

Ursula von der Leyen
President of the European
Commission

Charles Michel
President of the European Council

Josep Borrell Fontelles
High Representative of the Union for
Foreign Affairs and Security Policy

Roberta Metsola
President of the European Parliament

Letter sent by e-mail:
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Dear President von der Leyen,
Dear President Michel,
Dear High Representative Borrell,
Dear President Metsola,

We welcome the recent decision to grant Ukraine EU candidate status. That is a long-time aspiration of Ukrainian workers who stood in the revolution of dignity and who now sacrifice their lives, health and wellbeing in the fight for democracy and sovereignty against Russian aggression.

From the first day of the war, **Ukrainian trade unions joined the national efforts to counter aggression, but also to cope with the humanitarian crisis provoked by it.** Trade union facilities and offices currently host tens of thousands of internally displaced people, and trade union activists coordinate the provision of material aid to those in need, and the organisation of deliveries of vital goods and products. Ukrainian society has been brought together in the face of the invasion.

However, we regret that the government and the ruling party in Ukraine does not always respect those joint efforts. Furthermore, while there is no question about the European path Ukraine is taking, the recent developments suggest that the government and the majority party in the Rada continue to reject the EU's values of social dialogue and social rights.

Firstly, we were shocked to learn that the Rada had decided to consider several legislative bills developed by members of the ruling party, the most horrendous of which is **the Bill 5371 On Amendments to Certain Legislative Acts regarding Simplification of Labour Relations Regulation for Small and Medium Business that would discriminate against workers in organisations with less than 250 employees and deprive them of labour protections, including collective labour rights.**

Despite the fact that this draft had already received negative expert opinions long before the war started, including from the ILO, a group of members of the Parliament revived it. The workers of Ukraine are among the hardest hit by the Russian aggression. According to ILO assessments,

4.8 million jobs have already been lost and that number could yet reach 7 million. Furthermore, the law of Ukraine *On legal regime of martial law* already greatly restricts the rights of workers, although those restrictions are clearly time bound.

We are strongly concerned about regressive labour reforms continuing after the emergency of war is over, which go in the opposite direction to EU principles and values. **Ukraine will need unity for the national reconstruction processes that will also necessitate the relaunch of the industrial relations of the country, including comprehensive revision of labour legislation:** we understand that a new labour code is to be developed within one year. Adoption of a highly controversial piece of legislation today will not contribute to that goal, on the contrary, it will undermine it.

The bill 5371 should be dismissed, and we expect the EU to make that clear to the Parliament, the government and the President of Ukraine in the context of the accession procedure. The very fact of its discussion sends a wrong signal about the intentions of Ukraine, as a state, to respect not only the European Union's values, including the principles of non-discrimination and social dialogue, but also the obligations under ratified Conventions of the International Labour Organisation.

Secondly, we understand that the government of Ukraine has been preparing **a plan to rebuild Ukraine after the war**. We greatly appreciate the leading role of the European Union in this gigantic task and we expect that the reconstruction will not be limited to restoration of buildings, enterprises and transport infrastructure, but will involve comprehensive revision of all aspects of the functioning of Ukraine as a state. **That is a unique chance for the country to build democracy and freedom, a social market economy and the well-being of its people, guaranteeing their rights.** We are willing to contribute to this mission, which should also guide Ukraine's integration into the European Union.

But we regret that the government so far has no intention to include social partners in the development of the reconstruction project. Neither representative union organisations nor national employer associations were involved in any of the working groups which have been established, although **workers and businesses will be key to the reconstruction process**. We also regret that no social partners from Ukraine were involved in the recent Lugano process. It is a deliberate choice of Ukraine's government to ignore representative social partners and to engage only civil society organisations of its own choice¹.

We consider it to be vital that the European Union gives a clear signal to the Ukrainian government that **such enormous tasks will only be successful if the proper involvement of social partners is ensured from the very beginning**. That would also correspond to the EU's values and to the Acquis Communautaire. This plan has to be discussed by the National Tripartite Council as a matter of urgency and we hope that the Director General of the ILO, Guy Ryder, who is planning to visit the country in early August, will receive commitments from the national authorities. **We would appreciate strong messages from the EU to the government in this regard.**

The reconstruction process should also foresee comprehensive revision of labour legislation, with full participation by the representative trade unions and with full respect of the national social dialogue and international obligations of Ukraine. We are ready to contribute to that process with our expertise.

And lastly, we want to commend the financial support that the European Union has been providing to the government and those affected by the calamities of the war. Yet, again, we regret that the government's approach is far from being fair and inclusive. Trade unions in Ukraine have, as mentioned above, assisted and hosted tens of thousands of refugees, provided solidarity aid

¹ <https://www.opendemocracy.net/en/odr/ukraine-just-reconstruction-lugano-labour/>

to the families of the killed and support to wounded workers, and organized delivery convoys of supplies and medicines. The international and the European trade union movement mobilized unprecedented volumes of solidarity aid to assist Ukrainian unions in these efforts. But that support is not enough for the enormous needs of working people of Ukraine.

The bulk of the resources collected by trade unions have had to be used for paying electricity, heating and other communal fees that the state monopolies charge the union facilities. These costs are set at commercial market prices, which are several times higher than those the government applies to its own facilities that serve the same purpose of hosting internally displaced people. That is inexplicable, particularly in a view of the considerable support from the European Union to the government that is directed to energy and infrastructure necessities. **The union facilities that serve humanitarian purposes today must be treated the same as state owned facilities.**

Furthermore, we understand that the government directed some of **the EU support to civil society organisations** and we support those efforts to diversify aid delivery and humanitarian assistance. We believe that Ukrainian trade unions are very well placed to ensure EU aid is delivered to those in need, as they are present everywhere in the country, having access to workers and their families, enterprises and communities, and being active in vital communal, healthcare, transport, educational facilities. That would certainly bring encouragement to millions of members of trade unions, but also further promote European values of democracy and inclusion. **Trade unions of neighboring EU countries provide assistance to refugees from Ukraine in their countries, too, also by applying EU funding, and we are absolutely confident that the unions of Ukraine are well placed to deliver such assistance in Ukraine.**

We plan to visit the country in the last week of August and would appreciate meeting the EU delegation as well as to discuss the issues outlined above with you and/or your staff prior to our mission.

Yours sincerely



Luca Visentini
ETUC and PERC General Secretary



Sharan Burrow
ITUC General Secretary

