

# Resist Russia! Defend Workers Rights

Veto Project 7160! Protect Working People!

Thursday 17 March 2022, by [Sotsialnyi Rukh \(Social Movement\) Ukraine](#) (Date first published: 16 March 2022).

**A draft law has been placed before the Parliament of Ukraine which would make a sweeping attack on workers rights. At a time when Ukrainian trade unions and the wider working people are mobilised in popular resistance and organisation of mutual aid it is a slap in the face to their courage and sacrifice. Such measures will transfer the burden of war from the richest to the working majority. They must be rejected.**

The Social Movement calls on the President of Ukraine Volodymyr Zelensky to veto the draft Law of Ukraine “On the Organization of Labor Relations in Martial Law” (7160) due to its inconsistency with the Constitution and the principles of the welfare state

On March 15, 2022, the Verkhovna Rada of Ukraine [parliament] approved the draft Law of Ukraine “On the Organization of Labor Relations in Martial Law” [7160](#) (hereinafter – the Draft). It is assumed that for the period of martial law, the provisions of this document will take precedence over the provisions of labor law. Referring to the need to adapt labor legislation to the conditions of war, he expands the capabilities of employers through workers’ rights.

Certain restrictions on rights during the war are inevitable. Achieving a balance between human rights and a nation struggling for its existence is not easy. However, a compromise between the social partners and democratic principles should be the guiding principle. It seems that the law was passed without taking into account these safeguards against abuse.

*The main conventions of the International Labor Organization in the field of human rights provide a number of rights on such issues as equal working conditions and the rights of trade unions and workers, derogation from which is unacceptable during a state of emergency; derogation from other rights is permissible, but only **to the extent necessary in view of the severity of the situation** (paragraph 68 of the 1985 Syracuse Principles).*

Restrictions imposed to protect the public interest must be proportionate to the achievement of the objective pursued. The project is designed to strengthen defense capabilities, but establishes the possibility of exploitation of workers at enterprises of any industry throughout Ukraine. In other words, the emergency rules provided by it can be used not to carry out work in the interests of defense, but to increase the profits of the owners.

## **The biggest concerns are the rules on:**

1. the possibility of deterioration of significant working conditions without compliance with the two-month notice period (Article 3 of the Project);
2. dismissal of an employee during the period of temporary incapacity for work and leave, as well as dismissal of trade union members without the consent of the trade union committee (Article 5 of the Draft);
3. increase of the maximum duration of the working week to 60 hours and reduction of the time

- of uninterrupted rest to 24 hours (Article 6 of the Project);
4. opportunities to involve pregnant women and women with young children in night work in case of “extreme necessity”, as well as the abolition of the rule on reducing the duration of work at night (Article 8 of the Project);
  5. the right of the employer to refuse to grant leave if the employee is involved in the performance of work on facilities related to critical infrastructure (Article 12 of the Project);
  6. suspension of the employment contract in connection with the military aggression against Ukraine, which excludes the possibility of his work (Article 13 of the Draft).

A number of restrictions go beyond the limits set by the Decree of the President of Ukraine on the imposition of martial law in Ukraine № 64/2022. This Decree allows for the restriction of the rights provided for in Articles 30 – 34, 38, 39, 41 – 44, 53 of the Constitution. **However, the legislative initiative also restricts the rights provided by the following articles of the Constitution of Ukraine:**

- **Article 24** – guarantee of legal protection of motherhood, which includes the provision of benefits to pregnant women and mothers. The project allows the involvement of these categories of women in night work;
- **Article 36** – citizens have the right to participate in trade unions in order to protect their labor and socio-economic rights and interests. The project allows to dismiss trade union members without the consent of trade unions;
- **Article 45** – everyone has the right to rest. The project increases the duration of work (especially at night), allows dismissal during vacation, and leave at critical infrastructure facilities becomes optional;
- **Article 48** – the right to an adequate standard of living for oneself and one’s family. The project will legalize the suspension of the employment contract, which could deprive citizens of their livelihood.

It should be emphasized that the rights provided for in Article 24 of the Constitution cannot be restricted at all (Article 64 of the Basic Law).

Increasing the burden on workers does not compensate for the loss of the economy, but will make workers more vulnerable in relations with the employer. In the speeches of the President of Ukraine there was a call to the working people to do their job 100%. However, the approved Project increases the length of the working week by 20 hours, ie will force many to work by 150%.

According to the NGO Social Movement, restrictions on labor rights can be avoided by achieving legitimate goals in other, more equitable ways. To ensure the defense of Ukraine, it is necessary to confiscate the property of Ukrainian oligarchs on the grounds of public necessity. The capitals of Ukrainian oligarchs must work for the economy! The main goal of the policy at this stage is to unite society in counteracting Russian aggression and to preserve the rights of the affected people as much as possible. Ukraine’s economy will definitely be revived at the expense of state support, proper organization of work and decent wages.

Therefore, in view of the above,

#### **WE ASK YOU:**

to veto the Law of Ukraine “On the Organization of Labor Relations in Martial Law” (Bill 7160) adopted on March 15, 2022 in connection with the inconsistency of its provisions with Articles 24, 36, 45, 48, 64 of the Constitution of Ukraine and the principles of the welfare state .

March 16, 2022

Vitaliy DUDIN ,  
Chairman of the Board  
of the Social Movement NGO

---

**Sotsialnyi Rukh (Social Movement) Ukraine**

*[Click here](#) to subscribe to ESSF newsletters in English and/or French.*

---

**P.S.**

Соціальний рух

<https://rev.org.ua/vetujte-proyekt-7160-zaxistit-lyudej-praci/>