Title II

COLLECTIVE CONTRACT

(Title II read as Law No. 3693-12 of 15 December 1993)

Article 10. Collective Contract

Collective contract shall be entered into on the basis of current legislation and parties' liabilities in order to govern industrial, labour and social-economical relations, as well as to agree interests of workers, owners and authorized by them bodies.

(Article 10 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 8474-10 of 27 February 1983, No. 5938-11 of 27 May 1988; Law No. 3693-12 of 15 December 1993)

Article 11. Scope of Collective Contracts

Collective contract shall be entered into at enterprises, in institutions and organizations irrespective of ownership and business form which employ hired labour and have the rights of legal entity.

Collective contract may be entered into at structural subdivisions of enterprise, institution and organization within the competence of these subdivisions.

(Article 11 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 8474-10 of 27 February 1983, No. 5938-11 of 27 May 1988; Law No. 3693-12 of 15 December 1993)

Article 12. Parties of Collective Contract

Collective contract shall be entered into between the owner or authorized by him/her body (person), on the one part, and primary trade union organization, acting on the ground of their charters, and in case they are unavailable - by representatives freely elected at general meetings of hired employees or authorized by them bodies, on the other part.

If there are several primary trade union organizations at enterprise, in institution and organization, they shall on the grounds of pro-rata representation (according to the number of members of each primary trade union organization) create the unified representative body for entering into collective contract. If this is the case, each primary trade union organization shall decide on its liabilities under collective contract and responsibilities for failure to fulfill them. Primary trade union organization which refused to participate in the unified representative body shall be deprived of the right to represent interests of employees when signing collective contract.

(Article 12 as amended under Law No. 3693-12 of 15 December 1993, read as Law No. 2343-III (2343-14) of 5 April 2001, as amended under Law No. 1096-IV (1096-15) of 10 July 2003)

Article 13. Content of Collective Contract

Content of collective contract shall be determined by parties within their competence.

Collective contract shall define mutual liabilities of parties as to governing industrial, labour and social-economical relations, in particular:

changes in production and labour organization;

ensuring efficient employment;

work measurement and remuneration of labour, establishment of forms, system and amounts of salary and other kinds of labour payments (extra payments, allowances, bonuses, etc);

granting guarantees, compensations, benefits;

participation of labour collective in formation, allocation and use of profits gained by enterprise, institution and organization (provided that this is prescribed by the charter);

work schedule, working and rest hours;

conditions and protection of labour;

ensuring housing, cultural, medical services, organization of health improvement and rest of employees;

guaranties of activity of trade union or other representative organizations of workers;

conditions of regulating salary funds and establishing inter-qualification (inter-official) relationships in remuneration of labour.

As compared with current legislation and agreements, the collective contract may provide for additional guarantees and social benefits.

(Article 13 as amended under Decrees of the Presidium of the Verkhovna Rada No. 8474-10 of 27 February 1985, No. 7543-11 of 19 May 1989; Laws No. 3693-12 of 15 December 1993, No. 20/97-ВР of 23 January 1997)

Article 14. Collective Negotiations, Framing and Entering into Collective Contract, Responsibility for Its Execution

Before entering into collective contract collective negotiations shall take place.

Periods, procedure of holding negotiations, settlement of disputes arising when holding thereof, procedure of framing, entering into and making alterations and amendments to collective contract, responsibility for its execution shall be governed by Law of Ukraine “On Collective Contracts and Agreements” (3356-12).

(Article 14 as amended under Law No. 3693-12 of 15 December 1993)

Article 15. Registration of Collective Contract

Collective contract shall be subject to informative registration by local state executive authorities.

Procedure of registration of collective contracts shall be determined by the Cabinet of Ministers of Ukraine.

(Article 15 as amended under Law No. 3693-12 of 15 December 1993)

Article 16. Invalidity of Collective Contract Provisions

Provisions of collective contract which deteriorate position of employees as compared with current legislation and agreements shall be invalid.

(Article 16 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 5938-11 of 27 May 1988, No. 871-12 of 20 March 1991; Law No. 3693-12 of 15 December 1993)

Article 17. Collective Contract Period

Collective contract shall come into force as from the date of its signing by representatives of parties, or as from the date set forth therein.

Upon completion of its validity period the collective contract shall continue to be valid until parties enter into new collective contract or revise current collective contract, unless otherwise prescribed in the contract.

Collective contract shall remain valid in case of changes in membership, structure, denomination of authorized by the owner body on which behalf this contract was entered into.

In case of reorganization of enterprise, institution or organization, the collective contract shall remain valid within the period for which it was entered into, or it may be revised as agreed by the parties.

In case of replacement of the owner, the collective contract shall remain valid within its validity period, however not more than one year.

Within this period the parties shall commence negotiations on entering into new collective contract, or on making alterations or amendments to current collective contract.

In case of liquidation of enterprise, institution or organization, the collective contract shall be valid within the whole period of liquidation.

At newly created enterprise, in institution or organization the collective contract shall be entered into on the initiative of one of the parties within three-month period upon registration of enterprise, institution or organization, if registration is prescribed by legislation, or upon taking decision on creation of enterprise, institution or organization, if registration is not prescribed.

(Article 17 as amended under Law No. 3693-12 of 15 December 1993)

Article 18. Application of Collective Contract to All Employees

Provisions of collective contract shall apply to all employees of enterprise, institution or organization irrespective of whether they are members of trade union, and shall be binding both for the owner or authorized by him/her body, and for employees of enterprise, institution or organization.

(Article 18 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 3693-12 of 15 December 1993)

Article 19. Control over Execution of Collective Contract

Control over execution of collective contract shall be exercised directly by the parties which entered into thereof in accordance with the procedure determined in this collective contract.

If the owner or authorized by him/her body (person) violated provisions of collective contract, trade unions which entered into thereof shall be entitled to request the owner or authorized by him/her body (person) to remedy this violation which is to be considered within one-week period. In case of refuse to remedy violation or failure to reach agreement within the above period, trade unions shall be entitled to claim against illegal actions or omissions of officials at court.

(Article 19 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 5938-11 of 27 May 1988; Laws No. 3693-12 of 15 December 1993, No. 2343-III (2343-14) of 5 April 2001)

Article 20. Reports on Execution of Collective Contract

Parties which signed the collective contract shall report on execution thereof on annual basis within the periods prescribed in the collective contract.

(Article 20 as amended under Law No. 3693-12 of 15 December 1993)

Title III

LABOUR CONTRACT

Article 21. Labour Contract

Labour contract is an agreement entered into between the employee and the owner of enterprise, institution or organization or authorized by him/her body or individual according to which the employee shall undertake to perform work determined in this agreement subject to observance of internal regulations, and the owner of enterprise, institution or organization or authorized by him/her body or individual shall undertake to pay the employee

salary and provide working conditions required for performance of work as prescribed by labour legislation, collective contract and agreement of the parties.

The employee shall be entitled to realize his/her abilities as to efficient and creative work by entering into labour contract at one or simultaneously at several enterprises, institutions or organizations, unless otherwise prescribed by legislation, collective contract or agreement of the parties.

Special form of labour contract is an agreement in which its validity period, rights, liabilities and responsibilities of the parties (including material ones), conditions of material security and organization of employee's work, conditions of termination of the contract, including before the appointed time, may be determined as agreed upon by the parties. Scope of the contract shall be determined by Laws of Ukraine.

(Article 21 as amended under Laws No. 871-12 of 20 March 1991, No. 263/95-ВР of 5 July 1995, No. 1356-XIV (1356-14) of 24 December 1999)

(Official interpretation of part three of Article 21 is given in the Decision of the Constitutional Court No. 12-рп/98 (v012p710-98) of 9 July 1998)

Article 22. Guarantees When Entering into, Making Alterations and Termination of Labour Contract

Unreasonable refusal of employment shall not be allowed.

According to the Constitution of Ukraine (888-09) any direct or indirect limitation of rights or establishment of direct or indirect advantages when entering into, making alterations and termination of labour contract depending on origin, social and property position, race and nationality, sex, language, political convections, religious beliefs, membership in trade union or other association of citizens, kind and character of activity, place of residence shall not be allowed.

Requirements to age, level of education, state of health of the employee may be established by legislation of Ukraine.

(Article 22 as amended under Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995)

Article 23. Validity Periods of Labour Contract

Labour contract may be:

1) termless, that is entered into for indefinite period of time;

2) entered into for definite period of time as agreed upon by the parties;

3) entered into for the period of performance of certain work.

Term labour contract shall be entered into in cases when labour relations may not be established for indefinite period of time with due regard for nature of subsequent work, or conditions of its performance, or employee's interests, and in other cases prescribed by legislative acts.

(Article 23 as amended under Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995)

Article 24. Entering Into Labour Contract

Labour contract is usually entered into in writing. It must be executed in writing in the following cases:

1) organized recruitment of employees;

2) entering into labour contract on work in the regions with specific natural geographical and geological conditions and conditions of increased risk for health;

3) entering into the contract;

4) if employee insists on entering into labour contract in writing;

5) entering into labour contract with a minor (Article 187 of this Code);

6) entering into labour contract with an individual;

7) in other cases prescribed by legislation of Ukraine.

When entering into labour contract the citizen shall be obliged to submit passport or other document identifying the person, work record card, and in cases prescribed by legislation – the document on education (speciality, qualification), state of health and other documents.

Labour contract shall be entered into on the ground of order or instruction on employment issued by the owner or authorized by him/her body.

Labour contract is considered to have been entered into also in case the order or instruction was not issued, however the employee was actually allowed to work.

The person invited for work by way of his/her transferring from another enterprise, institution or organization as agreed upon between directors of enterprises, institutions or organizations may not be refused of entering into labour contract.

Entering into labour contract with citizen for whom according to medical opinion the proposed job is against medical advice for health reason shall not be allowed.

