Labor Code of Ukraine

{Approved by Law No. 322-VIII dated 10.12.71 of the State Government, 1971, addendum to No. 50, Art. 375}

{With changes introduced in accordance with the Decrees of the Presidium of the Verkhovna Rada of the Ukrainian SSR
No. 2048-08 dated 18.09.73 , Verkhovna Rada 1973, No. 40, Article 343
No. 3866-08 dated 06.05.75 , Verkhovna Rada 1975, No. 24, Art.
296 No. 1616 -09 dated 24.12.76 , State Law of Ukraine 1977, No. 1, Art. 4
No. 5584-09 dated 17.01.80 , State Law of Ukraine 1980, No. 5, Art. 81
No. 2240-10 dated 07.29.81 , State Government 1981, No. 32, Article 513
No. 2957-10 dated December 30, 1981 , State Government 1982, No. 2, Art. 23
No. 4617-10 dated 24.01.83 , State Law of Ukraine 1983, No. 6, Art. 87
No. 6237-10 dated 21.12.83 , 1984, No. 1, Art. 3
No. 8474-10 dated 27.02.85 , State Government 1985, No. 11, Article 205
No. 2444-11 dated 27.06.86 , State Government 1986, No. 27, Article 539
No. 3546-11 dated 10.02.87 , State Government 1987, No. 8, Article 149
No. 4534-11 dated 03.09.87 , Law of Ukraine 1987, No. 37, Article 715
No. 4841-11 of 30.10.87 , Law of Ukraine 1987, No. 45, Article 904
No. 5938-11 of 27.05.88 , VVR 1988, No. 23, Article 556
No. 7543-11 dated 19.05.89 , VVR 1989, No. 22, Article 235
No. 9280-11 dated 14.05.90 , VVR 1990, No. 22, Article 367
Laws of the Ukrainian SSR
No. 871 -12 dated 20.03.91 , Supreme Court of Ukraine 1991, No. 23, Article 267
No. 1205-12 dated 18.06.91 , Supreme Court of Ukraine 1991, No. 30, Article 382
By Resolution of the Supreme Court of the Ukrainian SSR
No. 1292-12 dated July 4, 1991 , Supreme Court of Ukraine 1991, No. 36, Article 474
by Laws of Ukraine
No. 2032-12 dated 04.01.92 , Law of Ukraine 1992, No. 17, Article 209
No. 2134-12 of 18.02.92 , Law of Ukraine 1992, No. 22, Article 302
No. 2417-12 of 05.06 .92 , VVR 1992, No. 33, art. 477
No. 2418-12 dated 06.05.92 , VVR 1992, No. 33, art. 478
by Decree
No. 7-92 dated 09.12.92 , VVR 1993, No. 5, art. 34
Laws
No. 2857-12 dated 15.12.92 , State Government 1993, No. 6, Art. 35
No. 3610-12 dated 17.11.93 , State Government 1993, No. 47, Article 435
No. 3632-12 dated 19.11.93 , State Government 1993, No. 49, Article 461
No. 3693-12 dated 15.12.93 , State Government 1994, No. 3, Art. 9
No. 3694-12 dated 15.12.93 , State Law of Ukraine 1994, No. 3, Art. 10
No. 3706-12 dated 16.12.93 , State Government 1993, No. 51, Article 478
No. 3719-12 dated 16.12.93 , State Government 1994, No. 3, Art. 16
No. 92/94-VR dated 12.07.94 , VVR 1994, No. 33, Art. 297
No. 6/95-VR dated 19.01.95 , VVR 1995, No. 5, Art. 30
No. 35/95-VR dated 27.01.95 , VVR 1995, No. 28, Art. 201
No. 75/95-VR dated 28.02.95 , VVR 1995, No. 13, Art. 85
No. 263/95-BP of 07.05.95 , VVR 1995, No. 28, art. 204
No. 256/96-BP from 06.28.96 , VVR 1996, No. 30, art. 143
No. 357/96-BP from 10.09. 96, VVR 1996, No. 45, Art. 229
No. 534/96-VR dated 21.11.96 , VVR 1997, No. 4, Art. 23
No. 20/97-BP dated 23.01.97 , BBP 1997, No. 11, Art. 89
No. 374/97-BP of 19.06.97 , VVR 1997, No. 35, Art. 223
No. 785/97-BP of 26.12.97 , VVR 1998, No. 18, Art. 93}

{For the official interpretation of the Code, see in the Decision of the Constitutional Court No. 12-pn/98 dated 07/09/98 }

{With changes introduced in accordance with Law
No. 117-XIV dated 18.09.98 , State Government, 1998, No. 43-44, Article 268}

{For the official interpretation of the Code, see in the Decision of the Constitutional Court No. 14-pn/98 dated 10/29/98 }

{With changes introduced in accordance with Law
No. 576-XIV dated 08.04.98 , VVR, 1999, No. 19, Article 175
No. 2343-XII dated 14.05.92 - as amended by Law
No. 784-XIV dated 30.06.99 , VVR, 1999, No. 42-43, Article 378 - enters into force on January 1, 2000
No. 1356-XIV dated 12.24.99 , VVR, 2000, No. 6-7, Article 41
No. 1421-XIV dated 02.01.2000 , VVR, 2000, No. 8, Art. 53
No. 1766-III dated 01.06.2000 , VVR, 2000, No. 35, Art. 288 No.
1807-III dated 06.08.2000 , VVR, 2000, No. 38, Art. 318
No. 2056-III dated 19.10.2000 , State Government, 2000, No. 50, Article 436
No. 2213-III dated 11.01.2001 , State Government, 2001, No. 11, Article 47
No. 2343-III dated 05.04.2001 , State Government, 2001, No. 21 Art. 104
No. 2620-III dated 11.07.2001 , VVR, 2001, No. 44, Art. 227

No. 184-IV dated 17.10.2002 , VVR, 2002, No. 47, Art. 355
No. 429-IV dated 16.01.2003 , VVR, 2003, No. 10-11, Art. 87
No. 487-IV dated 02.06.2003 , VVR, 2003, No. 15, Article 108
No. 490-IV dated 02.06.2003 , VVR, 2003, No. 15, Article 110
No. 639-IV dated 03.20.2003 , VVR, 2003, No. 25, Art. 181
No. 762-IV dated 15.05.2003 , VVR, 2003, No. 30, Art. 247
No. 1096-IV dated 10.07.2003 , VVR, 2004, No. 6, Art. 38
No. 1703-IV dated 11.05.2004 , VVR, 2004, No. 32, Article
394 No. 2103-IV dated 10.21.2004 , VVR, 2005, No. 2, Article 31
No. 2128-IV dated 10.22.2004 , VVR, 2005, No. 2 Art. 36
No. 2190-IV dated 18.11.2004 , VVR, 2005, No. 4, Art. 92
No. 2454-IV dated 03.03.2005 , VVR, 2005, No. 16, Art. 259
No. 3248-IV dated 20.12.2005 , VVR, 2006, No. 14, Article 119
No. 466-V dated 14.12.2006 , VVR, 2007, No. 9, Article 76
No. 534-V dated 12.22.2006 , VVR, 2007, No. 10, Article 91
No. 609 -V dated 07.02.2007 , VVR, 2007, No. 15, Article
194 No. 1014-V dated 11.05.2007 , VVR, 2007, No. 33, Article 442
No. 107-VI dated 28.12.2007 , VVR, 2008, No. 5-6, Nos. 7-8, Art. 78 - changes are in effect until December 31, 2008
No. 274-VI dated 04.15.2008 , VVR, 2008, No. 25, Art. 240}
{Additionally, see Decision of the Constitutional Court No. 10-pn/2008 of May 22, 2008 }

{With changes introduced in accordance with the Laws
No. 573-VI dated 23.09.2008 , VVR, 2009, No. 7, Article 70
No. 1254-VI dated 14.04.2009 , VVR, 2009, No. 36-37, Article 511
No. 1276 -VI from 04.16.2009 , VVR, 2009, No. 38, Article 535
No. 1343-VI from 05.19.2009 , VVR, 2009, No. 39, Article 550
No. 1574-VI from 06.25.2009 , VVR, 2010, No. 1, Article 8
No. 1724-VI dated 17.11.2009 , VVR, 2010, No. 7, Article 50
No. 1837-VI dated 21.01.2010 , VVR, 2010, No. 12, Article 120
No. 1959-VI dated 10.03. 398

No. 2559-VI dated 23.09.2010 , State Government, 2011, No. 6, Article 44
No. 2824-VI dated 21.12.2010 , State Government, 2011, No. 27, Article
227 No. 2914-VI dated 11.01.2011 , State Government, 2011 , No. 31, Art. 299
No. 2978-VI dated 02.03.2011 , VVR, 2011, No. 33, Art. 329
No. 3231-VI dated 04.19.2011 , VVR, 2011, No. 42, Art. 431
No. 3720-VI from 09.08.2011 , VVR, 2012, No. 19-20, Article 170}

{For the official interpretation of the Code, see in the Decision of the Constitutional Court No. 4-pn/2012 dated February 22, 2012 }

