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Revealed: Ukraine's secret attempt to bypass top trade union bodies

Wednesday 27 December 2023, by [GUZ Serhii](#), [ROWLEY Thomas](#) (Date first published: 21 December 2023).

Union leaders raise concerns about potential for government 'control' over new consultation body

Top Ukrainian officials are pushing a behind-the-scenes initiative to set up their own high-level trade union consultation body in an effort to reduce the power of the country's largest union associations, openDemocracy can reveal.

Documents obtained via freedom of information law show how two leading MPs from Ukraine's ruling political party proposed that the government set up a brand new 'Council of Trade Union Leaders' in July 2023 - in an explicit attempt to sidestep the government's existing institution for dialogue with employers and trade unions.

The Ukrainian Cabinet of Ministers approved the initiative in August.

According to trade union leaders openDemocracy spoke to, none of them have been informed about this new council, nor has it been announced publicly.

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According to trade union leaders openDemocracy spoke to, none of them have been informed about this new council, nor has it been announced publicly.

The council appears designed to focus the Ukrainian government's official dialogue away from the largest confederation, the Federation of Trade Unions of Ukraine (FPU) - which is locked in a multi-year battle with the government over labour law reform.

Hryhoryi Osovyi, chair of the FPU, told openDemocracy: "If such a decree exists, it would mean direct government intervention in trade union activity."

The Ukrainian government and the FPU have been fighting an increasingly contentious battle over

labour reform since Volodymyr Zelenskyi's election in 2019. In tandem, the FPU claims, Ukrainian law enforcement and reformers have [targeted trade union property](#) (which trade unions inherited from the Soviet era) in an attempt to reduce their financial capacity.

Comments by the person responsible for setting up the new Council of Trade Union Leaders - whose composition could be controlled by the Cabinet of Ministers - suggest that it would enjoy a more positive relationship with the Ukrainian government than the FPU or KVPU.

"This [council] is meant to solve problems, not to distance ourselves from the state or present ourselves as an autonomous force," said Serhiy Kaplin, a former MP who is currently waging a public campaign against the FPU leadership.

New body

At an official level, the council proposal was initiated by Olena Shulyak MP, leader of Volodymyr Zelenskyi's Servant of the People party, and social policy chief Halyna Tretiakova MP.

Tretiakova has [led](#) on the Ukrainian government's radical labour reforms in recent years, particularly since the start of Russia's full-scale invasion. She did not respond to a request for comment.

As revealed by openDemocracy, the Ukrainian government has [planned](#) to move away from moderating employer-trade union relations completely, a cornerstone of modern labour standards, and stripped back labour protections with new legislation.

In a joint letter to the Cabinet of Ministers on 25 July, Shulyak and Tretiakova noted that "legal barriers, political interests and lack of understanding" had contributed to Ukraine's weak record of dialogue between state, employers' associations and trade unions, "despite good institutional foundations".

"It's difficult for the government to negotiate with proper social partners, so it chooses to set up its own outfit as a quasi-partner instead"

The new Council of Trade Union Leaders, they wrote, would be attached to the Cabinet of Ministers.

It would "change the Soviet paradigm" whereby discussions between the state, employers' associations and union groups (known locally as "social dialogue") take place at the existing National Tripartite Socio-Economic Council, and instead shift these under a "new structure with new leaders".

The new platform would, Shulyak and Tretiakova wrote, allow trade unions to examine existing labour law and propose reforms "in a friendly atmosphere".

Ukraine's Cabinet of Ministers told openDemocracy that the "spread of patriotic moods in [Ukrainian] society" means there is a "need" to "involve Ukraine's [soldiers] and real trade unions in social dialogue".

At the same time, Serhiy Kaplin told openDemocracy that he "personally" initiated the the council proposal by contacting the prime minister's office, and the parliamentary committee for social policy, which Halyna Tretiakova runs, as well as numerous others MPs - but said only Tretiakova and Shulyak agreed.

In other official correspondence released by the Cabinet, the Ukrainian Justice Ministry responded to the idea of the new council by noting that the cabinet is itself responsible for the composition of such bodies.

In other words, if the Council of Trade Union Leaders is created under the auspices of Ukraine's cabinet, then the council's membership could ultimately be approved by the cabinet itself - government ministers, rather than trade unions.

When asked whether the council would be controlled by Ukrainian officials, Kaplin told openDemocracy: "These kinds of institutions [like the council] aren't meant to put unions under the state, no. It's the other way around: to put the state under the unions."

He added: "It will be like a parliament for trade unions," saying he was ready to include FPU leadership in the council, but that it would be primarily reserved for rank-and-file activists.

Gregory Schwartz, an expert on labour relations and politics at the University of Bristol, told openDemocracy that the council looked like "a classic Soviet or post-Soviet style of doing things".

"It's difficult for the government to negotiate with proper social partners, so it chooses to set up its own outfit as a quasi-partner instead," Schwartz said.

Property transfer

Indeed, Kaplin's current campaign against what he calls the "corrupt" FPU leadership also suggests that he could be able to strike a more positive tone in trade union-government relations.

As part of this effort, he has set up a new Confederation of Trade Unions, which is designed to break away members and branches from the FPU.

In June, a [video](#) of Kaplin speaking aggressively to alleged FPU officials while surrounded by men in camouflage gear circulated online. He said he had support from veterans for his new organisation, and that they wished to have representation at the leadership level of the FPU.

Kaplin also publicly demanded the removal of corrupt union leaders, threatening that war veterans would "restore order" themselves if he wasn't heard.

Kaplin, the general secretary of the new confederation, has called for all Ukrainian trade union property to be handed over to assist with rehabilitating veterans - a call [first made in 2022](#) by economy minister Yulia Sviridenko and Halyna Tretiakova MP.

"If you ask trade union members whether they're ready to hand over this property to our soldiers for their own use, they'll say yes," Kaplin claimed while speaking to openDemocracy.

That could include the dozens of FPU-controlled trade union facilities that were seized in 2022 as part of a criminal investigation into alleged union corruption.

In a twist that raises potential conflict of interest questions, the director of Ukraine's seized assets management agency (known as ARMA), which is currently overseeing frozen FPU property, is also the president of Kaplin's new Confederation of Trade Unions.

In a Facebook post dated 4 October, ARMA director Olena Duma stated that she had already started the process of transferring the seized FPU property to new management. Duma also said she had proposed legislation that would permit the transfer of these properties for rehabilitating veterans.

openDemocracy contacted ARMA and Olena Duma for comment, but did not receive a response.

Thomas Rowley

Serhiy Guz

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