(Article 24 as amended under the Decree of the Presidium of the Verkhovna Rada No. 7543-11 of 19 May 1989; Laws No. 3694-12 of 15 December 1993, No. 374/97-ВР of 19 June 1997, No. 1356-XIV (1356-14) of 24 December 1999)

Article 24-1. Registration of Labour Contract

In case of entering into labour contract between the employee and the individual, the individual shall within one-week period as from the moment of actual allowing the employee to work register the labour contract entered into in writing with state employment service at his/her place of residence in accordance with the procedure established by the Ministry of Labour and Social Policy of Ukraine.

(The Code was supplemented with Article 24-1 under Law No. 1356-XIV (1356-14) of 24 December 1999)

Article 25. Prohibition to Demand Certain Data and Documents When Entering into Labour Contract

When entering into labour contract it shall be prohibited to demand from persons who take employment to provide data on their party affiliation and nationality, origin, residence permit and documents which submission is not prescribed by legislation.

(Article 25 as amended under Laws No. 871-12 of 20 March 1991, No. 374/97-ВР of 19 June 1997)

Article 25-1. Limitation of Joint Work of Relatives at Enterprise, in Institution or Organization

The owner shall be entitled to introduce limitations as to joint work at the same enterprise, in institution or organization for persons being close or in-law relatives (parents, spouses, brothers, sisters, children, as well as parents, brothers, sisters and children of spouses), if in fulfilling labour obligations they are directly subordinated to or under the control of one another.

At enterprises, in institutions or organizations of state form of ownership the procedure of introduction of such limitations shall be established by legislation.

(the Code was supplemented with Article 25-1 under Law No. 6/95-ВР of 19 January 1995)

Article 26. Probation at Employment

When entering into labour contract the parties may agree upon probation with the purpose of verification of relevance of the employee to job entrusted thereto. Provision of probation shall be specified in the order (instruction) on employment.

Within the probation period employees shall be governed by labour legislation.

Probation shall not be established in case of employment of persons under eighteen years old; young employees upon graduation from vocational schools; young specialists upon graduation from higher educational institutions; persons retired from military or alternative (non-military) service; disabled directed to work according to recommendations of medical and social expert examination. Probation shall not be established also in case of employment in other locality and in case of transfer to work at other enterprise, in institution or organization, as well as in other cases as prescribed by legislation.

(Article 26 as amended under Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995)

Article 27. Probation Period at Employment

Unless otherwise established by legislation of Ukraine, the probation period at employment may not exceed three months, and in certain cases as agreed upon with respective elective body of primary trade union organization – six months.

Probation period at employment of workers shall not exceed one month.

If the employee was absent from work within the probation period in connection with temporary disablement or for other good reasons, the probation period may be extended for respective number of days within which he/she was absent.

(Article 27 as amended under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 263/95-ВР of 5 July 1995, No. 1096-IV (1096-15) of 10 July 2003)

Article 28. Results of Probation at Employment

If probation period is over, and the employee continues to work, he/she is considered to be such one who passed probation, and subsequent termination of labour contract shall be allowed only on common basis.

If within the probation period the inconsistency of the employee with job for which he/she was employed was established, the owner or authorized by him/her body shall be entitled to terminate labour contract within this period. Termination of labour contract for these reasons may be claimed against by the employee in accordance with the procedure established for consideration of labour disputes on dismissal.

(Article 28 as amended under Law No. 871-12 of 20 March 1991)

Article 29. Obligation of Owner or Authorized by Him/Her Body to Instruct Employee and Allocate Workplace Thereto

Prior to commencement of work under entered into labour contract the owner or authorized by him/her body shall be obliged to:

1) clarify the employee his/her rights and obligations, as well as inform against receipt about working conditions, presence at workplace where he/she will work, dangerous and harmful industrial factors which are not removed yet, and possible consequences of their influence on health, his/her rights to benefits and compensations for the work in such conditions according to current legislation and collective contract;

2) acquaint the employee with internal regulations under collective contract;

3) allocate to the employee the workplace, provide him/her with tools required for work;

4) instruct the employee on safety measures, industrial health, occupational hygiene and fire protection.

(Article 29 as amended under the Decree of The Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Law No. 3694-12 of 15 December 1993)

Article 30. Obligation of Employee to Perform Work Entrusted Thereto

Employee shall perform work entrusted thereto personally and shall not be entitled to reassign it to other person, except for the cases prescribed by legislation.

(Article 30 as amended under Law No. 871-12 of 20 March 1991)

Article 31. Prohibition to Demand Performance of Work Not Stipulated by Labour Contract

The owner or authorized by him/her body shall not be entitled to demand from the employee to perform work not stipulated by labour contract.

(Article 31 as amended under Law No. 871-12 of 20 March 1991)

Article 32. Transfer to Another Job. Changes in Essential Working Conditions

Transfer to another job at the same enterprise, institution or organization, as well as transfer to another job at other enterprise, institution or organization or in other locality, however together with enterprise, institution or organization, shall be allowed only by consent of the employee, except for the cases prescribed by Article 33 of this Code, as well as in other cases prescribed by legislation.

Transfer of the employee to another workplace at the same enterprise, institution or organization, to another structural subdivision in the same locality, commitment to work with other mechanism or plant within speciality, qualification or office stipulated in labour contract shall not be considered to be transfer to another job and shall not require employee's consent. The owner or authorized by him/her body shall not be entitled to transfer employee to the job which is against medical advice for health reasons.

In view of changes in production and labour organization the essential working conditions may be changed when continuing working on the same speciality, qualification or office. The employee shall be informed about changes in essential working conditions – systems and amounts of remuneration of labour, benefits, schedule, establishment or cancellation of part-time work, combination of jobs, changes in categories and denominations of offices, etc within at least two months thereto.

If previous working conditions may not be preserved, and the employee does not agree to continue working in new conditions, labour contract shall be terminated in accordance with clause 6 of Article 36 of this Code.

(Article 32 as amended under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 1356-XIV (1356-14) of 24 December 1999)

Article 33. Temporary Transfer of Employee to Another Job Not Stipulated by Labour Contract

Temporary transfer of the employee to another job not stipulated by labour contract shall be allowed only by his/her consent.

The owner or authorized by him/her body shall be entitled to transfer the employee to another job not stipulated by labour contract for the period of up to one month without his/her consent, if it is not against medical advice for health reasons solely for the purpose of reproduction or liquidation of consequences of natural disaster, epidemics, epizootics, industrial accidents, as well as other circumstances which endanger or may endanger life or normal living conditions of people, with remuneration of labour for performed work, however not lower than average salary at previous job.

In cases mentioned in part two of this Article temporary transfer of pregnant women, women having disabled child or child under six years old, as well as persons under eighteen years old to another job shall not be allowed without their consent.

(Article 33 as amended under Law No. 871-12 of 20 March 1991; read as Law No. 1356-XIV (1356-14) of 24 December 1999)

Article 34. Temporary Transfer to Another Job in Case of Downtime

Downtime is stoppage of works caused by unavailability of organizational or technical conditions required for work performance, acts of God or other circumstances.

In case of downtime the employees may be transferred to another job at the same enterprise, institution or organization for the whole period of downtime or at the other enterprise, institution or organization, however in the same locality, for the period of up to one month subject to their consent according to their speciality and qualification.

(Article 34 as amended under Law No. 871-12 of 20 March 1991; read as Law No. 1356-XIV (1356-14) of 24 December 1999)

(Article 35 was deleted under Law No. 1356-XIV (1356-14) of 24 December 1999)

Article 36. Grounds for Termination of Labour Contract

Grounds for termination of labour contract shall include the following:

1) agreement of the parties;

2) completion of validity period (clauses 2 and 3 of Article 23), except for the cases when labour relations are actually continuing, and neither party put the demand on termination thereof;

3) call or entry of the employee to military service, appointment to alternative (non-military) service;

4) termination of labour contract on the initiative of the employee (Articles 38, 39), on the initiative of the owner or authorized by him/her body (Articles 40, 41), or at the request of trade union or other representative body authorized by labour collective (Article 45);

5) transfer of the employee by his/her consent to another enterprise, institution or organization, or transfer to the elective office;

6) refusal of the employee of transfer to another job in other locality together with enterprise, institution or organization, as well as refusal to continue working in connection with changes in essential working conditions;

7) entry of court judgment into legal force condemning the employee (except for the cases of indemnification from servicing punishment with probation) to imprisonment or to other punishment, which excludes possibility to continue this work;

8) grounds prescribed by the contract.

Changes in subordination of enterprise, institution or organization shall not terminate the validity of labour contract.

In case of replacement of the owner of enterprise, as well as in case of reorganization thereof (merger, affiliation, division, split-off, transformation) validity period of labour contract of the employee shall continue.

Termination of labour contract on the initiative of the owner or authorized by him/her body is possible only in case of reduction of number or staff of employees (clause 1 of part one of Article 40).

(Article 36 as amended under Decrees of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981, No. 6237-10 of 21 December 1983, No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995, No. 487-IV (487-15) of 6 February 2003)

Article 37. Termination of Labour Contract with Employee Who Was Sent to Forced Treatment by Court Decision

In addition to grounds prescribed by Article 36 of this Code, labour contract may also be terminated in case the employee was sent to medical-labour centre by court decision.

Article 38. Termination of Labour Contract Entered into for Indefinite Period of Time on Employee’s Initiative

Employee shall be entitled to terminate labour contract entered into for indefinite period of time having sent a two-month notice to the owner or authorized by him/her body in writing. In case the employee's letter of resignation was caused by impossibility to continue working (movement to new place of residence; transfer of spouse to job in other locality; entry to educational institution; impossibility to live in this locality proven by medical opinion; pregnancy; care of child until it reaches fourteen years old, or of disabled child; care of ill family member according to medical opinion, or of 1st group disabled; retirement; competitive employment, as well as for other good reasons), the owner or authorized by him/her body shall terminate labour contract within the period requested by the employee.

If upon completion of dismissal notice period the employee failed to leave job and demands no termination of labour contract, the owner or authorized by him/her body shall not be entitled to dismiss him/her on the ground of previously filed application, except for the cases when other employee is invited for his/her office who according to legislation may not be refused in entering into labour contract.