{With changes introduced in accordance with the Laws
No. 4711-VI dated 17.05.2012 , VVR, 2013, No. 14, Article 89
No. 5462-VI dated 10.16.2012 , VVR, 2014, No. 6-7, Article 80
No. 224 -VII from 05.14.2013 , VVR, 2014, No. 11, art. 132
No. 239-VII from 05.15.2013 , VVR, 2014, No. 11, art. 138
No. 379-VII from 07.02.2013 , VVR, 2014, no. 14, Art. 251
No. 406-VII dated 04.07.2013 , VVR, 2014, No. 20-21, Art. 712
No. 1169-VII dated 03.27.2014 , VVR, 2014, No. 20-21, Art. 746
No. 1253- VII from 05.13.2014 , VVR, 2014, No. 28, Article 935
No. 1255-VII from 05.13.2014 , VVR, 2014, No. 27, Article 912
No. 1275-VII from 05.20.2014 , VVR, 2014, No. 29 , Art. 942
No. 1682-VII dated 16.09.2014 , VVR, 2014, No. 44, Art. 2041
No. 1697-VII dated 14.10.2014 , VVR, 2015, No. 2-3, Art. 12
No. 1700-VII dated 14.10. .2014 , VVR, 2014, No. 49, art. 2056
No. 77-VIII dated 12.28.2014 , VVR, 2015, No. 11, art. 75
No. 116-VIII dated 15.01.2015 , VVR, 2015, No. 13, art. 85
No. 120-VIII dated 15.01.2015 , VVR, 2015, No. 10, Article 62
No. 191-VIII dated 12.02.2015 , VVR, 2015, No. 21, Article 133
No. 238-VIII dated 05.03.2015 , VVR, 2015, No. 21, Art. 137
No. 259-VIII dated 18.03.2015 , VVR, 2015, No. 22, Art. 148 No.
289-VIII dated 04.07.2015 , VVR, 2015, No. 25, Art. 188
No. 315-VIII dated 04/09/2015 , VVR, 2015, No. 25, Article 191
No. 426-VIII dated 05/14/2015 , VVR, 2015, No. 30, Article 272
No. 433-VIII dated 05/14/2015 , VVR, 2015, No. 30 Art. 273
No. 630-VIII dated 16.07.2015 , VVR, 2015, No. 39, Art. 375
No. 734-VIII dated 03.11.2015 , VVR, 2015, No. 49-50, Art. 451
No. 785-VIII dated 12.11. 2015 , VVR, 2015, No. 49-50, Article 467
No. 801-VIII dated 12.11.2015 , VVR, 2015, No. 52, Article 485
No. 901-VIII dated 12.23.2015 , VVR, 2016, No. 4, Article .44
No. 911-VIII dated 24.12.2015 , State Government, 2016, No. 5, Article 50
No. 955-VIII dated 28.01.2016 , State Government, 2016, No. 10, Article 103
No. 1366-VIII dated 17.05.2016 , State Government .

VIII from 06.12.2016 , VVR, 2017, No. 4, Article 39
No. 1774-VIII from 06.12.2016 , VVR, 2017, No. 2, Article 25
No. 1971-VIII from 22.03.2017 , VVR, 2017, No. 17 , Art. 211
No. 2005-VIII dated 04/06/2017 , VVR, 2017, No. 21, Art. 247
No. 2211-VIII dated 11.16.2017 , VVR, 2017, No. 49-50, Art. 443
No. 2249-VIII dated 19.12.2017 , VVR, 2018, No. 6-7, Article 43

No. 2443-VIII dated 22.05.2018 , VVR, 2018, No. 33, Article 250
No. 2542-VIII dated 18.09.2018 , VVR , 2018, No. 42, Art. 332
No. 2728-VIII dated 30.05.2019 , VVR, 2019, No. 26, Art. 106}

{Regarding recognition of certain provisions as constitutional, see Decision of the Constitutional Court
No. 6-p(II)/2019 dated 04.09.2019 }

{With changes introduced in accordance with Laws
No. 113-IX dated 19.09.2019 , VVR, 2019, No. 42, Art. 238
No. 198-IX dated 10.17.2019 , VVR, 2019, No. 50, Art. 356
No. 263-IX dated 31.10.2019 , VVR, 2020, No. 2, Article 5
No. 341-IX dated 05.12.2019 , VVR, 2020, No. 13, Article 68
No. 378-IX dated 12.12.2019 , VVR, 2020, No. 15, Art. 93
No. 440-IX dated 14.01.2020 , VVR, 2020, No. 28, Art. 188
No. 524-IX dated 03.04.2020 , VVR, 2020, No. 38, Art. 279
No. 530-IX dated 03.17.2020 , VVR, 2020, No. 16, Art. 100
No. 540-IX dated 30.03.2020 , VVR, 2020, No. 18, Art. 123
No. 931-IX dated 09.30.2020 - entered into force from 01.25.2021
No. 1053-IX from 03.12.2020 , VVR, 2021, No. 8, Article 59 - entered into force from 06.30.2021
No. 1150-IX dated 01.28.2021 , VVR, 2021, No. 23, Article 197
No. 1213-IX dated 02.04.2021 , VVR, 2021, No. 20, Article 178
No. 1217-IX dated 02.05.2021 , VVR, 2021, No. 19, Article 171
No. 1320-IX dated 03.04.2021
No. 1357-IX dated 03.30.2021 , VVR, 2021, No. 29, Art. 234
No. 1401-IX dated 15.04.2021 , VVR, 2021, No. 27, Art. 230
No. 1643-IX dated 14.07.2021 , VVR, 2021, No. 40, Art. 328
No. 1667-IX dated 15.07 .2021 }

{Regarding recognition of certain provisions as constitutional, see Decision of the Constitutional Court
No. 2-p/2021 dated 07/15/2021 }

{With changes introduced in accordance with Laws
No. 1702-IX dated 16.07.2021 , VVR, 2021, No. 41, Article 339 - entered into force on 01.01.2022
No. 1875-IX dated 11.16.2021 , VVR, 2022, No. 7 , Article 51
No. 2010-IX dated 01.26.2022
No. 2136-IX dated 03.15.2022
No. 2153-IX dated 03.24.2022
No. 2179-IX dated 04.01.2022
No. 2215-IX dated 04.21.2022
No. 2253-IX dated 12.05. .2022
No. 2295-IX dated 05/31/2022
No. 2352-IX dated 07/01/2022
No. 2379-IX dated 07/08/2022
No. 2421-IX dated 07/18/2022
No. 2434-IX dated 07/19/2022 - regarding the effect of changes, see Item 1 of Section II
No. 2573-IX dated 09/06/2022
No. 2622-IX dated 09/21/2022
No. 2750-IX dated 11/16/2022
No. 2759-IX dated 11/16/2022
No. 2839-IX dated 12/13/2022
No. 3107-IX dated 05/29/2022 .2023
No. 3238-IX dated 07/13/2023
No. 3258-IX dated 07/14/2023
No. 3494-IX dated 11/22/2023 }

{For the official interpretation of the Code, see in Decisions of the Constitutional Court No. 8-pn/2013 dated 15.10.2013 , No. 9-pn/2013 dated 15.10.2013 }

{To establish that in 2016, the norms and provisions of the third part of Article 119 , Article 250 of this Code shall be applied in the order and amounts established by the Cabinet of Ministers of Ukraine, based on the available financial resources of the state and local budgets and the budget of the Social Insurance Fund of Ukraine, in accordance with Law No. 928-VIII dated 25.12.2015 }

{In the text of the Code, the reference "administration", "administration of an enterprise, organization", "administration of an enterprise, institution, organization" is replaced by the reference "owner or a body authorized by him", the reference "workers and employees" is replaced by the reference "employees" in accordance with Law No. 871 -12 from 20.03.91 }

{In the name of the Code and its text, the word "Ukrainian SSR" was replaced by the word "Ukraine" in accordance with Law No. 2134-12 dated 18.02.92 }

{In the text of the Code, the reference to "people's court" in all cases is replaced by the reference to "court" in the relevant cases in accordance with Law No. 6/95-VR dated 19.01.95 }

{In the text of the Code, the words "educational institution" in all cases and numbers are replaced by the words "educational institution" in the corresponding case and number in accordance with Law No. 490-IV dated 02.06.2003 }

{In the text of the Code, the words "disabled" and "disabled child" in all cases and numbers are replaced by the words "person with a disability" and "child with a disability" in the corresponding case and number in accordance with Law No. 2249-VIII of 19.12.2017 }

{In the text of the Code, the words "owner or body authorized by him", "owner or body authorized by him (person)", "owner of an enterprise, institution, organization or body authorized by him", "owner of an enterprise", "owner" in all cases and numbers replaced by the word "employer" in the appropriate case and number; the words "owner - natural person" in all cases are replaced by the words "employer - natural person" in the corresponding case; the word "working" is replaced by the word "workers"; the words "national economy" are replaced by the words "economy of Ukraine"; the words "district, district in a city, city or city-district court" in all cases and numbers are replaced by the words "local general court" in the corresponding case and number; the words "educational institutions" in all cases and numbers are replaced by the words "educational institutions" in the corresponding case and number in accordance with Law No. 2215-IX dated 04/21/2022 }

The Code of Labor Laws of Ukraine defines the legal principles and guarantees of citizens of Ukraine exercising the right to manage their abilities for productive and creative work.

{Preamble as amended by Law No. 871-12 dated 03/20/91 }

Chapter I
GENERAL PROVISIONS

Article 1. Tasks of the Code of Labor Laws of Ukraine

The Code of Labor Laws of Ukraine regulates the labor relations of all employees, promoting the growth of labor productivity, improving the quality of work, increasing the efficiency of social production and, on this basis, raising the material and cultural standard of living of employees, strengthening labor discipline and gradually transforming work for the benefit of society into the first life need every able-bodied person.

The labor legislation establishes a high level of working conditions, comprehensive protection of the labor rights of employees.

