rabota.ua/> (last visited 2 February 2022)
- SlovoiDilo 'Lyubchenko Has Evaluates the Scale of Shadow Employment in Ukraine' (2021), available at <https://www.slovoidilo.ua/2021/07/21/novyna/suspilstvo/lyubchenko-oczinyv-masshtaby-tinovy-zajnyatosti-ukrayini> (last visited on 2 February 2022)
- The Danish Institute of Human Rights 'Business and Human Rights', available at <https://www.human-rights.dk/business-human-rights> (last visited 2 February 2022)
- UNIAN 'Every 5th Ukrainian works informally: the level of shadow employment has fallen to a minimum of a decade' (2020), available at <https://www.unian.ua/economics/finance/10885412-kozhen-5-y-ukrajinec-pracyuye-neoficiyno-riven-tinovoji-zaynyatosti-vpav-do-minimumu-desyatylittya.html> (last visited 2 February 2022)
- Uvarova O 'Business and Human Rights in Central and Eastern Europe: perspectives from Ukraine' (2021), available at <https://novabhre.novalaw.unl.pt/bhr-central-eastern-europe-ukraine/> (last visited 2 February 2022)
- Uvarova O and Buryakovskaya K (2019) *Business and human rights: a textbook* Kyiv: 'Golembovska O.O. PE' Publishing
- Verkhovna Rada of Ukraine 'Official web portal', available at <https://zakon.rada.gov.ua/laws/main/klas> (last visited 2 February 2022)
- Yatsenko L 'Trade Unions in Ukraine and New Challenges for Today's Trade Union Movement' (2020), available at https://niss.gov.ua/sites/default/files/2020-02/analit-yatsenko-social-policy-13-2020_0.pdf (last visited on 2 February 2022)
- YouControl 'Solutions for Business – YouControl – Complete Dossier for Each Company in Ukraine', available at <https://youcontrol.com.ua/> (last visited on 2 February 2022)



Monastery of San Nicolò
Riviera San Nicolò, 26
I-30126 Venice Lido (Italy)

gchumanrights.org

Global Campus of Human Rights

The Global Campus of Human Rights is a unique network of more than one hundred participating universities around the world, seeking to advance human rights and democracy through regional and global cooperation for education and research. This global network is promoted through seven Regional Programmes which are based in Venice for Europe, in Sarajevo/Bologna for South East Europe, in Yerevan for the Caucasus, in Pretoria for Africa, in Bangkok for Asia-Pacific, in Buenos Aires for Latin America and the Caribbean, and in Beirut for the Arab World.

The Global Campus Policy Observatory

The Observatory is a 'virtual hub' which comprehends a team of seven researches from the regional programmes to produce, publish and publicly present seven different policy analyses in form of policy briefs, with the aim of making of each regional programme a solid focal point for policy expert advisory in human rights issues.

This document has been produced with the financial assistance of the European Union and as part of the Global Campus of Human Rights. The contents of this document are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the European Union or of Global Campus of Human Rights.