The employee shall be entitled within the period determined by him/her to terminate labour contract at his/her own free will, if the owner or authorized by him/her body fails to observe labour legislation, provisions of collective or labour contract.

(Article 38 as amended under Decrees of the Presidium of the Verkhovna Rada No. 5584-09 of 17 January 1980, No. 6237-10 of 21 December 1983, No. 7543-11 of 19 May 1989; Laws No. 871-12 of 20 March 1991, No. 3694-12 of 15 December 1993, No. 6/95-BP of 19 January 1995, No. 1356-XIV (1356-14) of 24 December 1999)

Article 39. Termination of Labour Contract on Employee's Initiative

Term labour contract (clauses 2 and 3 of Article 23) shall be subject to early termination at employee’s request in case of his/her disease or disablement which prevent performance of work under the contract, violation by the owner or authorized by him/her body of labour legislation, collective or labour contract, and in cases prescribed by part one of Article 38 of this Code.

Disputes on early termination of labour contract shall be settled in accordance with the procedure established for consideration of labour disputes.

(Article 39 as amended under Law No. 6/95-BP of 19 January 1995)

Article 39-1. Extension of Validity Period of Labour Contract for Indefinite Period of Time

If upon completion of validity period of labour contract (clauses 2 and 3 of Article 23) labour relations are actually continuing, and neither party demands termination thereof, validity period of this contract shall be considered to be extended for indefinite period of time.

Labour relations which have been re-entered into one or several times, except for the cases prescribed by part two of Article 23 shall be considered to have been entered into for indefinite period of time.

(The Code was supplemented with Article 39-1 under Law No. 6/95-BP of 19 January 1995)

Article 40. Termination of Labour Contract on the Initiative of Owner of Authorized by Him/Her Body

Labour contract entered into for indefinite period of time, as well as term labour contract prior to completion of its validity period may be terminated by the owner or authorized by him/her body only in the following cases:

1) changes in production and labour organization, including liquidation, reorganization, bankruptcy or conversion of enterprise, institution, organization, reduction of number or staff of employees;

(Clause 1-1 of Article 40 became invalid under Law No. 92/94-ВР of 12 July 1994)

2) revealed inconsistency of the employee with job or with work performed as the result of insufficient qualification or state of health which prevent continuing this work, as well as in case of cancellation of access to state secret, if fulfilment of obligations imposed on him/her requires an access to state secret; (Clause 2 of part one of Article 40 as amended under Law No. 1703-IV (1703-15) of 11 May 2004)

3) systematic failure to fulfil by the employee without good reasons obligations imposed on him/her under labour contract or internal regulations, if disciplinary or civil sanctions have been previously applied thereto;

4) absence from work (including absence from work for over three hours during the working day) without good reasons;

5) absence from work within more than four successive months as the result of temporary disablement, except for maternity leave, unless longer period of workplace (office) preservation at particular disease established by legislation. Employees who lost capability in connection with labour injury or occupational disease shall retain their workplace (office) until rehabilitation or establishment of disablement;

6) reinstatement in a job of the employee who had been previously performing this work;

7) showing up for work intoxicated with alcohol, narcotics or other toxic substances;

8) on-the-job embezzlement (including petty one) of owner’s property established by court judgment that became effective, or by resolution of the body which competence includes imposing administrative sanction or taking measures of social influence.

(Clause 9 of part one of Article 40 was deleted under Law No. 1356-XIV (1356-14) of 24 December 1999)

Dismissal on the grounds mentioned in clauses 1, 2 and 6 of this Article shall be allowed, if the employee may not be transferred to another job by his/her consent.

(Part three of Article 40 was deleted under Law No. 6/95-ВР of 19 January 1995)

Dismissal of the employee on the initiative of the owner or authorized by him/her body shall not be allowed within the period of his/her temporary disablement (except for dismissal according to clause 5 of this Article), as well as within the period of his/her staying on leave. This rule shall not apply to cases of full liquidation of enterprise, institution or organization.

(Article 40 as amended under Decrees of the Presidium of the Verkhovna Rada No. 6237-10 of 21 December 1983, No. 2444-11 of 27 June 1986, No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995, No. 263/95-ВР of 5 July 1995, No. 2343-XII (2343-12) of 14 May 1992 – read as Law No. 784-XIV (784-14) of 30 June 1999 – shall become effective as from 1 January 2000, as amended under Law No. 1356-XIV (1356-14) of 24 December 1999)

Article 41. Additional Grounds for Termination of Labour Contract on the Initiative of Owner or Authorized by Him/Her Body with Particular Categories of Employees under Certain Conditions

In addition to grounds prescribed by Article 40 of this Code, the contract may be terminated on the initiative of the owner or authorized by him/her body in the following cases:

1) single gross violation of labour obligations by the director of enterprise, institution or organization of all forms of ownership (subsidiary, representative office, division and other separated subdivision), his/her deputies, chief accountant of enterprise, institution or organization, his/her deputies, as well as officials of customs authorities, state tax inspectorates who were given personal ranks, and officials of state supervision and auditing service and state authorities exercising control over prices;

1-1) guilty actions of the director of enterprise, institution or organization which resulted in untimely salary payment or in the amounts lower than minimum salary amount established by legislation;

2) guilty actions of employee directly servicing monetary, commodity or cultural valuables, if these actions give reasons to loose trust thereto on part of the owner or authorized by him/her body;

3) commitment by the employee who fulfils educational functions of immoral act being incompatible with continuing this work.

Termination of the contract in cases prescribed by this Article shall be effected subject to observance of the requirements of part three of Article 40, and in cases prescribed by clauses 2 and 3 – of the requirements of Article 43 of this Code as well.

{Article 41 as amended under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 3632-12 of 19 November 1993, No. 6/95-ВР of 19 January 1995, No. 184-IV (184-15) of 17 October 2002, No. 534-V (534-16) of 22 December 2006}

Article 42. Preferential Right to Retain Job at Dismissal of Employees in Connection with Changes in Production and Labour Organization

In case of reduction of number or staff of employees in connection with changes in production and labour organization, preferential right to retain job shall be given to employees with higher qualification and labour efficiency.

At equal conditions of labour efficiency and qualification the preference to retain job shall be given to:

1) married employees – subject to availability of two and more dependents;

2) persons in whose family there are no other employees with independent income;

3) employees with long-term period of employment at this enterprise, institution or organization;

4) employees who study at higher and secondary specialized educational institutions while continuing to work;

5) participants of military operations, disabled veterans and persons whom Law of Ukraine “On Status of Disabled Veterans, Guarantees of Their Social Protection" (3551-12) applies to;

6) authors of inventions, useful models, industrial standards and rationalization proposals;

7) employees who got labour injury or occupational disease at this enterprise, institution or organization;

8) persons out of the number of forcibly displaced from Ukraine within five years as from the moment of their return to permanent place of residence in Ukraine;

9) employees out of the number of former military personnel of involuntary service, and persons who did alternative (non-military) service – within two years as from the date of their retirement.

Preference to retain job may be also given to other categories of employees provided that this is prescribed by legislation of Ukraine.

(Article 42 as amended under the Decree of the Presidium of the Verkhovna Rada No. 7543-11 of 19 May 1989; Laws No. 871-12 of 20 March 1991, No. 3706-12 of 16 December 1993, No. 6/95-ВР of 19 January 1995, No. 75/95-ВР of 28 February 1995, No. 263/95-ВР of 5 July 1995)

Article 42-1. Preferential Right to Enter into Labour Contract in Case of Reverse Employment

The employee with whom labour contract was terminated on the grounds prescribed in clause 1 of Article 40 of this Code (except for the case of liquidation of enterprise, institution or organization) shall be entitled within one year to enter into reverse employment, if the owner or authorized by him/her body employs employees of similar qualification.

Preferential right to entering into labour contract in case of reverse employment shall be given to persons mentioned in Article 42 of this Code, as well as in other cases prescribed by collective contract.

Conditions of renewal of social benefits which employees had prior to dismissal shall be determined by collective contract.

(The Code was supplemented with Article 42-1 under Law No. 6/95-BP of 19 January 1995)

Article 43. Termination of Labour Contract on the Initiative of Owner or Authorized by Him/Her Body Subject to Previous Consent of Elective Body of Primary Trade Union Organization (Trade Union Representative)

Termination of Labour Contract on the grounds prescribed by clauses 1 (except for the case of liquidation of enterprise, institution or organization), 2-5, 7 of Article 40 and clauses 2 and 3 of Article 41 of this Code may be effected only subject to previous consent of the elective body (trade union representative), primary trade union organization which member is the employee.

In cases prescribed by labour legislation the elective body of primary trade union organization which member is the employee shall within fifteen-day period consider reasonable written application of the owner or authorized by him/her body for termination of labour contract with the employee.

Application of the owner or authorized by him/her body shall be considered at presence of the employee with regard to whom it was filed. Consideration of application in case of absence of the employee shall be allowed only subject to his/her written application. At the employee’s wish, other person may act on his/her behalf, including the lawyer. If the employee or his/her representative failed to appear at the meeting, consideration of application shall be postponed on the next meeting within the period determined in part two of this Article. In case of repeated non-appearance of the employee (his/her representative) without good reasons, the application may be considered without his/her presence.

If the elective body of primary trade union organization was not created, consent to termination of labour contract shall be given by trade union representative authorized to represent the interests of trade union members in accordance with the charter.

The elective body of primary trade union organization (trade union representative) shall inform the owner or authorized by him/her body about taken decision in writing within three-day period after it was taken. In case of delay it shall be considered that trade union gave its consent to termination of labour contract.

If the employee is the member of several primary trade union organizations acting at enterprise, in institution or organization, consent to his/her dismissal shall be given by the elective body of that primary trade union organization which the owner or authorized by him/her body applied to.

Decision of the elective body of primary trade union organization (trade union representative) on refusal of consent to termination of labour contract shall be justified. If the decision has no justification of refusal of consent to termination of labour contract, the owner or authorized by him/her authority shall be entitled to dismiss the employee without consent of the elective body of primary trade union organization (trade union representative).