{Article 1 as amended in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

Article 2. Basic labor rights of employees

The right of citizens of Ukraine to work, i.e. to obtain a job with a wage not lower than the minimum amount established by the state, including the right to freely choose a profession, type of occupation and work, is ensured by the state. The state creates conditions for effective employment of the population, promotes employment, training and improvement of labor qualifications, and, if necessary, provides retraining of persons released as a result of the transition to a market economy.

Employees exercise their right to work by concluding an employment contract for work at an enterprise, institution, organization, or with an individual. Employees have the right to rest in accordance with the laws on the limitation of the working day and the working week and on annual paid vacations, the right to healthy and safe working conditions, to decent treatment by the employer and other employees, to unionization and to the resolution of collective disputes labor conflicts (disputes) in accordance with the procedure established by law, for participation in the management of an enterprise, institution, organization, for material support in the order of social insurance in old age, as well as in case of illness or rehabilitation, total or partial loss of working capacity, for material assistance in case of unemployment , on the right to apply to court for the resolution of labor disputes, regardless of the nature of the work performed or the position held, except for cases provided for by law, and other rights established by law.

{Article 2 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 8474-10 dated 02.27.85 , No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 , No. 1053-IX dated 03.12.2020 - entered into force on 30.06.2021 , No. 2759-IX dated 16.11.2022 }

Article 2[1]. Equality of labor rights of citizens of Ukraine, prevention of discrimination in the field of work

Any discrimination in the field of work, in particular violation of the principle of equality of rights and opportunities, direct or indirect restriction of the rights of employees depending on race, skin color, political, religious and other beliefs, gender, ethnic, social and foreign origin, age, state of health is prohibited self, disability, gender identity, sexual orientation, suspicion or presence of HIV/AIDS, family and property status, family responsibilities, place of residence, membership in a trade union or other public association, participation in a strike, appeal or the intention to apply to the court or other authorities for the protection of their rights or to provide support to other employees in the protection of their rights, reporting on possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption", as well as assisting a person in the implementation such notice, on linguistic or other grounds unrelated to the nature of the work or the conditions of its performance.

Actions established by this Code and other laws, as well as restrictions on the rights of employees, which depend on the requirements inherent in a certain type of work (regarding age, education, state of health, gender) or due to the need for enhanced social and legal protection of some are not considered discrimination in the field of labor categories of persons.

Laws and statutes of economic companies (except joint-stock companies), agricultural cooperatives, farms, public associations, religious organizations and legal entities founded by religious organizations may establish advantages for their founders (participants) and members when providing work, transferring to another job and leaving at work in case of dismissal.

Persons who believe that they have experienced discrimination in the field of work have the right to file a complaint with state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights and/or the court.

{The Code was supplemented by Article 2[1] in accordance with Law No. 871-12 dated 03.20.91 ; the text of Article 2[1] as amended by Law No. 785-VIII dated November 12, 2015 ; with changes introduced in accordance with Law No. 198-IX dated 17.10.2019 ; as amended by Law No. 2253-IX dated May 12, 2022 }

Article 2[2]. Prohibition of mobbing (harassment)

Mobbing (harassment) - systematic (repeated) long-term intentional actions or inaction by the employer, individual employees or groups of employees of the labor team, which are aimed at humiliating the honor and dignity of the employee, his business reputation, including for the purpose of acquiring, changing or terminating his labor rights and duties manifested in the form of psychological and/or economic pressure, in particular with the use of electronic communications, creating a tense, hostile, offensive atmosphere for the employee, including one that makes him underestimate his professional suitability.

Forms of psychological and economic pressure, in particular, are:

creating a tense, hostile, offensive atmosphere in relation to the employee (threats, ridicule, slander, disparaging remarks, threatening, intimidating, humiliating behavior and other ways of bringing the employee out of psychological balance);

unjustified negative separation of the employee from the team or his isolation (non-invitation to meetings and meetings in which the employee, in accordance with local regulations and organizational and administrative acts, must participate, preventing him from performing his work function, preventing the employee from entering the workplace, transferring the workplace in places unsuitable for this type of work);

inequality of opportunities for education and career growth;

unequal pay for work of equal value performed by employees of the same qualifications;

unjustified deprivation of part of the employee's payments (bonuses, bonuses and other incentives);

unjustified uneven distribution of workload and tasks by the employer between employees with the same qualifications and labor productivity who perform work of equal value.

The employer's demands regarding the employee's proper performance of labor duties, changing the workplace, the employee's position, or the amount of salary in accordance with the procedure established by the law, collective or labor agreement, are not considered mobbing (harassment).

Mobbing (harassment) is prohibited.

Persons who believe that they have experienced mobbing (harassment) have the right to file a complaint with the central executive body that implements state policy in the field of supervision and control of compliance with labor legislation, and/or with the court.

{The Code was supplemented by Article 2[2] in accordance with Law No. 2759-IX dated November 16, 2022 }

Article 3. Regulation of labor relations

Labor legislation regulates the labor relations of employees of all enterprises, institutions, organizations, regardless of the form of ownership, type of activity and industry affiliation, as well as persons who work under an employment contract with individuals.

The specifics of the work of members of cooperatives and their associations, collective agricultural enterprises, farms, employees of enterprises with foreign investments are determined by legislation and their statutes. At the same time, guarantees regarding employment, labor protection, the work of women, youth, and persons with disabilities are provided in accordance with the procedure provided for by labor legislation.

Features and procedure of regulation of labor relations of subjects of small and medium-sized enterprises are determined by Chapter III-B of this Code.

The effect of this Code and labor legislation does not extend to relations between gig specialists and residents of Diya City, defined by the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine".

{Article 3 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 , No. 2454-IV dated 03.03.2005 , No. 1667-IX dated 15.07.2021 , No. 2434-IX dated 19.07.2022 - regarding the action see changes point 1 of section II}

Article 4. Labor legislation

Labor legislation consists of the Code of Labor Laws of Ukraine and other acts of Ukrainian legislation adopted in accordance with it.

{Article 4 as amended by Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 }

Article 4[1]. Profession (type of occupation), qualification, Register of qualifications

A profession (occupation type) is a set of types of labor activities that are similar in terms of labor functions and may require certain professional and/or educational qualifications of the employee.

Labor function is an integrated, mostly autonomous set of labor actions, which is determined by a technological process characteristic of it and assumes the presence of certain competencies necessary for their performance.

Professional qualification (full professional qualification) is a standardized set of competences and/or training results acquired by a person, recognized or assigned/confirmed by an entity authorized to do so by legislation, and certified by a relevant document, which enables the performance of all labor functions defined by the relevant professional standard .

A partial professional qualification is a standardized set of competences and/or training results acquired by a person, recognized or assigned/confirmed by an entity authorized to do so by legislation, and certified by a relevant document, which enables the performance of part of the labor functions defined by the relevant professional standard.

The list of jobs that do not require a person to have a professional or partial professional qualification is approved by the Cabinet of Ministers of Ukraine upon submission of the National Qualifications Agency.

The register of qualifications is an automated system for collecting, verifying, processing, storing and protecting information about qualifications.

The register of qualifications contains information about the profession (type of occupation), professional and partial professional qualifications, educational qualifications, professional standards taking into account the levels of the National Qualifications Framework.

The National Qualifications Agency provides open access to the Register of Qualifications to all interested parties.

The procedure for maintaining the Register of Qualifications is approved by the Cabinet of Ministers of Ukraine upon submission of the National Qualifications Agency.

{The Code was supplemented by Article 4[1] in accordance with Law No. 2179-IX dated April 1, 2022 }

Article 4[2] . Professional standards

The professional standard is the requirements for the competences of employees approved in the prescribed manner, which serve as the basis for the formation of professional qualifications.

Professional standards can be developed by employers, their organizations and associations, state authorities, scientific institutions, industry councils, public associations, and other interested entities.

Professional standards are approved by their developers.

If the developer is not the industry council for the development of professional standards, the professional standard is approved after agreement with the representative all-Ukrainian association of professional unions at the industry level.

The procedure for developing, implementing and revising professional standards is approved by the Cabinet of Ministers of Ukraine upon submission of the National Qualifications Agency.

The procedure for developing and approving qualification characteristics is approved by the central executive body, which ensures the formation of state policy in the field of labor, labor relations and employment of the population, based on the proposal of the National Qualifications Agency.

Requirements for competences, duties and qualifications of employees are determined by professional standards. In the absence of professional standards, such requirements may be determined by qualification characteristics.

Guidelines for the development of professional standards are developed by the National Qualifications Agency and published on its official website.

{The Code was supplemented by Article 4[2] in accordance with Law No. 2179-IX dated April 1, 2022 }

{Article 5 is excluded on the basis of Law No. 871-12 dated 03.20.91 }

Article 5[1] . Guarantees of citizens' right to work

The state guarantees able-bodied citizens permanently residing in Ukraine:

free choice of type of activity;

free assistance by state employment services in the selection of suitable work and employment in accordance with vocation, abilities, professional training, education, taking into account public needs;

provision by enterprises, institutions, organizations, in accordance with their previously submitted job applications, to graduates of professional (vocational-technical), professional pre-higher, higher education institutions;

free training of unemployed new professions, retraining in educational institutions or in the state employment service system with the payment of a stipend;

compensation in accordance with the legislation for material expenses in connection with the assignment to another area;

legal protection against unjustified refusal of employment and illegal dismissal, as well as assistance in keeping a job;

legal protection against mobbing (harassment), discrimination, prejudice in the field of work, protection of the honor and dignity of the employee during his work, as well as providing persons who have experienced such actions and/or inaction, the right to appeal to the central body of executive power , which implements the state policy in the field of supervision and control over compliance with labor legislation, and to the court regarding the recognition of such facts and their elimination (without the termination of the employee's work during the period of consideration of the complaint, proceedings in the case), as well as compensation for damage caused as a result of such actions and/or inaction, on the basis of a court decision that has entered into force.

