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To: Mr Dmytro Razumkov

Chairman of the Verkhovna Rada of Ukraine

E-mail: razumkov@rada.gov.ua

Brussels, 19 June 2020

Ref.: SF/vd/10162

Subject: Solidarity with education trade unions in Ukraine

Dear Chairman,

The European Trade Union Committee for Education (ETUCE) represents 132 education trade unions i.e. 11 million teachers in Europe. As a recognised Social Partner in education at EU level, ETUCE meets at regular intervals with the European Federation of Education Employers (EFEE) in the frame of the European Sectoral Social Dialogue Committee for Education to negotiate and discuss education and employment topics relevant to teachers, academics and other education personnel in education. ETUCE is a European Trade Union Federation within ETUC, the European Trade Union Confederation. ETUCE is also the European Region of Education International (EI), the global federation of education trade unions.

With this letter, ETUCE wishes to express its deep resentment and regret that on 27 May 2020 the draft law No. 2681 was considered.

We remind you already in our letter to you on 13 January 2020, the provisions of this draft law entails serious violations that:

- Limit the exercise of the right to freedom of association by arbitrarily reducing the number of workplace unions.
- Denies managerial staff the right to form or join a union.
- Sets a minimum membership threshold which undermines workers' right to form or join unions of their choice at the workplace, especially for workers in small and medium enterprises.
- Creates a new trade union supervisory body with wide and unchecked powers to control the activities of trade unions.
- Removes the employers' obligation to provide collective bargaining information to trade unions.
- Removes trade union access to the check-off system for trade union membership dues collection, and, grants the government power to confiscate union property and as a result undermines union independence and autonomy.

These provisions severely violate the ILO Conventions 87 and 98 and must be addressed before the legislative process continues. In addition to this, we understand that these provisions also stand in serious contradiction to the Ukraine's Constitution.

Under international labour standards, the Ukraine is under a duty to ensure that legislation with implications for the exercise of labour and trade union rights have the full and meaningful involvement of trade unions' representatives (see the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and paragraph 5 (c) of the

Tripartite Consultation (activities of the International Labour Organisation) Recommendation, No. 1976 (No. 152)).

The ILO Committee on Freedom of Association has also drawn the attention of Governments to the Consultation (Industrial and National levels) Recommendation, 1960 (No. 113), which calls for consultations aimed “in particular, at joint consideration of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions” including “the preparation and implementation of laws and regulations affecting their interests”.

In addition to this, once again, we recall that [the Association Agreement between the European Union and Ukraine](#) commits the latter to, among other things, enhance the capacity of social partners and promote social dialogue. Indeed, the respect for common values lays the foundation of the EU relations with Ukraine and when it comes to social and employment policies the EU is guided by, inter alia, the Treaty on the functioning of the European Union that recognises and promotes [...] “the role of social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy” [...] and [the European Pillar of Social Rights](#) which states that [...] “support for increased capacity of social partners to promote social dialogue shall be encouraged” [...].

The heavy consequences of the COVID-19 pandemic have been causing an unprecedented health, social and economic crisis across the world. Highlighting that the lockdown and the [measures adopted](#) by governments to face [...] “the emergency have generated terrible consequences in terms of economic recession, massive unemployment, obstacles to the freedom of movement, deterioration of working conditions and rights, increased inequality and social exclusion” [...], it is now more crucial than ever to cementing the foundations of sustainable, continuous and meaningful social dialogue. In times when incertitude reigns in our societies, along with the growing level of job losses and further deprivation of rights, in particular, amongst the most vulnerable groups, the inclusion and consolidation of the vital role that social partners play in preserving fundamental rights and freedoms along with the rule of law is essential. Building a climate of trust and transparency through sustainable consultation mechanisms and social dialogue is the only way to address, the current challenges and foster social cohesion.

We urge you to ensure that the Ukraine complies with international obligations and its national constitution and suspends the draft law No. 2681 and engages in meaningful consultations with trade union representatives. Once again, we stress that in times of recession that risks to lead to great instability in society, the respect for and safeguard of fundamental principles inherent in European, international, and national legislations is more important than ever. Essential for democracy and democratic citizenship, we urge you to respect trade union rights, freedoms, and autonomy by withdrawing any considerations of the draft law concerned.

Yours Sincerely,



Susan Flocken
European Director