The owner or authorized by him/her body shall be entitled to terminate labour contract within at least one month upon receipt of consent of the elective body of primary trade union organization (trade union representative).

If termination of labour contract with the employee was effected by the owner or authorized by him/her body without applying to the elective body of primary trade union organization (trade union representative), the court shall suspend the proceeding, apply for consent of the elective body of primary trade union organization (trade union representative) and upon receipt thereof or refusal of the elective body of primary trade union

organization (trade union representative) in giving consent to dismissal of the employee (part one of this Article) consider the dispute in essence.

(Article 43 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 2444-11 of 27 June 1986, No. 5938-11 of 27 May 1998; Laws No. 871-12 of 20 March 1991, No. 2134-12 of 18 February 1992, No. 3719-12 of 16 December 1993, No. 6/95-ВР of 19 January 1995, No. 2343-III (2343-14) of 5 April 2001, No. 1096-IV (1096-15) of 10 July 2003)

Article 43-1. Termination of Labour Contract on the Initiative of Owner or Authorized by Him/Her Body without Prior Consent of Elective Body of Primary Trade Union Organization (Trade Union Representative)

Termination of labour contract on the initiative of the owner or authorized by him/her body without consent of the elective body of primary trade union organization (trade union representative) shall be allowed in the following cases:

liquidation of enterprise, institution or organization;

unsatisfactory probation result stipulated at employment;

dismissal from part-time work in connection with employment of other employee who is not a secondary job employee, as well as in connection with restrictions on part-time work prescribed by legislation;

reinstatement in a job of the employee who had been previously performing this work;

dismissal of the employee who is not the member of primary trade union organization acting at enterprise, in institution or organization;

dismissal from enterprise, institution or organization where there is no primary trade union organization;

dismissal of director of enterprise, institution or organization (subsidiary, representative office, subdivision and other separated subdivision), his/her deputies, chief accountant of enterprise, institution or organization, his/her deputies, as well as officials of customs authorities, state tax inspectorates who are given personal ranks, and officials of state supervision and auditing service and authorities exercising state control over prices; managing employees being elected, approved or appointed for the offices by state authorities, local and regional self-government authorities, as well as non-governmental organizations and other associations of citizens;

dismissal of the employee who committed on-the-job embezzlement (including pretty one) of owner’s property established by court judgment which became effective, or by decision of the court which competence includes imposing administrative sanction or applying measures of civil influence.

Legislation may also prescribe for other cases of termination of labour contract on the initiative of the owner or authorized by him/her body without consent of respective elective body of primary trade union organization (trade union representative).

(The Code was supplemented with Article 43-1 under Law No. 2134-12 of 18 February 1992; as amended under Laws No. 3632-12 of 19 November 1993, No. 3719-12 of 16 December 1993, No. 6/95-ВР of 19 January 1995, No. 1096-IV (1096-15) of 10 July 2003)

(Official interpretation of the concept used in paragraph six of part one of Article 43-1 is given in the Decision of the Constitutional Court No. 14-рп/98 (v014p710-98) of 29 October 1998)

Article 44. Discharge Allowance

In case of termination of labour contract on the grounds mentioned in cause 6 of Article 36 and clauses 1, 2 and 6 of Article 40 of this Code, the employee shall be paid a discharge allowance in the amount of at least average monthly salary; in the result of violation by the owner or authorized by him/her body of labour legislation, collective or labour contract (Articles 38 and 39) – in the amount prescribed by collective contract, however in the amount of at least three-month average salary.

{Article 44 as amended under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 3694-12 of 15 December 1993, No. 6/95-ВР of 19 January 1995; read as Law No. 1356-XIV (1356-14) of 24 December 1999; as amended under Law No. 1014-V (1014-16) of 11 May 2007}

Article 45. Termination of Labour Contract with Director on Demand of Elective Body of Primary Trade Union Organization (Trade Union Representative)

On demand of the elective body of primary trade union organization (trade union representative) the owner or authorized by him/her body shall terminate labour contract with director of enterprise, institution or organization, if he/she violated legislation on labour, collective contracts and agreements, Law of Ukraine “On Trade Unions, Their Rights and Guarantees of Activity” (1045-14).

If the owner or authorized by him/her body, or director against whom the demand for termination of labour contract was put does not agree with this demand, he/she may claim the decision of the elective body of primary trade union organization (trade union representative) to court within two-week period upon receipt of the decision. If this is the case, fulfilment of demand for termination of labour contract shall be suspended until the court takes the decision.

If the decision of the elective body of primary trade union organization (trade union representative) failed to be fulfilled or claimed within the above period, the elective body of primary trade union organization (trade union representative) may within the same period of time claim to court against actions or omissions of officials or bodies which competence includes termination of labour contract with director of enterprise, institution or organization.

(Article 45 as amended under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 6/95-ВР of 19 January 1995, read as Law No. 2343-III (2343-14) of 5 April 2001, as amended under Law No. 1096-IV (1096-15) of 10 July 2003)

Article 46. Dismissal from Work

Dismissal of employees from work by the owner or authorized by him/her body shall be allowed in the following cases: showing up to work intoxicated with alcohol, narcotics or other toxic substances; refusal or evasion of compulsory medical inspections, training, instruction and assessment of safety and fire protection knowledge; in cases prescribed by legislation.

(Article 46 as amended under Law No. 6/95-ВР of 19 January 1995)

Article 47. Obligation of Owner or Authorized by Him/Her Body to Make Settlements with Employee and Issue Him/Her Work Record Card

The owner or authorized by him/her body shall be obliged as of dismissal date to issue the employee properly drawn up work record card and make settlements with him/her within the period mentioned in Article 116 of this Code.

In case of dismissal of the employee on the initiative of the owner or authorized by him/her body, he/she shall be also obliged as of dismissal date to issue him/her a copy of the order for dismissal from work. In other cases of dismissal a copy of the order shall be issued on employee’s demand.

(Article 47 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981; Law No. 871-12 of 20 March 1991)

Article 48. Work Record Cards

Work record card is a basic document about labour activity of the employee.

Work record cards shall be kept at all enterprises, institutions or organizations or by individual over five days. Work record cards shall be

also kept for part-time employees provided that they are subject to compulsory state social insurance.

For employees employed for the first time work record card shall be drawn up within at least five days after employment.

Work record card shall contain data on work, incentives and awards for successive work at enterprise, in institution or organization; data on collections shall not be entered therein.

Procedure of keeping work record cards shall be determined by the Cabinet of Ministers of Ukraine.

(Article 48 as amended under Laws No. 871-12 of 20 March 1991, No. 374/97-BP of 19 June 1997, No. 1356-XIV (1356-14) of 24 December 1999, No. 429-IV (429-15) of 16 January 2003)

Article 49. Issue of Certificate of Employment and Salary

The owner or authorized by him/her body shall be obliged to issue the employee on his/her demand a certificate of his/her employment at this enterprise, institution or organization with specification of speciality, qualification, office, period of work and salary amount.

(Article 49 as amended under Law No. 871-12 of 20 March 1991)

Title III-A

EMPLOYMENT OF DISMISSED EMPLOYEES

(The Code was supplemented with Title III-A under the Decree of the Presidium of the Verkhovna Rada No. 5938-11 of 27 May 1988)

(Article 49-1 was deleted under Law No. 263/95-BP of 5 July 1995)

Article 49-2. Procedure of Dismissal of Employees

Employees shall be personally informed about their dismissal within at least two months prior thereto.

When employees are dismissed in cases of changes in production and labour organization, the preferential right to remain at work prescribed by legislation shall be taken into account.

Together with notice of dismissal in connection with changes in production and labour organization the owner or authorized by him/her body shall offer the employee another job at the same enterprise, institution or organization. If there is no job on the respective profession or speciality, as well as in case of employee's refusal of transfer to another job at the same enterprise, institution or organization, the employee, at his/her own discretion, shall apply for assistance to state employment service or shall find employment on his/her own. At the same time, the owner or authorized by him/her body shall inform state employment service about further dismissal of the employee with specification of his/her profession, speciality, qualification and salary amount.

State employment service shall offer the employee a job in the same locality on his/her profession, speciality, qualification, and if there is no such job – shall find other job with due regard for individual preferences and social needs. If required, the employee may be directed subject to his/her consent to study new profession (speciality) with his/her further employment.

(Article 49-2 as amended under laws No. 871-12 of 20 March 1991, No. 263/95-BP of 5 July 1995)

(Article 49-3 became invalid as from 1 January 2001 under Law No. 2213-III (2213-14) of 11 January 2001)

Article 49-4. Employment of Population

Engagement with socially useful work by persons who terminated labour relations on the grounds prescribed by this Code subject to unavailability of their independent employment shall be ensured in accordance with Law of Ukraine "On Employment of Population" (803-12).

Liquidation, reorganization of enterprises, changes in ownership form or partial termination of production leading to reduction of number and staff of employees, deterioration of working conditions may be effected solely upon advance provision of trade unions with information on this matter, including information about reasons of further dismissals, quantity and categories of employees who this may relate to, dismissal periods. The owner or authorized by him/her body shall within at least three months as from the date of taking decision hold consultations with trade unions about measures preventing dismissal or reducing them to minimum, or mitigation of unfavourable consequences of any dismissal.

Trade unions shall be entitled to make proposals to respective authorities as to extension of periods or temporary suspension or cancellation of measures connected with dismissal of employees.

(The Code was supplemented with Article 49-4 under Law No. 871-12 of 20 March 1991, as amended under Law No. 2343-III (2343-14) of 5 April 2001)

Title IV

WORKING HOURS

Article 50. Normal Working Hours

Normal working hours of employees may not exceed 40 hours per week.

When entering into collective contract enterprises and organizations may establish less number of working hours than as prescribed in part one of this Article.