{The Code was supplemented by Article 5-1[in] with Law No. 263/95-VR dated 07.05.95 ; as amended in accordance with Laws No. 2215-IX dated 04/21/2022 , No. 2759-IX dated 11/16/2022 }

{Article 6 is excluded on the basis of Law No. 871-12 dated 03.20.91 }

Article 7. Peculiarities of labor regulation of certain categories of employees

Features of labor regulation of persons working in areas with special natural geographical and geological conditions and conditions of increased health risk, temporary and seasonal workers, as well as workers who work for individuals under employment contracts, additional (except as provided for in articles 37 and 41 of this Code) the grounds for terminating the employment contract of certain categories of employees under certain conditions (violation of the established rules of employment, etc.) are established by legislation.

{Article 7 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 3694-12 dated 15.12.93 , No. 1356-XIV dated 24.12.99 }

Article 8. Regulation of labor relations of citizens working outside their states

Labor relations of citizens of Ukraine working abroad, as well as labor relations of foreign citizens working at enterprises, institutions, organizations of Ukraine, are regulated in accordance with the Law of Ukraine "On Private International Law" .

{Article 8 as amended by Laws No. 263/95-VR dated 07.05.95 , No. 1807-III dated 06.08.2000 ; with changes introduced in accordance with Law No. 1837-VI dated 01.21.2010 }

Article 8[1]. Correlation of international labor agreements and legislation of Ukraine

If an international treaty or an international agreement in which Ukraine participates establishes different rules than those contained in the labor legislation of Ukraine, then the rules of the international treaty or international agreement are applied.

{The Code was supplemented by Article 8[1] in accordance with Law No. 871-12 dated 03.20.91 }

Article 9. Invalidity of terms of employment contracts that worsen the situation of employees

Terms of employment contracts that worsen the situation of employees compared to the legislation of Ukraine on labor are invalid.

It is prohibited to force an employee to enter into an employment contract that contains terms and conditions that have not been mutually agreed upon between the employee and the employer.

{Article 9 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 ; in the version of Law No. 2434-IX dated 19.07.2022 - regarding the effect of the changes, see point 1 of section II}

Article 9[1]. Labor and social welfare benefits are additional compared to the legislation

Enterprises, institutions, organizations within their powers and at the expense of their own funds can establish additional labor and social welfare benefits for employees compared to the legislation.

The enterprise can financially encourage employees of medical, children's, cultural and educational, educational and sports institutions, public catering organizations and organizations that serve the workforce and are not part of it.

{The Code was supplemented by Article 9[1] in accordance with Law No. 871-12 dated 03.20.91 }

Chapter II
COLLECTIVE AGREEMENT

{Chapter II as amended by Law No. 3693-12 dated 12.15.93 }

Article 10. Collective agreement

The collective agreement is concluded on the basis of legislation, obligations accepted by the parties in order to regulate industrial, labor and socio-economic relations, and to coordinate the interests of employees and employers.

{Article 10 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 8474-10 dated 02.27.83 , No. 5938-11 dated 05.27.88 ; by Law No. 3693-12 dated 12.15.93 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 11. Scope of conclusion of collective agreements

A collective agreement is concluded at an enterprise, institution, organization, as well as with an individual who uses hired labor.

{The second part of Article 11 is excluded on the basis of Law No. 2253-IX dated 05.12.2022 }

{Article 11 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 8474-10 dated 02.27.83 , No. 5938-11 dated 05.27.88 ; By laws No. 3693-12 dated 15.12.93 , No. 2253-IX dated 12.05.2022 }

Article 12. Parties to a collective agreement

The parties to the collective agreement are:

the employer's side, the subjects of which are the owner or a body (person) authorized by him or an individual who uses hired labor, and/or its authorized representatives, in particular representatives of separate divisions of a legal entity;

the side of employees, the subjects of which are the primary trade union organizations that operate in the enterprise, in the institution, organization, separate subdivisions of a legal entity, unite employees of a natural person who uses hired labor, and represent the interests of employees who

work on the basis of employment contracts at the enterprise, institution, organization, at a natural person, and in their absence - representatives (representative) freely chosen by the employees to conduct collective negotiations.

If several primary trade union organizations have been created at an enterprise, institution, organization or employees of an individual who uses hired labor, they must, on the basis of proportional representation (according to the number of members of each), form a joint representative body for conducting negotiations on the conclusion of a collective agreement by concluding of the relevant agreement and notify the owner or a body authorized by him, a natural person, in writing.

A primary trade union organization that has refused to participate in a joint representative body is deprived of the right to represent the interests of employees when signing a collective agreement.

{Article 12 as amended by Law No. 3693-12 dated 15.12.93 , as amended by Law No. 2343-III dated 04.05.2001 , as amended by Law No. 1096-IV dated 10.07.2003 ; as amended by Law No. 2253-IX dated May 12, 2022 }

Article 13. Contents of the collective agreement

The content of the collective agreement is determined by the parties within their competence.

The collective agreement establishes the mutual obligations of the parties regarding the regulation of industrial, labor, socio-economic relations, in particular:

changes in the organization of production and work;

ensuring productive employment;

rationing and payment of labor, establishment of forms, system, amounts of wages and other types of labor payments (surcharges, allowances, bonuses, etc.);

establishment of guarantees, compensations, benefits;

participation of the labor team in the formation, distribution and use of the profit of the enterprise, institution, organization (if this is provided for by the statute);

work regime, duration of working hours and rest;

conditions and labor protection;

provision of residential, cultural, medical services, organization of health and recreation of employees;

guarantees of trade union or other representative organizations of employees;

conditions for regulation of labor remuneration funds and establishment of inter-qualification (inter-position) ratios in labor remuneration;

ensuring equal rights and opportunities for women and men;

measures aimed at preventing, countering and stopping mobbing (harassment), as well as measures to restore rights violated as a result of mobbing (harassment).

The collective agreement may provide additional guarantees, social welfare benefits compared to current legislation and agreements.

{Article 13 with changes introduced in accordance with Decrees of the PVR No. 8474-10 dated 02.27.85 , No. 7543-11 dated 05.19.89 ; By Laws No. 3693-12 dated 12.15.93 , No. 20/97-VR dated 01.23.97 , No. 274-VI dated 04.15.2008 , No. 2759-IX dated 11.16.2022 }

Article 14. Collective negotiations, development and conclusion of a collective agreement, responsibility for its implementation

The conclusion of a collective agreement is preceded by collective negotiations.

The terms, the procedure for conducting negotiations, the resolution of disagreements that arise during their conduct, the procedure for developing, concluding and introducing changes and additions to a collective agreement, responsibility for its implementation are regulated by the Law of Ukraine "On Collective Agreements and Agreements" .

{Article 14 as amended by Law No. 3693-12 dated 12.15.93 }

Article 15. Registration of a collective agreement

Collective agreements are subject to notification registration by local executive authorities or local self-government bodies.

The procedure for registering collective agreements is determined by the Cabinet of Ministers of Ukraine.

{Article 15 as amended by Laws No. 3693-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 , No. 379-VII dated 07.02.2013 }

Article 16. Invalidity of collective agreement terms

The terms of the collective agreement, which worsen the position of employees compared to the current legislation and agreements, are invalid.

{Article 16 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 5938-11 dated 05.27.88 , No. 871-12 dated 03.20.91 ; by Law No. 3693-12 dated 12.15.93 }

Article 17. Term of validity of the collective agreement

The collective agreement enters into force from the day it is signed by the representatives of the parties or from the day specified in it.

After the expiration of the collective agreement, it remains in effect until the parties conclude a new one or revise the current one, unless otherwise provided by the agreement.

The collective agreement remains valid in the event of a change in the composition, structure, or name of the employer on whose behalf this agreement was concluded.

In the event of a change of owner, reorganization of a legal entity (a separate subdivision of a legal entity), the terms of the collective agreement shall be valid for the term for which it was concluded, but not more than one year, unless the parties have agreed otherwise.

The collective agreement remains valid during the entire period of liquidation of the enterprise, institution, organization, closure of separate subdivisions of the legal entity.

At a newly created enterprise, institution, or organization, a collective agreement is concluded at the initiative of one of the parties.

{Article 17 as amended in accordance with Laws No. 3693-12 dated 12.15.93 , No. 2215-IX dated 04.21.2022 , No. 2253-IX dated 05.12.2022 }

Article 18. Extension of the collective agreement to all employees

The provisions of the collective agreement apply to all employees of the enterprise, institution, organization, individual who uses hired labor, regardless of whether they are members of a trade union, and are binding on both the owner or his authorized body, the individual who uses hired labor, as well as for employees.

{Article 18 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 3693-12 dated 12.15.93 ; as amended by Law No. 2253-IX dated May 12, 2022 }

Article 19. Control over the implementation of the collective agreement

Control over the implementation of the collective agreement is carried out directly by the parties that concluded it, in the manner determined by this collective agreement.

If the employer has violated the terms of the collective agreement, the trade unions that concluded it have the right to send the employer a request for the elimination of these violations, which is considered within a week. In case of refusal to eliminate the violation or failure to reach an agreement within the specified period, the trade unions have the right to appeal to the court against illegal actions or inaction of officials.

{Article 19 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 5938-11 dated 05.27.88 ; By laws No. 3693-12 dated 15.12.93 , No. 2343-III dated 04.05.2001 }

Article 20. Reports on the implementation of the collective agreement

The parties that signed the collective agreement report annually on its implementation within the terms stipulated by the collective agreement.

{Article 20 as amended by Law No. 3693-12 dated 12.15.93 }

Chapter III
EMPLOYMENT CONTRACT

Article 21. Employment contract

An employment contract is an agreement between an employee and an employer (employer - a natural person), according to which the employee undertakes to perform the work specified in this agreement, and the employer (employer - a natural person) undertakes to pay the employee wages and provide working conditions necessary for performance of work provided for by labor legislation, collective agreement and agreement of the parties. An employment contract may establish conditions for the performance of work that require professional and/or partial professional qualifications, as well as conditions for the performance of work that do not require a person to have a professional or partial professional qualification.

An employee has the right to realize his abilities for productive and creative work by concluding an employment contract at one or at the same time at several enterprises, institutions, organizations, unless otherwise provided by legislation, a collective agreement or an agreement of the parties.

A special form of an employment contract is a contract, in which the term of its validity, the rights, obligations and responsibilities of the parties (including material), the conditions of material support and organization of the employee's work, the conditions of termination of the contract, including early termination, can be established by agreement of the parties. The scope of the contract is determined by the laws of Ukraine.

In the conditions of the simplified regime for the regulation of labor relations, defined by Chapter III-B of this Code, the labor contract is the main means of regulating the labor relations of employees and employers (owners of private enterprises), in which the number of employees or the level of remuneration meets the criteria established by Article 49[5] of this of the Code.

In case of application of the simplified regime of regulation of labor relations, by mutual agreement of the parties, the employment contract may define additional rights, duties and responsibilities of the parties, conditions of material support and organization of the employee's work, conditions of termination or early termination of the contract.

{Article 21 as amended in accordance with Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 , No. 1356-XIV dated 12.24.99 ; the text of Article 21 as amended by Law No. 540-IX dated March 30, 2020 ; with changes introduced in accordance with Laws No. 2215-IX dated 04/21/2022 , No. 2179-IX dated 04/01/2022 , No. 2434-IX dated 07/19/2022 - regarding the effect of the changes, see point 1 of section II}

Article 21[1]. Employment contract with non-fixed working hours

An employment contract with non-fixed working hours is a special type of employment contract, the terms of which do not establish a specific time for the performance of work, the obligation of the employee to perform which arises only in the event that the employer provides the work provided for in this employment contract without guaranteeing that such work will be provided continuously, but in compliance with the conditions of payment of labor provided for in this article.

The employer independently determines the necessity and time of the employee's involvement in work, the scope of work and, within the period stipulated by the employment contract, agrees with the employee on the mode of work and the duration of the working hours necessary to perform the relevant work. At the same time, the requirements of the legislation regarding the duration of working hours and rest time must be observed.

The number of employment contracts with unfixed working hours at one employer may not exceed 10 percent of the total number of employment contracts to which this employer is a party.

An employer (employer - a natural person) who uses the labor of less than 10 employees may enter into no more than one employment contract with unfixed working hours.

An employment contract with non-fixed working hours must contain, in particular, information about:

the method and minimum period of notifying the employee about the start of work, which should be sufficient for the employee to start performing his duties in a timely manner;

method and maximum period of notification from the employee about readiness to start work or refusal to perform it in the cases provided for in part eight of this article;

intervals during which the employee may be required to work (base hours and days).

An exemplary form of an employment contract with non-fixed working hours is approved by the central executive body, which ensures the formation of state policy in the field of labor relations.

The number of base hours an employee may be required to work may not exceed 40 hours per week and the number of base days may not exceed 6 days per week.

The employee has the right to refuse to perform work if the employer requires the performance of work outside of the basic days and hours or if he has been notified of the availability of work in violation of the minimum terms specified in the employment contract with non-fixed working hours.

An employee's refusal to perform work on the basic days and hours is grounds for bringing him to disciplinary responsibility, except for cases of refusal due to temporary incapacity or the performance of state or public duties, as well as notification by the employer to the employee about the availability of work in violation of the minimum terms , determined by an employment contract with non-fixed working hours.

Wages are paid to an employee who performs work on the basis of an employment contract with non-fixed working hours, for the time actually worked.

Under the piecework payment system, wages are paid to the employee for the work actually performed at piecework rates established in the employment contract with unfixed working hours.

The minimum working time of an employee who performs work on the basis of an employment contract with non-fixed working hours during a calendar month is 32 hours. If an employee worked less than 32 hours during a calendar month, he must be paid a salary for at least 32 hours of working time in accordance with the terms of payment specified in the employment contract.

In the event that the employer does not provide work to an employee who performs work on the basis of an employment contract with unfixed working hours, the salary for the piecework system of labor payment during the calendar month must be paid to the employee in an amount not less than the amount of the salary of an employee of the corresponding qualification, whose work is paid according to the hourly system, - for 32 hours of working time.

If the employee agrees to be involved in work outside of the basic days or hours, his work is paid in an amount not less than provided for in the terms of the employment contract, and in case of exceeding the normal duration of working hours - in the manner provided for in Article 106 of this Code.

An employer may not prohibit or prevent an employee who performs work on the basis of an employment contract with unfixed working hours from performing work under employment contracts with other employers. Performance of work under the conditions of non-fixed working hours does not entail any restrictions on the scope of labor rights of employees.

An employment contract with non-fixed working hours may establish additional grounds for its termination, which must be related to the skills or behavior of the employee or other reasons of an economic, technological, structural or similar nature.

An employee who has worked under the terms of an employment contract with unfixed working hours for more than 12 months has the right to apply to the employer with a request to conclude a fixed-term or indefinite employment contract under the terms of the employer's generally established work schedule with appropriate remuneration.

Based on the results of consideration of the specified requirement, the employer is obliged within 15 calendar days from the date of the employee's application to conclude such a fixed-term or indefinite employment contract with him or to provide him with a reasoned answer in writing about the refusal to conclude such an employment contract.

In the event of the employer's refusal to enter into such a fixed-term or indefinite employment contract, the employee has the right to re-apply with the corresponding demand during the entire term of the employment contract with unfixed working hours, but not earlier than 90 days after receiving the employer's response to his previous demand.

{The Code was supplemented by Article 21[1] in accordance with Law No. 2421-IX dated 07/18/2022 }

Article 22. Guarantees when concluding, changing and terminating an employment contract

The owner or a body authorized by him, an individual who uses hired labor, has the right to freely choose among candidates for employment (positions).

Unreasonable refusal to hire is prohibited, i.e. refusal without any reasons or on grounds that do not relate to the employee's qualifications or professional qualities, or on other grounds not provided for by law.

At the request of a person who has been refused employment, the owner or a body authorized by him, an individual who uses hired labor, is obliged to inform in writing about the reason for such refusal, which must correspond to the first part of this article.

Any direct or indirect restriction of labor rights when concluding, changing or terminating an employment contract is not allowed.

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

{Article 22 as amended by Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 01.19.1995 ; as amended by Law No. 2253-IX dated May 12, 2022 }

Article 23. Terms of the employment contract

An employment contract can be:

1) open-ended, concluded for an indefinite period;

2) for a specified period, established by agreement of the parties;

3) such that it is agreed upon during the performance of certain work.

A fixed-term employment contract is concluded in cases where the employment relationship cannot be established for an indefinite period, taking into account the nature of the next job, or the conditions of its performance, or the interests of the employee, and in other cases provided for by legislative acts.

The employer is obliged to inform employees who work under a fixed-term employment contract about vacancies that meet their qualifications and provide for the possibility of concluding an open-ended employment contract, as well as to ensure equal opportunities for such employees to conclude it.

{Article 23 as amended in accordance with Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 19.01.95 , No. 2352-IX dated 07.01.2022 }

Article 24. Conclusion of an employment contract

An employment contract is concluded, as a rule, in writing. Compliance with the written form is mandatory:

1) with organized recruitment of employees;

2) when concluding an employment contract for work in areas with special natural geographical and geological conditions and conditions of increased health risk;

3) when concluding a contract;

4) in cases where the employee insists on concluding an employment contract in writing;

5) when concluding an employment contract with a minor (Article 187 of this Code);

6) when concluding an employment contract with an individual;

6[1]) when concluding an employment contract on remote work or home work;

6[2]) when concluding an employment contract with non-fixed working hours;

7) in other cases provided for by the legislation of Ukraine.

When concluding an employment contract, a citizen must submit a passport or other identity document, an employment book (if available) or information on employment from the register of insured persons of the State Register of Mandatory State Social Insurance, and in cases provided for by law, - as well as a document on education (specialty, qualification), on the state of health, the relevant military registration document and other documents.

When concluding an employment contract, a citizen who is hired for the first time has the right to submit a request for registration of an employment book.

An employee may not be allowed to work without concluding an employment contract drawn up by an order or decree of the employer, and a notification to the central executive body on matters of ensuring the formation and implementation of the state policy on the administration of a single contribution to the mandatory state social insurance on the acceptance of the employee in order , established by the Cabinet of Ministers of Ukraine.

{Part of Article 24 is excluded on the basis of Law No. 77-VIII dated 12.28.2014 }

A person invited to work in the order of transfer from another enterprise, institution, or organization by agreement between the heads of enterprises, institutions, or organizations cannot be refused an employment contract.