(Article 50 as amended under Laws No. 871-12 of 20 March 1991, No. 3610-12 of 17 November 1993)

Article 51. Reduced Working Hours

Reduced working hours shall be established:

1) for employees aged from 16 to 18 years old - 36 hours per week, for persons aged from 15 to 16 years old (pupils aged from 14 to 15 years old working within the period of vacations) - 24 hours per week.

Working hours for pupils working during academic year in their free time may not exceed the half of maximum working hours prescribed in paragraph one of this clause for persons of the respective age;

2) for employees performing works in harmful working conditions – not more than 36 hours per week.

The list of plants, workshops, professions and offices with harmful working conditions engagement in which gives the right to reduced working hours shall be approved in accordance with the procedure established by legislation.

In addition, legislation shall prescribe for reduced working hours for certain categories of employees (teachers, doctors, etc).

Reduced working hours may be established at the expense of own funds of enterprises and organizations for women having children under fourteen years old or disabled child.

(Article 51 as amended under Laws No. 871-12 of 20 March 1991, No. 3610-12 of 17 November 1993, No. 263/95-BP of 5 July 1995)

Article 52.Five- and Six-Day Working Week and Daily Working Hours

For employees five-day working week with two days-off shall be established. In five-day working week daily working hours (shifts) shall be determined by internal regulations or shift schedules to be approved by the owner or authorized by him/her body as agreed upon with the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization subject to the established duration of working week (Articles 50 and 51).

At the same enterprises, institutions or organizations where according to character of production and working conditions introduction of five-day working week is not expedient the six-day working week with one day-ff shall be established. In six-day working week daily working hours may not exceed 7 hours at week rate 40 hours, 6 hours at week rate 36 hours, and 4 hours at week rate 24 hours.

Five- or six-day working week shall be established by the owner or authorized by him/her body jointly with the elective body of primary trade union organization (trade union representative) with due regard for specific character of work, opinion of labour collective, and as agreed upon with local People's Deputy Council.

(Article 52 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 5938-11 of 27 May 1988; Laws No. 871-12 of 20 March 1991, No. 3610-12 of 17 November 1993, No. 1096-IV (1096-15) of 10 July 2003)

Article 53. Duration of Working Hours the Day Before Official Holidays, Non-working Days and Days-off

The day before official holidays or non-working days (Article 73) working hours of employees, except for employees mentioned in Article 51 of this Code, shall be reduced by one hour both at five-, and six-day working week.

The day before days-off working hours at six-day working week may not exceed 5 hours.

(Article 53 as amended under Laws No. 871-12 of 20 March 1991, No. 3610-12 of 17 November 1993)

Article 54. Working Hours at Night

When working at night the established working hours (shift) shall be reduced by one hour. This rule shall not apply to employees for whom reduction of working hours has already been prescribed (clause 2 of part one and part three of Article 51).

Working hours at night shall be put in a par with those during the day if this is required subject to conditions of production, in particular in continuous productions, as well as when working in shifts at six-day working week with one day-off.

Night working hours shall be from 10:00 p.m. until 06:00 a.m.

(Article 54 as amended under Law No. 871-12 of 20 March 1991)

Article 55. Prohibition of Night Work

Engagement in night work shall be prohibited for:

1) pregnant women and women having children under three years old (Article 176);

2) persons under eighteen years old (Article 192);

3) other categories of employees prescribed by legislation.

Women shall not be allowed to work at night, except for the cases prescribed by Article 175 of this Code. Disabled shall be allowed to work at night only subject to their consent and provided that this is in compliance with medical recommendations (Article 172).

(Article 55 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Law No. 871-12 of 20 March 1991)

Article 56. Part-Time Work

According to the agreement entered into between the employee and the owner or authorized by him/her body, both at employment, and later on the part-time working day or part-time working week may be established. At the request of pregnant woman, woman having a child under fourteen years old or disabled child, including child she cares of, or woman caring of ill family member according to medical opinion, the owner or authorized by him/her body shall be obliged to establish for her part-time working day or part-time working week.

Remuneration of labour in these cases shall be effected pro rata hours worked or depending on output.

Part-time work shall put no limitations of labour rights of employees.

(Article 56 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Law No. 871-12 of 20 March 1991)

Article 57. Start and End of Working Hours

Start and end of daily working hours (shift) shall be prescribed by internal regulations and shift schedules in accordance with legislation.

Article 58. Shift Work

In case of shift work employees shall take shifts evenly in accordance with the procedure established by internal regulations.

Taking shifts shall be usually effected every working day in hours specified in shift schedules.

(Article 58 as amended under Law No. 871-12 of 20 March 1991)

Article 59. Breaks Between Shifts

Duration of break between shifts shall be not less than double period of work in previous shift (including dinner time).

Employee shall not be allowed to work during two successive shifts.

Article 60. Division of Working Day into Parts

At work with specific conditions and character in accordance with the procedure and in cases prescribed by legislation working day may be divided into parts provided that total duration of work exceeds no the established working hours.

Article 61. Record of Cumulative Hours Worked

At constantly operating enterprises, institutions or organizations, as well as in certain productions, workshops, areas, departments and in certain kinds of work where according to conditions of production (work) the established for this category of employees daily or weekly working hours may not be observed, introduction of record of cumulative hours worked shall be allowed as agreed upon with the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization provided that working hours for the recorded period does not exceed normal working hours (Articles 50 and 51).

(Article 61 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Laws No. 871-12 of 20 March 1991, No. 1096-IV (1096-15) of 10 July 2003)

Article 62. Limitations of Overtime Work

(Provisions of Article 62 were suspended on the ground of the Resolution of the Verkhovna Rada of Ukrainian SSR of 4 July 1991 (OJVR 1991, No. 36, Article 474) for the period of realization of Emergency Program for stabilization of economy of Ukraine and overcoming the crisis (1991 – the first half-year of 1993)

Overtime work shall not be usually allowed. Overtime work shall be considered to be the work over the established daily working hours (Articles 52, 53 and 61).

The owner or authorized by him/her body may use overtime work only in exceptional cases which are determined by legislation and in part three of this Article.

The owner or authorized by him/her body may use overtime work only in the following exceptional cases:

1) performance of works required for country defence, as well as for rehabilitation of public or natural disaster, industrial accident and immediate remedy of their consequences;

2) performance of publicly important works on water and gas supply, heating, illumination, sewerage, transport, communications – to remedy incidental or unexpected circumstances preventing their proper functioning;

3) in case of necessity to complete the work started which as the result of unforeseen circumstances or accidental delay according to production conditions could not be completed within normal working hours, when termination thereof may result in damage or loss of state or public property, as well as in case of need in immediate repair of mechanisms, machines or other equipment when their failure causes stoppage of works for significant number of workers;

4) in case of necessity to perform handling operations for prevention or removal of downtime of rolling equipment or accumulation of cargo in departure and destination points;

5) to continue work in case of non-appearance of employee who shall take shift when work may not be interrupted; in these cases the owner or authorized by him/her body shall be obliged to take immediate measures as to replacement of shiftman with other employee.

(Article 62 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981; Laws No. 871-12 of 20 March 1991, No. 263/95-ВР of 5 July 1995)

Article 63. Prohibition of Engagement in Overtime Work

In Overtime work (Article 62) shall not be engaged:

1) pregnant women and women having children under three years old (Article 176);

2) persons under eighteen years old (Article 192);

3) employees studying in comprehensive schools and vocational schools while continuing to work, during school-days (Article 220).

Legislation may also stipulate for other categories of employees who are prohibited to be engaged in overtime work.

Women having children aged from three to fourteen years old or disabled child may be engaged in overtime work only subject to their consent (Article 177).

Engagement of disabled in overtime work shall be possible only subject to their consent and provided that this is in compliance with medical recommendations (Article 172).

(Article 63 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Law No. 871-12 of 20 March 1991)

Article 64. Necessity in Obtaining Permit of Elective Body of Primary Trade Union Organization (Trade Union Representative) of Enterprise, Institution or Organization for Performance of Overtime Works

Overtime works may be performed only on the ground of permit of the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization.

(Article 64 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 1096-IV (1096-15) of 10 July 2003)

Article 65. Limits on Overtime Work

(Provisions of Article 65 were suspended on the ground of the Resolution of the Verkhovna Rada of Ukrainian SSR of 4 July 1991 (OJVR 1991, No. 36, Article 474) for the period of realization of Emergency Program for stabilization of economy of Ukraine and overcoming the crisis (1991 – the first half-year of 1993)

Overtime work shall not exceed four hours during two successive days and 120 hours per year for every employee.

The owner or authorized by him/her authority shall keep record of overtime work of every employee.

Title V

REST TIME

Article 66. Break for Rest and Meal

Employees shall be provided with break for rest and meal lasting not more than two hours. The break shall not be included into working hours. The break for rest and meal shall be usually provided in four hours after start of work.

Time of start and end of the break shall be established by internal regulations.

Employees shall use the break time at their own discretion. During this time they may be absent from the workplace.

At those jobs where because of production conditions the break may not be established the employee shall be provided with an opportunity to take meal during working hours. List of such works, procedure and place of taking meal shall be established by the owner or authorized by him/her body as agreed upon with the elective body of primary trade organization (trade union representative) of enterprise, institution or organization.

(Article 66 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Laws No. 871-12 of 20 March 1991, No. 1096-IV (1096-15) of 10 July 2003)

Article 67. Days-Off

At five-day working week employees shall be provided with two days-off per week, and at six-day working week – with one day-off.

Common day-off shall be considered to be Sunday. The second day-off at five-day working week, unless determined by legislation, shall be determined in the work schedule of enterprise, institution or organization as agreed upon with the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization, and shall be usually provided successively with common day-off.

If official holiday or non-working day (Article 73) falls on the day-off, the day-off shall be deferred to the day following the official holiday or non-working day.

(Article 67 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Laws No. 35/95-BP of 27

January 1995, No. 785/97-ВР of 26 December 1997, No. 576-XIV (576-14) of 8 April 1999, No. 1096-IV (1096-15) of 10 July 2003)

Article 68. Days-Off at Enterprises, Institutions or Organizations Engaged in Servicing Population

At enterprises, in institutions or organizations where the work may not be interrupted on common day-off in connection with the necessity to service population (shops, public service establishments, theatres, museums, etc), days-off shall be established by local People's Deputy Councils.

(Article 68 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981)

Article 69. Days-Off at Constantly Operating Enterprises, Institutions or Organizations

At enterprises, in institutions or organizations which operation may not be interrupted because of manufacturing conditions or due to necessity of continuous servicing of population, as well as in case of handling operations connected with transport functioning, days-off shall be established on different days of the week in turns to each group of employees in accordance with shift schedule to be approved by the owner or authorized by him/her body as agreed upon with the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization.

(Article 69 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 1096-IV (1096-15) of 10 July 2003)

Article 70. Uninterrupted Weekly Rest Period

Uninterrupted weekly rest period shall be at least forty two hours.

Article 71. Prohibition of Work on Days-Off. Exceptional Procedure of Use of Such Work

Work on days-off shall be prohibited. Engagement of certain employees in work on these days shall be allowed only subject to permit of the elective body of primary trade union organization (trade union representative) of enterprise, institution or organization and only in exceptional cases which are determined by legislation and in part two of this Article.

Engagement of particular employees in work on days-off shall be allowed in the following exceptional cases:

1) for prevention or liquidation of consequences of natural disaster, epidemics, epizootics, industrial accidents and immediate remedy of their consequences;

2) for prevention of accidents which endanger or may endanger life or normal living conditions of people, loss or damage of property;

3) for performance of urgent unforeseen works on which further normal operation of enterprise, institution or organization as the whole or separate subdivisions thereof depends;

4) for performance of urgent handling operations in order to avoid or prevent downtime of rolling equipment or accumulation of cargo in departure and destination points.

Engagement of employees in work on days-off shall be effected on the ground of written order (instruction) of the owner or authorized by him/her body.

(Article 71 as amended under Decrees of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981, No. 4617-10 of 24 January 1983; Laws No. 263/95-ВР of 5 July 1995, No. 639-IV (639-15) of 20 March 2003, No. 1096-IV (1096-15) of 10 July 2003)

Article 72. Compensation for Work on Day-Off

Work on day-off may be compensated for as agreed by the parties by providing another rest day or in monetary form in double amount.

Payment for work on day-off shall be calculated in accordance with the provisions of Article 107 of this Code.

(Article 72 as amended under Decrees of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981, No. 5938-11 of 27 May 1988)

Article 73. Official Holidays and Non-Working Days

To establish the following official holidays:
1 January – New Year's Day
7 January – Christmas
8 March – International Women's Day
1 and 2 May – Day of International Solidarity of Workers
9 May – Victory Day
28 June – Day of the Constitution of Ukraine
24 August – Ukraine's Independence Day.
The work shall not be performed on religious holidays as well:
7 January – Christmas
one day (Sunday) – Easter
one day (Sunday) - Whitsun.

At the request of religious communities of other (non-orthodox) confessions registered in Ukraine, management of enterprises, institutions or organizations shall provide persons practicing respective religions with up to three days of rest within the year for celebration of their great holidays with working for these days.

On days mentioned in parts one and two of this Article one may perform works which may not be stopped because of manufacturing conditions (constantly operating enterprises, institutions or organizations), works caused by the necessity to service population. On these days one may perform works with engagement of employees in cases and in accordance with the procedure prescribed by Article 71 of this Code.

Work on the above days shall be compensated for in accordance with Article 107 of this Code.

(Article 73 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981; Laws No. 871-12 of 20 March 1991, No. 1205-12 of 18 June 1991, No. 2417-12 of 5 June 1992, No. 256/96-ВР of 28 June 1996, No. 1421-XIV (1421-14) of 1 February 2000, No. 639-IV (639-15) of 20 March 2003)

Article 74. Annual Leaves

Citizens having labour relations with enterprises, institutions or organizations irrespective of ownership form, kind of activity and industry, as well as those working under labour contract with individual shall be provided with annual (basic and additional) leaves with preservation of workplace (office) and salary for their periods.

(Article 74 read as law No. 117-XIV (117-14) of 18 September 1998)

Article 75. Annual Basic Leave Period

Annual basic leave shall be given to employees for the period of at least 24 calendar days per working year worked to be calculated as from the date of entering into labour contract.

Persons aged under eighteen years old shall be given annual basic leave for the period of 31 calendar day.

For particular categories of employees legislation of Ukraine may provide for other annual basic leave period. At this, period of their leaves may not be less than that prescribed by part one of this Article.

(Article 75 as amended under Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 76. Annual Additional Leaves and Their Periods

Annual additional leaves shall be given to employees:

1) for work with harmful and severe working conditions;

2) for specific character of work;

3) in other cases prescribed by legislation.

Annual additional leave period, conditions and procedure of granting thereof shall be established by regulatory legal acts of Ukraine.

(Article 76 read as law No. 117-XIV (117-14) of 18 September 1998)

Article 77. Research Leave

Research leave shall be granted to employees for writing theses, textbooks, as well as in other cases prescribed by legislation.

Period, procedure and conditions of granting and payment of research leaves shall be established by the Cabinet of Ministers of Ukraine.

(Article 77 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4534-11 of 3 September 1987; Law No. 263/95-ВР of 5 July 1995; read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 78. Non-Inclusion of Days of Temporary Disablement into Annual Leaves

Days of temporary disablement of employee proven in accordance with the established procedure, as well as maternity leaves shall not be included into annual leaves.

(Article 78 read as law No. 117-XIV (117-14) of 18 September 1998)

Article 78-1. Exclusion of Official Holidays and Non-Working Days When Determining Annual Leave Period

When determining annual leave period official holidays and non-working days (Article 73 of this Code) shall not be included.

(The Code was supplemented with Article 78-1 under Law No. 490-IV (490-15) of 6 February 2003)

Article 79. Procedure and Conditions of Granting Annual Leaves. Recalling from Leave

Full annual basic and additional leaves in the first year shall be granted to employees upon completion of six months of continuous work at this enterprise, in institution or organization.

In case of granting the above leaves prior to completion of six-month period of continuous work, their duration shall be determined pro rata hours worked, except for legally prescribed cases when these leaves are granted in full at the employee's wish.

Annual leaves in the second and following years may be granted at any time of respective working year.

Procedure of granting leaves shall be determined in schedules to be approved by the owner or authorized by him/her representative as agreed upon with the elective body of primary trade union organization (trade union representative), and shall be informed to all employees. When preparing schedules one shall take into account the interests of production, personal interests of employees and opportunities of their rest.

Certain period of granting annual leaves within the limits established by the schedule shall be agreed upon between the employee and the owner or authorized by him/her body being obliged to inform the employee in writing about the date of leave start at the latest two weeks prior to the date established in the schedule.

Division of annual leave into parts of any duration shall be allowed at the employee's request provided that its main uninterrupted part constitutes at least 14 calendar days.

Unused part of annual leave shall be usually granted to the employee until the end of working year, however at the latest 12 months upon completion of working year for which the leave is granted.

Recalling from annual leave shall be allowed solely for prevention of natural disaster, industrial accident or immediate remedy of their consequences, for prevention of accidents, downtime, loss or damage of property of enterprise, institution or organization subject to the requirements of part six of this Article and in other cases prescribed by legislation. In case of recalling employee from leave, his/her labour shall be remunerated with due regard for the amount which was charged for payment of unused part of leave.

(Article 79 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998, as amended under Laws No. 490-IV (490-15) of 6 February 2003, No. 1096-IV (1096-15) of 10 July 2003)

Article 80. Deferment of Annual Leave

At the employee’s request annual leave shall be deferred to another period in case of:

1) violation by the owner or authorized by him/her body of period of written notice of the employee about the time of granting the leave (part five of Article 79 of this Code);

2) undue payment by the owner or authorized by him/her body of salary to employee for annual leave period (part three of Article 115 of this Code).

Annual leave shall be deferred to another period or extended in case of:

1) temporary disablement of employee proven in accordance with the established procedure;

2) fulfilment by the employee of state or public liabilities if according to legislation he/she is subject to exemption for this period from main work with preservation of salary;

3) beginning of the period of maternity leave;

4) concurrency of annual leave with study leave.

Annual leave on the initiative of the owner or authorized by him/her body may be as an exception deferred to another period solely subject to written consent of the employee and as agreed upon with the elective body of primary trade union (trade union representative) in case when granting the annual leave within previously stipulated period may have negative influence on ordinary course of operation of enterprise, institution or organization and provided that leave's part lasting at least 24 calendar days will be used in current working year.

In case of annual leave deferment, new period of granting thereof shall be established as agreed upon between the employee and the owner or authorized by him/her body. If reasons which caused leave deferment to another period occurred during use thereof, unused part of annual leave shall be granted upon termination of reasons which interrupted it, or as agreed upon by the parties shall be deferred to another period subject to observance of the requirements of Article 12 of Law of Ukraine “On Leaves" (504/96-ВР).

Non-granting of full annual leaves within two successive years, as well as non-granting thereof within working year to persons under eighteen years old and employees entitled to annual leaves for work with harmful and severe conditions or specific character of labour shall be prohibited.

(Article 80 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 7543-11 of 19 May 1989; Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998; as amended under Laws No. 490-IV (490-15) of 6 February 2003, No. 1096-IV (1096-15) of 10 July 2003)

Article 81. Right to Annual Leave in Case of Transfer to Another Job

At will of employees transferred to another job from one enterprise, institution or organization to another enterprise, institution or organization who failed to use at previous job their annual basic leave in full or partially and failed to obtain compensation for it, full annual leave shall be granted prior to the beginning of six-month period of continuous work after transfer.

If the employee transferred to another enterprise, institution or organization failed to use annual basic and additional leaves in full or partially and failed to obtain compensation for them, the work experience giving the right to annual basic and additional leaves shall include the period for which he/she failed to use these leaves at previous job.