It is forbidden to enter into an employment contract with a citizen who, according to a medical opinion, is contraindicated for the proposed work due to his state of health.

{Article 24 with changes introduced in accordance with Decree of the PVR No. 7543-11 dated 05.19.89 ; Laws No. 3694-12 dated 15.12.93 , No. 374/97-VR dated 19.06.97 , No. 1356-XIV dated 24.12.99 , No. 77-VIII dated 28.12.2014 , No. 540-IX dated 30.03.2020 , No. 1213 -IX from

04.02.2021 , No. 1217-IX from 05.02.2021 , No. 1357-IX from 30.03.2021 , No. 2421-IX from 18.07.2022 }

{Article 24[1] is excluded on the basis of Law No. 77-VIII of 12.28.2014 }

Article 25. Prohibition to demand certain information and documents when concluding an employment contract

When concluding an employment contract, it is prohibited to demand from persons applying for work information about their party and national affiliation, origin, registration of place of residence or stay, and documents, the submission of which is not provided for by law.

{Article 25 as amended by Laws No. 871-12 dated 03.20.91 , No. 374/97-VR dated 06.19.97 , No. 1276-VI dated 04.16.2009 }

Article 25[1]. Restrictions on the joint work of relatives at the enterprise, institution, organization

The employer has the right to introduce restrictions on joint work at the same enterprise, institution, organization of persons who are close relatives or in-laws (parents, spouses, brothers, sisters, children, as well as parents, brothers, sisters and children of spouses), if in connection with the performance of labor duties, they are directly subordinated or under the control of each other.

At state-owned enterprises, institutions, and organizations, the procedure for introducing such restrictions is established by legislation.

{The Code was supplemented by Article 25[1] in accordance with Law No. 6/95-VR dated 19.01.95 }

Article 26. Tests during employment

When concluding an employment contract, the agreement of the parties may stipulate a test for the purpose of checking the employee's suitability for the work assigned to him. The probationary condition must be stipulated in the order (order) on hiring.

Labor legislation applies to employees during the probationary period.

The test is not established when hiring: persons who have not reached the age of eighteen; young workers after graduating from vocational educational institutions; young specialists after graduating from higher education institutions; persons released from military or alternative (non-military) service; persons with disabilities sent to work in accordance with the recommendation of the medical and social examination; persons elected to the position; winners of competitive selection to fill a vacant position; persons who have completed an internship during employment with a break from the main job; pregnant women; single mothers who have a child under the age of fourteen or a child with a disability; persons with whom a fixed-term employment contract is concluded for a period of up to 12 months; persons for temporary and seasonal jobs; internally displaced persons. The test is also not established when hiring in another area and when transferring to work at another enterprise, institution, organization, as well as in other cases, if it is provided for by law.

{Article 26 as amended in accordance with Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 19.01.95 , No. 1367-VIII dated 05.17.2016 }

Article 27. Probation period upon employment

The probationary period upon employment, unless otherwise established by the legislation of Ukraine, may not exceed three months, and in individual cases, upon agreement with the relevant elected body of the primary trade union organization, six months.

The trial period when hiring workers cannot exceed one month.

Days when the employee actually did not work, regardless of the reason, are not counted towards the probationary period.

{Article 27 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; By laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 , No. 1096-IV dated 07.10.2003 , No. 1367-VIII dated 05.17.2016 }

Article 28. Results of the test upon employment

When the probationary period has ended, and the employee continues to work, he is considered to have passed the probationary period, and subsequent termination of the employment contract is allowed only on general grounds.

If the employer establishes that the employee is not suitable for the position he was hired for or the work he performs, he has the right to fire such an employee during the probationary period, giving him three days' written notice. Termination of the employment contract on these grounds may be appealed by the employee in accordance with the procedure established for consideration of labor disputes in matters of dismissal.

{Article 28 as amended in accordance with Laws No. 871-12 dated 03.20.91 , No. 1367-VIII dated 05.17.2016 }

Article 29. Obligation of the employer before the start of work of the employee under the employment contract

Before starting work, the employer is obliged to inform the employee in a manner agreed with the employee about:

1) place of work (information about the employer, including his location), the job function that the employee is required to perform (position and list of job duties), the date of the start of work performance;

2) designated workplace, provision of necessary means for work;

3) rights and obligations, working conditions;

4) the presence at the workplace of dangerous and harmful production factors that have not yet been eliminated, and the possible consequences of their impact on health, as well as the right to benefits and compensation for working in such conditions in accordance with the legislation and the collective agreement - for signature;

5) the rules of the internal work schedule or the conditions for establishing the work regime, the duration of working hours and rest, as well as the provisions of the collective agreement (in case of its conclusion);

6) training in labor protection, industrial sanitation, occupational hygiene and fire protection;

7) organization of professional training of employees (if such training is provided);

8) duration of annual leave, terms and amount of remuneration;

9) the procedure and terms of notice of termination of the employment contract established by this Code, which must be observed by the employee and the employer.

When concluding an employment contract on remote work, the employer ensures the fulfillment of clauses 1 , 3 , 5 , 7-9 of the first part of this article and, if necessary, provides the employee with the equipment and tools necessary for the performance of work, as well as recommendations for working with them. Informing can be carried out in the form of remote instruction or by conducting training in safe methods of working on a specific technical tool. The employment contract may include additional conditions regarding labor safety upon agreement of the parties.

Acquaintance of employees with orders (orders), notices, other documents of the employer regarding their rights and obligations is allowed using the means of electronic communication networks defined in the employment contract with the imposition of an improved electronic signature or a qualified electronic signature. The employment contract, with the agreement of the parties, may provide for alternative ways of familiarizing the employee, in addition to the information specified in clause 4 of the first part of this article, which is brought to the attention of employees in the manner established by this article.

{Article 29 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; by Law No. 3694-12 dated 15.12.93 ; as amended by Law No. 1213-IX dated February 4, 2021 ; the text of Article 29 as amended by Law No. 2352-IX dated July 1, 2022 }

Article 30. The employee's duty to personally perform the work assigned to him

The employee must perform the work assigned to him personally and has no right to delegate its performance to another person, except for cases provided by law.

{Article 30 as amended by Law No. 871-12 dated 03/20/91 }

Article 31. Prohibition to demand performance of work not specified in the employment contract

The employer has no right to demand from the employee the performance of work not specified in the employment contract.

{Article 31 as amended by Law No. 871-12 dated 03/20/91 }

Article 32. Transfer to another job. Change in essential working conditions

Transfer to another job at the same enterprise, institution, organization, as well as transfer to another enterprise, institution, organization or to another location, even if together with the enterprise, institution, organization, is allowed only with the consent of the employee, except cases provided for in Article 33 of this Code and in other cases provided for by law.

It is not considered a transfer to another job and does not require the consent of the employee to move him to another workplace, in another structural unit in the same area, in the same enterprise, institution, organization, assignment to work on another mechanism or equipment within the scope of specialty, qualification or position stipulated by the employment contract. The employer does not have the right to transfer the employee to a job that is contraindicated for him due to his health condition.

In connection with changes in the organization of production and work, a change in essential working conditions is allowed while continuing to work in the same specialty, qualification or position. The employee must be notified no later than two months in advance of a change in essential working conditions - pay systems and rates, benefits, working hours, establishing or canceling part-time work, combining professions, changing ranks and job titles, etc.

{During the period of martial law, the provisions of the third part of Article 32 regarding the employee's notification of a change in essential working conditions shall not be applied in accordance with Law No. 2136-IX of March 15, 2022 }

If the former essential working conditions cannot be preserved, and the employee does not agree to continue working under the new conditions, the employment contract is terminated in accordance with Clause 6 of Article 36 of this Code.

The transfer of prosecutors takes place taking into account the peculiarities determined by the law regulating their status.

An employee who has reported possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption" committed by another person, cannot be dismissed or forced to be dismissed, brought to disciplinary liability in connection with such a report or subjected to other negative influence measures, or the threat of such influence measures. Corruption whistleblowers also enjoy other rights and guarantees of protection established by the Law of Ukraine "On Prevention of Corruption".

{Article 32 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; By Laws No. 871-12 dated 03.20.91 , No. 1356-XIV dated 12.24.99 , No. 113-IX dated 09.19.2019 , No. 524-IX dated 03.04.2020 , No. 2215-IX dated 04.21.2022 }

Article 33. Temporary transfer of an employee to another job not stipulated by the employment contract

Temporary transfer of an employee to another job, not determined by the employment contract, is allowed only with his consent.

The employer has the right to transfer the employee for a period of up to one month to another job, not stipulated by the employment contract, without his consent, if it is not contraindicated for the employee due to his state of health, only to avert or eliminate the consequences of natural disasters, epidemics, epizootics, industrial accidents, and as well as other circumstances that endanger or may endanger the lives or normal living conditions of people, with wages for the work performed, but not lower than the average earnings for the previous job.

In the cases specified in part two of this article, temporary transfer to another job of pregnant women, women who have a child with a disability or a child under the age of six, as well as persons under the age of eighteen without their consent is prohibited.

{Article 33 as amended by Law No. 871-12 dated 03/20/91 ; as amended by Law No. 1356-XIV dated 12.24.99 }

Article 34. Temporary transfer to another job in case of downtime

Downtime is a stoppage of work caused by the lack of organizational or technical conditions necessary for the performance of work, force majeure or other circumstances.