(Article 81 read as Law No. 117-XIV (117-14) of 18 September 1998; as amended under Law No. 490-IV (490-15) of 6 February 2003)

Article 82. Calculation of Work Experience Giving Right to Annual Leave

Work experience giving the right to annual basic leave (Article 75 of this Code) shall include:

1) period of actual work (including in conditions of part-time work) within working year for which leave is granted;

2) period during which the employee was not actually working, however preserved workplace (office) and salary in full or partially according to legislation (including the period of paid forced absence from work caused by illegal dismissal or transfer to another job);

3) period during which the employee was not actually working, however preserved workplace (office) and obtained material support under compulsory state social insurance, except for the leave to attend to a child up to the age of three years;

4) period during which the employee was not actually working, however preserved his/her workplace (office), but obtained no salary in accordance with the procedure established by Articles 25 and 26 of Law of Ukraine “On Leaves”, except for the leave without pay to attend to a child up to the age of six years;

5) period of off-site studying lasting less than 10 months at full-time course of vocational educational institutions;

6) period of studying new professions (specialities) by persons dismissed in connection with changes in production and labour organization, including with liquidation, reorganization or conversion of enterprise, institution or organization, reduction of number or staff of employees;

7) other periods of work prescribed by legislation.

Work experience giving the right to annual additional leaves (Article 76 of this Code) shall include:

1) period of actual work with harmful, severe conditions or specific character of labour, if the employee is engaged in these conditions within at least half of working day established for employees of this production, workshop, profession or office;

2) period of annual basic and additional leaves for work with harmful, severe conditions and specific character of labour;

3) period of work of pregnant women transferred to easier job on the ground of medical opinion at which they are affected by unfavourable industrial factors.

(Article 82 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991; read as law No. 117-XIV (117-14) of 18 September 1998, as amended under Laws No. 429-IV (429-15) of 16 January 2003, No. 490-IV (490-15) of 6 February 2003)

Article 83. Compensation for Unused Annual Leaves

In case of employee’s dismissal he/she shall be paid compensation for all unused days of annual leave, as well as of additional leave for employees having children.

In case of dismissal of managing, pedagogical, scientific, scientific-pedagogical employees, specialists of educational institutions who prior to dismissal had worked at least 10 months, compensation shall be paid for unused days of annual leaves on the basis of full duration thereof.

In case of employee’s transfer to another enterprise, institution or organization, compensation for unused days of annual leaves shall be transferred at his/her will onto account of the enterprise, institution or organization to which this employee was transferred.

At employee’s will, part of annual leave may be substituted with compensation. At this, duration of annual and additional leaves granted to the employee shall not be less than 24 calendar days.

For persons under eighteen years old substitution of all kinds of leaves with compensation shall not be allowed.

In case of employee’s death compensation for unused days of annual leaves, as well as of additional leave for employees having children shall be paid to heirs.

(Article 83 read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 84. Leaves without Pay

In cases prescribed by Article 25 of Law of Ukraine “On Leaves”, the employee, at his/her will, must be granted the leave without pay.

For family and other reasons the employee may be granted leave without pay for the period stipulated in the agreement entered into between the employee and the owner or authorized by him/her body, however for not more than 15 calendar days per year.

(Part three of Article 84 was deleted under Law No. 490-IV (490-15) of 6 February 2003)

(Article 84 as amended under the Decree of the Presidium of the Verkhovna Rada No. 6237-10 of 21 December 1983; Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998)

Title XII

WOMEN’S LABOUR

Article 174. Jobs at Which Employment of Women Is Not Allowed

Engagement of women in strenuous works and works with harmful or dangerous working conditions, as well as in underground works, except for some underground works (requiring no manual power or in the field of sanitary and social servicing) shall not be allowed.

It shall be also forbidden to engage women in lifting and carrying things which weight exceeds limits established for them.

The list of severe works and works with harmful and dangerous working conditions in which women may not be engaged, as well as limits for lifting and carrying heavy things by women shall be approved by the Ministry of Health of Ukraine as agreed upon with the State Committee for Labour Protection of Ukraine.

(Article 174 as amended under Laws No. 871-12 of 20 March 1991, No. 3694-12 of 15 December 1993)

Article 175. Restrictions on Women's Work at Night

Engagement of women in work at night shall not be allowed, except for those branches of national economy in which this is of particular necessity and is allowed as temporary measure.

The list of these branches and kinds of works with specification of maximum periods of engagement of women’s work at night shall be approved by the Cabinet of Ministers of Ukraine.

Restrictions mentioned in part one of this Article shall not apply to women working at enterprises in which only family members are engaged.

(Article 175 as amended under Law No. 3694-12 of 15 December 1993)

Article 176. Prohibition on Engagement of Pregnant Women and Women Having Children under Three Years Old in Night Works, Overtime Works, Works on Days-Off, and Business Trips

Engagement of pregnant women and women having children under three years old may not be engaged in night works, overtime works, works on days-off, and business trips.

(Article 176 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Law No. 871-12 of 20 March 1991)

Article 177. Restrictions on Engagement of Women Having Children from Three to Fourteen Years Old or Disabled Children in Overtime Works and Business Trips

Women having children aged from three to fourteen years old or disabled children may not be engaged in overtime works or sent on business trips without their consent.

(Article 177 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Law No. 871-12 of 20 March 1991)

Article 178. Transfer of Pregnant Women and Women Having Children under Three Years Old to Easier Job

According to medical opinion pregnant women shall have reduced output quotas, service norms established, or shall be transferred to another job which is easier and excludes the influence of unfavourable industrial factors, with preservation of average salary at previous job.

Prior to taking decision on transferring pregnant woman according to medical opinion to another job which is easier and excludes the influence of unfavourable industrial factors, she shall be dismissed from work with preservation of average salary for all days away from work at the expense of enterprise, institution or organization.

Women having children under three years old shall in case of impossibility to perform previous work be transferred to another job with preservation of average salary at previous job until the child reaches three years old.

If salary of persons mentioned in parts one and three of this Article at easier job is higher than that obtained prior to transfer, they shall be paid actual salary.

(Article 178 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Laws No. 871-12 of 20 March 1991, No. 263/95-BP of 5 July 1995)

Article 179. Maternity and Childcare Leaves

On the ground of medical opinion women shall be granted a paid maternity leave for 70 calendar days prior to childbirth and 56 (in case of birth of two and more children and in case of birth difficulty - 70) calendar days as from the day of birth.

Maternity leave period shall be calculated as aggregate and constitute 126 calendar days (140 calendar days – in case of birth of two and more children and in case of birth difficulty). It shall be granted to women in full irrespective of number of days actually used prior to birth.

At woman’s wish, she shall be granted the childcare leave until the child reaches three years old with payment of allowance for these periods in accordance with legislation.

Enterprises, institutions and organizations may at the expense of own funds grant women partially paid childcare leave and leave without preservation of salary for longer period.

Childcare leave until the child reaches three years old shall not be granted if the child is on public charge.

If the child requires home care, the woman must be granted the leave without preservation of salary for the period determined in medical opinion, however only until the child reaches six years old.

Childcare leaves prescribed by parts three, four and six of this Article may be also used in full or partially by child's father, grandmother, grandfather or other relatives actually caring of the child.

At wish of the woman or persons mentioned in part seven of this Article, within the childcare leave period they may work in the conditions of part-time work or at home.

At this they shall retain the right to allowance within the childcare leave period until the child reaches three years old.

(Article 179 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998, as amended under Law No. 429-IV (429-15) of 16 January 2003)

(According to Chapter II of Law of Ukrainian SSR No. 871-12 of 20 March 1991 (The Official Journal of the Verkhovna Rada of Ukrainian SSR, 1991, No. 23, Article 267) as from 1 January 1992 partially paid leaves are granted to women until the child reaches three years old.)

Article 180. Adding Annual Leave to Maternity Leave

In case of granting the maternity leave the owner or authorized by him/her body shall be obliged to add thereto the annual and additional leaves on the ground of woman's application irrespective of the period of her employment at this enterprise, institution or organization in current working year.

(Article 180 read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 181. Procedure of Granting Childcare Leave and Inclusion Thereof into Work Experience

Childcare leave until the child reaches three years old and leave without pay (parts three and six of Article 179 of this Code) shall be granted as requested by the woman or persons mentioned in part seven of Article 179 of this Code in full or partially within the established period and shall be drawn up in the form of order (instruction) of the owner or authorized by him/her body.

Childcare leave until the child reaches three years old and leave without pay (parts three and six of Article 179 of this Code) shall be included into both general and continuous experience of work on speciality. Period of leaves mentioned in this Article shall not be included into work experience giving the right to annual leave.

(Article 181 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998)

(According to Chapter II of Law of Ukrainian SSR No. 871-12 of 20 March 1991 (The Official Journal of the Verkhovna Rada of Ukrainian SSR, 1991, No. 23, Article 267) as from 1 January 1992 partially paid leaves are granted to women until the child reaches three years old.)

Article 182. Leaves to Women Who Adopted Children

Women who adopted newborn children directly from maternity hospital shall be granted a leave as from the day of adoption for the period of 56 calendar days (70 calendar days – in case of adopting two and more children) with payment of state allowance in accordance with the established procedure.

Women who adopted child shall be granted the childcare leave on terms and in accordance with the procedure established by Articles 179 and 181 of this Code.

(Article 182 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 6237-10 of 21 December 1983; Law No.

871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 182-1. Additional Leave to Employees Having Children

The woman working and having two or more children under 15 years old, or disabled child, or adopted child, single mother, father bringing up the child without mother (including in case of her prolong staying at patient care institution), as well as the person having taken the child under guardianship shall be granted the annual additional paid leave for the period of 7 calendar days without regard for official holidays and non-working days (Article 73 of this Code).

Subject to availability of grounds for granting this leave its period may not exceed 14 calendar days.

Leave mentioned in part one of this Article shall be granted in addition to annual leave prescribed by Articles 75 and 76 of this Code, as well as in addition to annual leaves established by other laws and regulatory legal acts, and shall be deferred to another period or extended in accordance with the procedure prescribed in Article 80 of this Code.