In case of downtime, employees may be transferred with their consent, taking into account their specialty and qualifications, to another job at the same enterprise, institution, organization for the entire period of downtime or to another enterprise, institution, organization, but in the same area for a period of up to one month

{Article 34 as amended by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 1356-XIV dated 12.24.99 }

{Article 35 excluded on the basis of Law No. 1356-XIV of 12.24.99 }

Article 36. Grounds for termination of an employment contract

The grounds for terminating an employment contract are:

1) agreement of the parties;

2) expiration of the term (clauses 2 and 3 of Article 23), except for cases when the employment relationship actually continues and none of the parties has made a demand for its termination;

3) conscription or enlistment of an employee or an employer - a natural person for military service, referral to alternative (non-military) service, except for cases where the employee's place of work or position is kept in accordance with the third part of Article 119 of this Code;

4) termination of the employment contract at the initiative of the employee (Articles 38 , 39), at the initiative of the employer (Articles 40 , 41) or at the request of a trade union or other body authorized to represent the labor collective (Article 45);

5) transfer of the employee, with his consent, to another enterprise, institution, organization or transfer to an elected position;

6) employee's refusal to transfer to work in another area together with the enterprise, institution, organization, as well as refusal to continue working in connection with a change in essential working conditions;

7) entry into force of a court verdict that sentenced the employee (except in cases of release from serving a probationary sentence) to imprisonment or to another punishment that excludes the possibility of continuing this work;

7[1]) conclusion of an employment contract (contract), contrary to the requirements of the Law of Ukraine "On the Prevention of Corruption", established for persons who have resigned or otherwise terminated activities related to the performance of state or local self-government functions, within a year from the date of its termination ;

7[2]) on the grounds provided for by the Law of Ukraine "On Purification of Power" ;

7[3]) entry into force of a court decision on recognition of assets as unsubstantiated and their collection into state revenue in relation to a person authorized to perform the functions of the state or local self-government, in the cases provided for by Article 290 of the Civil Procedure Code of Ukraine;

8) the grounds stipulated by the employment contract with non-fixed working hours, the contract;

8[1]) the death of an employer - a natural person or the entry into force of a court decision to recognize such a natural person as missing or to declare him dead;

8[2]) the death of an employee, recognition by the court as missing or declared dead;

8[3]) absence of an employee at work and information about the reasons for such absence for more than four months in a row;

9) grounds provided by other laws.

In the cases provided for in clauses 7 , 7[1] and 7[3] of the first part of this article, a person is subject to dismissal from his position within three days from the day when the state authority, local self-government body, enterprise, institution, organization receives a copy of the relevant court decision, which legal force, and in the case provided for in Clause 7[2] , the person is subject to dismissal from the position in accordance with the procedure specified by the Law of Ukraine "On Purification of Power".

To terminate an employment contract on the grounds provided for in Clause 8[1] of the first part of this article, the employee submits in electronic or paper form to any district, city-district, city employment center, branch of the regional employment center an application for termination of the employment contract with a statement of the relevant information and copies of documents confirming the circumstances specified in clause 8[1] of the first part of this article (if available). The date of termination of the employment contract is considered the date of submission of the relevant application. The district, city-district, city employment center, branch of the regional employment center at the place of application of the employee on the day of termination of the employment contract shall notify:

the central body of the executive power, which implements the state policy on pension provision and keeping records of persons who are subject to mandatory state social insurance;

the central body of the executive power, which implements the state policy on the administration of a single contribution to mandatory state social insurance.

The procedure for terminating an employment contract on the grounds provided for in clause 8-1 part one of this article shall be established by the Cabinet of Ministers of Ukraine.

A change in the subordination of an enterprise, institution, or organization does not terminate the employment contract.

In the event of a change of employer, as well as in the event of their reorganization (merger, merger, division, separation, transformation), the validity of the employee's employment contract continues. Termination of the employment contract at the initiative of the employer is possible only in the event of a reduction in the number or staff of employees (paragraph 1 of the first part of Article 40).

{Article 36 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 6237-10 dated 12.21.83 , No. 5938-11 dated 05.27.88 ; By Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 19.01.95 , No. 487-IV dated 02.06.2003 , No. 4711-VI dated 05.17.2012 , No. 224-VII dated 05.14.2013 , No. 1275 -VII from 05.20.2014 , No. 1682-VII from 09.16.2014 , No. 1700-VII from 10.14.2014 , No. 433-VIII from 05.14.2015 , No. 955-VIII from 01.28.2016 , No. 263-IX from 10.31. 2019 , No. 1357-IX dated March 30, 2021 , No. 2215-IX dated April 21, 2022 , No. 2352-IX dated July 1, 2022 , No. 2421-IX dated July 18, 2022 }

{Article 37 is excluded on the basis of Law No. 1254-VI dated 04/14/2009 }

Article 38. Termination of an employment contract concluded for an indefinite period at the initiative of the employee

The employee has the right to terminate the employment contract concluded for an indefinite period by notifying the employer in writing two weeks in advance. In the case when the employee's application for resignation is caused by the impossibility of continuing work (moving to a new place of residence; transfer of a husband or wife to work in another area; admission to an educational institution; impossibility of living in a given area, confirmed by a medical opinion; pregnancy ; care for a child until he reaches the age of fourteen or a child with a disability; care for a sick family member according to a medical opinion or a person with a disability of the I group; retirement; hiring by competition, as well as for other valid reasons). the employer must terminate the employment contract within the period requested by the employee.

If the employee has not left the job after the expiration of the notice of dismissal and does not demand termination of the employment contract, the employer has no right to dismiss him based on the previously submitted application, except for cases when another employee is invited to take his place, who cannot be refused employment contract in accordance with the law contract

The employee has the right to terminate the employment contract at his own request within the period determined by him, if the employer does not comply with the labor legislation, the terms of the collective or labor contract, has mobbed (harassed) the employee or has not taken measures to terminate it, which is confirmed by a court decision that has of legal force.

{Article 38 with changes introduced in accordance with the Decrees of the PVR No. 5584-09 dated 17.01.80 , No. 6237-10 dated 21.12.83 , No. 7543-11 dated 19.05.89 ; By Laws No. 871-12 dated 03.20.91 , No. 3694-12 dated 12.15.93 , No. 6/95-VR dated 19.01.95 , No. 1356-XIV dated 12.24.99 , No. 2759-IX dated 11.16.2022 }

Article 39. Termination of a fixed-term employment contract at the initiative of the employee

A fixed-term employment contract (clauses 2 and 3 of Article 23) is subject to premature termination at the employee's request in the event of his illness or disability, which prevents him from performing the work under the contract, violation by the employer of labor legislation, a collective or labor agreement, and in the cases provided for in the first part of Article 38 of this Code.

Disputes about early termination of the employment contract are resolved in the general procedure established for consideration of labor disputes.

{Article 39 as amended by Law No. 6/95-VR dated 19.01.95 }

Article 39[1]. Extension of the fixed-term employment contract for an indefinite period

If after the expiration of the term of the employment contract (paragraphs 2 and 3 of Article 23) the employment relationship actually continues and none of the parties demands its termination, the validity of this contract is considered to be extended for an indefinite period.

Employment contracts that have been renegotiated one or more times, except for the cases provided for by the second part of Article 23, are considered to be concluded for an indefinite period.

{The Code was supplemented by Article 39[1] in accordance with Law No. 6/95-VR dated 19.01.95 }

Article 40. Termination of the employment contract at the initiative of the employer

An employment contract concluded for an indefinite period, as well as a fixed-term employment contract before the expiration of its validity period, may be terminated by the employer only in the following cases:

1) changes in the organization of production and work, including liquidation, reorganization, bankruptcy or repurposing of an enterprise, institution, organization, reduction in the number or staff of employees;

{Clause 1[1] of Article 40 became invalid on the basis of Law No. 92/94-BP dated 12.07.94 }

2) revealed inadequacy of the employee to the position held or the work performed as a result of insufficient qualifications or a state of health that prevents the continuation of this work, as well as in the case of refusal to grant access to state secrets or cancellation of access to state secrets, if the performance of the duties assigned to him the official requires access to state secrets;

3) systematic non-fulfillment by the employee without valid reasons of the duties assigned to him by the employment contract or the rules of the internal labor procedure, if disciplinary sanctions were previously applied to the employee;

4) absenteeism (including absence from work for more than three hours during the working day) without valid reasons;

5) failure to report to work for more than four months in a row due to temporary incapacity, not counting leave due to pregnancy and childbirth, if the legislation does not establish a longer period of retention of the workplace (position) in case of a certain illness. For employees who have lost their ability to work due to an occupational disability or occupational disease, their place of work (position) is kept until their ability to work is restored or their disability is established;

6) reinstatement of an employee who previously performed this job;

7) appearing at work in a drunken state, in a state of narcotic or toxic intoxication;

8) committing at the place of work the theft (including small) of the employer's property, established by a court verdict that has entered into force, or by a decision of a body whose competence includes the imposition of an administrative fine;

{Clause 9 of the first part of Article 40 is excluded on the basis of Law No. 1356-XIV dated 12.24.99 }

10) conscription or mobilization of an employer - a natural person during a special period;

11) establishment of the employee's incompatibility with the position he was hired for or the work performed during the probationary period;

12) mobbing (harassment) committed by an employee, established by a court decision that has entered into force.

Dismissal on the grounds specified in clauses 1 , 2 and 6 of this article is allowed if it is not possible to transfer the employee, with his consent, to another job.