(The Code was supplemented with Article 182-1 under Law No. 117-XIV (117-14) of 18 September 1998; as amended under Laws No. 490-IV (490-15) of 6 February 2003; No. 2128-IV (2128-15) of 22 October 2004)

Article 183. Breaks for Nursing

Women having children under one and half years old shall be granted in addition to general break for rest and meal additional breaks for nursing.

These breaks shall be granted at least every three hours for at least thirty minutes each.

If woman has two and more infants, duration of break shall be at least one hour.

Periods and procedure of granting breaks shall be established by the owner or authorized by him/her body as agreed upon with the elective body of primary trade union organization (trade union representative) of the enterprise, institution or organization with due regard for mother’s wish.

Breaks for nursing shall be included into working hours and shall be paid at average salary.

(Article 183 as amended under Decrees of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983, No. 4841-11 of 30 October 1987; Law No. 1096-IV (1096-15) of 10 July 2003)

Article 184. Guarantees at Employment and Prohibition of Dismissal of Pregnant Women and Women Having Children

Women may not be refused of employment and their salary may not be decreased on the grounds connected with pregnancy or availability of children under three years old, and single mothers – subject to availability of children under fourteen years old or disabled child.

In case the above categories of women are refused of employment, the owner or authorized by him/her body shall be obliged to inform them about the reasons of refusal in writing. Refusal of employment may be claimed against at court.

Dismissal of pregnant women and women having children under three years old (under six years old – part six of Article 179), single mothers subject to availability of child under fourteen years old or disabled child on the initiative of the owner or authorized by him/her body shall not be allowed, except for the cases of full liquidation of the enterprise, institution or organization when dismissal with compulsory employment is allowed. Compulsory employment of the above women shall be also effected in cases of their dismissal upon completion of term labour contract. For the period of employment they shall preserve average salary, however for not more than three months as from the date of completion of term labour contract.

(Article 184 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4841-11 of 30 October 1987; Laws No. 871-12 of 20 March 1991, No. 1356-XIV (1356-14) of 24 December 1999)

Article 185. Granting Hotel Vouchers to Sanatoriums and Rest Homes, as well as Cash Allowances to Pregnant Women and Women Having Children under Fourteen Years Old

The owner or authorized by him/her body shall provide pregnant women and women having children under fourteen years old or disabled children with hotel vouchers to sanatoriums and rest homes free of charge or on a preferential basis, if required, or grant them cash allowance.

(Article 185 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991)

Article 186. Servicing of Mothers at Enterprises, in Organizations

At enterprises and in organizations with extensive application of women's labour there shall be nurseries, kindergartens, nursing rooms, as well as rooms for personal hygiene of women organized.

Article 186-1. Guarantees to persons Bringing up Underage Children without Mother

Guarantees established by Articles 56, 176, 177, parts three – eight of Article 179, Articles 181, 182, 182-1, 184, 185, 186 of this Code shall also apply to parents bringing up children without mother (including in case of prolong staying of mother in patient care institution), as well as to guardians (trustees).

(The Code was supplemented with Article 186-1 under Law No. 871-12 of 20 March 1991; read as Law No. 117-XIV (117-14) of 18 September 1998)

Title XIII

YOUTH'S LABOUR

Article 187. Rights of Minors in Labour Relations

Minors, that is persons under eighteen years old, shall in their labour relations be equated in their rights to adults, and in the field of labour protection, working hours, leaves and some other working conditions shall make use of benefits established by legislation of Ukraine.

(Article 187 as amended under Law No. 263/95-BP of 5 July 1995)

Article 188. Age from which Employment Is Allowed

Employment of persons under sixteen years old shall not be allowed.

By consent of one of the parents or person substituting thereof, persons who reached fifteen years old may be employed in exceptional cases.

To prepare youth to efficient work the employment of pupils of comprehensive schools, vocational schools and secondary specialized educational institutions shall be allowed for performance of easy work causing no harm to health or studying process in free time as they reach fourteen years old by consent of one of the parents or person substituting thereof.

(Article 188 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Laws No. 871-12 of 20 March 1991, No. 2418-12 of 5 June 1992)

Article 189. Record of Employees under Eighteen Years Old

Each enterprise, institution or organization shall keep special record of employees under eighteen years old with specification of their date of birth.

Article 190. Works Prohibiting to Use Labour of Persons under Eighteen Years Old

Using labour of persons under eighteen years old in laborious works and works with harmful or dangerous working conditions, as well as in underground works shall not be allowed.

Engagement of persons under eighteen years old for lifting and carrying things which weight exceeds the established limits shall be also prohibited.

The list of laborious works and works with harmful and dangerous working conditions, as well as limits of lifting and carrying heavy things by persons under eighteen years old shall be approved by the Ministry of Health of Ukraine as agreed upon with the State Committee of Ukraine for Labour Protection Supervision.

(Article 190 as amended under Law No. 3694-12 of 15 December 1993)

Article 191. Medical Inspections of Persons under Eighteen Years Old

All persons under eighteen years old shall be employed only upon previous medical inspection, and later on until they reach 21 years old they shall be subject to annual compulsory medical inspection.

(Article 191 as amended under Law No. 3694-12 of 15 December 1993)

Article 192. Prohibition to Engage Employees under Eighteen Years Old in Night Works, Overtime Works and Works on Days-Off

Engagement of employees under eighteen years old in night works, overtime works and works on days-off shall be prohibited.

(Article 192 as amended under Law No. 3694-12 of 15 December 1993)

Article 193. Output Quotas for Young Workers

For workers under eighteen years old output quotas shall be established subject to output quotas for adult workers pro rata reduced working hours for persons under eighteen years old.

For young workers employed by enterprise or organization upon graduation from comprehensive schools, vocational schools, courses, as well as for those who received training directly at the place of production, in legally prescribed cases and in amounts and for determined by them periods the reduced output quotas may be approved. These quotas shall be approved by the owner or authorized by him/her body as agreed upon with trade union committee.

(Article 193 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983)

Article 194. Remuneration of Labour of Employees under Eighteen Years Old at Reduced Daily Working Hours

Salary to employees under eighteen years old at reduced daily working hours shall be paid in the same amount as to employees of respective categories at full daily working hours.

Labour of employees under eighteen years old allowed to price works shall be remunerated at price rates established for adult employees with extra payment at basic rate per hour by which their daily working hours were reduced as compared with daily working hours of adult employees.

Remuneration of labour of pupils of comprehensive schools, vocational schools and secondary specialized educational institutions working in their

free time shall be effected pro rata hours worked or depending on output. Enterprises may establish for pupils extra payments to salary.

(Article 194 as amended under Law No. 871-12 of 20 March 1991)

Article 195. Leaves for Employees under Eighteen Years Old

Annual leaves for employees under eighteen years old shall be granted in convenient for them period.

Full annual leaves for employees under eighteen years old in the first year of employment shall be granted on the ground of their application prior to completion of six-month period of continuous work at this enterprise, institution or organization.

(Article 195 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981; read as Law No. 117-XIV (117-14) of 18 September 1998)

Article 196. Reservation of Employment of Youth and In-Plant Training

All enterprises and organizations shall establish reservation of employment of youth and in-plant training of youth who graduated from comprehensive schools, vocational schools, as well as other persons under eighteen years old.

Regional and local People's Deputy Councils shall approve programs for employment of graduates from comprehensive schools, work place quotas for employment of youth, and shall provide realization thereof by all enterprises, institutions and organizations.

Refusal of employment and in-plant training of the above persons whose employment is reserved shall not be allowed. Such a refusal may be claimed against by them to court.

(Article 196 as amended under the Decree of the Presidium of the Verkhovna Rada No. 2240-10 of 29 July 1981; Laws No. 871-12 of 20 March 1991, No. 263/95-ВР of 5 July 1995)

Article 197. Provision of Youth with First Employment

Capable youth – citizens of Ukraine aged from 15 to 28 years old upon graduation from or termination of studying in comprehensive schools, vocational schools and higher educational institutions, completion of training and retraining, as well as after retirement from compulsory military or alternative (non-military) service shall be provided with first employment for the period of at least two years.

Young specialists – graduates from state educational institutions previously required by enterprises, institutions or organizations shall be provided with employment on speciality for the period of at least three years in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

(Article 197 read as Law No. 263/95-ВР of 5 July 1995)

Article 198. Restrictions on Dismissal of Employees under Eighteen Years Old

Dismissal of employees under eighteen years old on the initiative of the owner or authorized by him/her body shall be allowed, except for observance of general procedure of dismissal, only subject to consent of regional (local) service for children affairs. At this, dismissal on the grounds specified in clauses 1, 2 and 6 of Article 40 of this Code shall be effected only in exceptional cases and shall not be allowed without employment.

{Article 198 as amended under Law No. 609-V (609-16) of 7 February 2007}

Article 199. Termination of Labour Contract with Minor on Demand of His/Her Parents or Other Persons

Parents, adoptive parents and guardians of the minor, as well as state authorities and officials being responsible for supervision and control over observance of labour legislation shall be entitled to demand termination of labour contract with the minor, including term one, if it may cause harm to health of the minor or violates his/her legal interests.

(Article 199 as amended under Law No. 6/95-ВР of 19 January 1995)

Article 200. Participation of Youth Organizations in Considering Problems of Labour and Life of Youth

The elective body of primary trade union organization (trade union representative) of enterprise, institution or organization, and the owner or authorized by him/her body shall consider problems of encouraging young employees, allocation of accommodation and hostel rooms among them, labour protection, their dismissal, financing development of cultural and sport works with participation of representative from youth organization on terms determined by collective contract.

(Article 200 as amended under the Decree of the Presidium of the Verkhovna Rada No. 4617-10 of 24 January 1983; Law No. 871-12 of 20 March 1991; read as Law No. 263/95-ВР of 5 July 1995, as amended under Law No. 1096-IV (1096-15) of 10 July 2003)