{The third part of Article 40 is excluded on the basis of Law No. 6/95-BP dated 19.01.95 }

It is not allowed to dismiss an employee at the employer's initiative during his temporary incapacity (except for dismissal under clause 5 of this article), as well as during the employee's vacation. This rule does not apply to the case of complete liquidation of an enterprise, institution, or organization.

{The provisions of the third part of Article 40 are recognized as corresponding to the Constitution of Ukraine (constitutional), according to the Decision of the Constitutional Court No. 6-r(II)/2019 dated 09/04/2019 }

Features of the dismissal of certain categories of employees on the grounds provided for in clause 1 of the first part of this , as well as the features of applying to them the provisions of the second part of this article, articles 42 , 42-1 , parts one , two and three of article 49-2 article 74 , part of the third Article 121 of this Code, are established by the law regulating their status.

{Article 40 with changes introduced in accordance with the Decrees of the PVR No. 6237-10 dated 12.21.83 , No. 2444-11 dated 06.27.86 , No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 19.01.95 , No. 263/95-VR dated 07.05.95 , No. 2343-XII dated 05.14.92 - as amended by Law No. 784-XIV dated 06.30. .99 - enters into force on January 1, 2000; with changes introduced in accordance with Laws No. 1356-XIV dated 24.12.99 , No. 1703-IV dated 11.05.2004 , No. 2978-VI dated 03.02.2011 , No. 1275-VII dated 20.05.2014 , No. 1367-VIII dated 17.05. 2016 , No. 113-IX dated September 19, 2019 , No. 2215-IX dated April 21, 2022 , No. 2759-IX dated November 16, 2022 , No. 3494-IX dated November 22, 2023 }

Article 41. Additional grounds for terminating an employment contract at the initiative of the employer with certain categories of employees under certain conditions

In addition to the grounds provided for in Article 40 of this Code, the employment contract may also be terminated at the initiative of the employer in the following cases:

1) one-time gross violation of labor duties by the head of an enterprise, institution, organization of all forms of ownership (branch, representative office, branch, and other separate subdivision), his deputies, the chief accountant of the enterprise, institution, organization, his deputies, as well as officials of tax and customs bodies, which have been assigned special titles, and officials of central executive bodies implementing state policy in the spheres of state financial control and price control;

1[1]) culpable actions of the head of the enterprise, institution, organization, as a result of which wages were paid late or in amounts lower than the amount of the minimum wage established by law;

1[2]) committing mobbing (harassment) by the head of an enterprise, institution, organization, regardless of the forms of manifestation and/or failure to take measures to stop it, established by a court decision that has entered into force;

2) culpable actions of an employee who directly serves monetary, commodity or cultural values, if these actions give rise to a loss of trust in him on the part of the employer;

3) committing an immoral act incompatible with the continuation of this work by an employee performing educational functions;

4) contrary to the requirements of the Law of Ukraine "On Prevention of Corruption" being under direct supervision of a close person;

4[1]) if the employee has a real or potential conflict of interest, which is permanent in nature and cannot be settled in another way, provided for by the Law of Ukraine "On Prevention of Corruption";

5) termination of powers of officials;

6) impossibility of providing the employee with the work specified in the employment contract due to the destruction (absence) of production, organizational and technical conditions, means of production or property of the employer as a result of hostilities.

on his own initiative , is obliged to terminate the employment contract with the official in case of repeated violation by him of the requirements of the legislation in the field of licensing, in matters of issuing documents of a permissive nature or in the field of providing administrative services **for in** articles , 166-12 , 188-44 of the Code of Ukraine on Administrative Offenses.

Termination of the contract in the cases provided for by clauses 1-5 of the first part and the second part of this article is carried out in compliance with the requirements of the third part of Article 40 , and in the cases provided for by clauses 2 and 3 of the first part of this article - also with the requirements of Article 43 of this Code.

Termination of the contract in the cases provided for in clauses 4 and 6 of the first part of this article is carried out if it is impossible to transfer the employee to another job with his consent.

{Article 41 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 3632-12 dated 19.11.93 , No. 6/95-VR dated 19.01.95 , No. 184-IV dated 17.10.2002 , No. 534-V dated 22.12.2006 , No. 3720 -VI from 09.08.2011 , No. 4711-VI from 05.17.2012 , No. 5462-VI from 10.16.2012 , No. 406-VII from 07.04.2013 , No. 1255-VII from 05.13.2014 , No. 1700-VII from 10.14. 2014 , No. 191-VIII dated 12.02.2015 , No. 440-IX dated 14.01.2020 , No. 524-IX dated 04.03.2020 , No. 2352-IX dated 01.07.2022 , No. 2759-IX dated 16.11.2022 }

Article 42. Preferential right to remain at work when employees are dismissed in connection with changes in the organization of production and labor

When the number or staff of employees is reduced in connection with changes in the organization of production and work, employees with higher qualifications and labor productivity are given preferential right to stay at work.

Under equal conditions of labor productivity and qualification, the advantage in remaining at work is given:

1) family - if there are two or more dependents;

2) persons whose family has no other self-employed workers;

3) employees with a long continuous experience of work at this enterprise, institution, organization;

4) employees studying in higher and secondary special educational institutions without separation from production;

5) to combatants, injured participants of the Revolution of Dignity, persons with disabilities as a result of the war and family members of deceased (deceased) war veterans, family members of deceased (deceased) Defenders of Ukraine, as well as persons rehabilitated in accordance with the Law of Ukraine "On Rehabilitation of Victims repressions of the communist totalitarian regime of 1917-1991", from among those who were subjected to repressions in the form(s) of deprivation of liberty (imprisonment) or restriction of liberty or forced, unjustified placement of a healthy person in a psychiatric institution by decision of an extrajudicial or other repressive body;

6) authors of inventions, utility models, industrial designs and innovative proposals;

7) employees who received a work-related disability or occupational disease at this enterprise, institution, or organization;

8) persons from among those deported from Ukraine, within five years from the time of return to their permanent place of residence in Ukraine;

9) employees from the number of former conscripts, military service upon conscription during mobilization, for a special period, military service upon conscription of reservists during a special period, military service upon conscription of officers and persons who underwent alternative (non-military) service service, - within two years from the date of their dismissal from service.

10) employees who have less than three years left until the retirement age, upon reaching which the person has the right to receive pension payments;

11) employees who are members of fire and rescue units to provide voluntary fire protection for at least a year.

Preference in remaining at work may be given to other categories of employees, if this is provided for by the legislation of Ukraine.

{Article 42 as amended in accordance with Decree of the PVR No. 7543-11 dated 05.19.89 ; Laws No. 871-12 dated 20.03.91 , No. 3706-12 dated 16.12.93 , No. 6/95-VR dated 19.01.95 , No. 75/95-VR dated 28.02.95 , No. 263/95-VR dated 05.07. 95 , No. 259-VIII from 03.18.2015 , No. 2005-VIII from 04.06.2017 , No. 2249-VIII from 12.19.2017 , No. 2443-VIII from 05.22.2018 , No. 2542-VIII from 09.18.2018 , No. 1357- IX dated 30.03.2021 , No. 2153-IX dated 24.03.2022 , No. 2750-IX dated 16.11.2022 }

Article 42[1]. Preferential right to conclude an employment contract in the case of rehiring

An employee with whom an employment contract has been terminated on the grounds provided for in Clause 1, Part One of Article 40 (except in the case of liquidation of an enterprise, institution, or organization), Clause 6 of Part One of Article 41 of this Code, within one year has the right to conclude an employment contract in case of return acceptance for work, if the employer is hiring employees with similar qualifications.

Preferential right to conclude an employment contract in the event of rehiring is granted to the persons specified in Article 42 of this Code and in other cases stipulated by the collective agreement.

The conditions for the restoration of social welfare benefits, which the employees had before the release, are determined by the collective agreement.

{The Code was supplemented by Article 42[1] in accordance with Law No. 6/95-VR dated 19.01.95 ; with changes introduced in accordance with Law No. 2352-IX dated 01.07.2022 }

Article 43. Termination of the employment contract at the initiative of the employer with the prior consent of the elected body of the primary trade union organization (trade union representative)

{Regarding the application of the provisions of Article 43 during the period of martial law, see part two of Article 5 of Law No. 2136-IX dated March 15, 2022 }

Termination of an employment contract on the grounds provided for in clauses 1 (except in the case of liquidation of an enterprise, institution, organization), 2-5 , 7 of Article 40 and clauses 2 and 3 of Article 41 of this Code may be carried out only with the prior consent of an elected body (trade union representative) , the primary trade union organization, of which the employee is a member, except for cases when the termination of the employment contract on the specified grounds is carried out with a prosecutor, a police officer and an employee of the National Police, the Security Service of Ukraine, the State Bureau of Investigation of Ukraine, the National Anti-Corruption Bureau of Ukraine, the Bureau of Economic Security of Ukraine or bodies , which control compliance with tax and customs legislation.

In the cases provided for by the labor legislation, the elected body of the primary trade union organization, of which the employee is a member, considers within fifteen days a substantiated written submission of the employer to terminate the employment contract with the employee.

The employer's submission must be considered in the presence of the employee to whom it is submitted. Consideration of a submission in the absence of an employee is allowed only upon his written application. At the employee's request, another person, including a lawyer, can act on his behalf. If the employee or his representative did not appear at the meeting, consideration of the application is postponed until the next meeting within the time limit specified by the second part of this article. In case of repeated non-appearance of the employee (his representative) without valid reasons, the application may be considered in his absence.

If the elected body of the primary trade union organization is not formed, consent to the termination of the employment contract is given by a trade union representative authorized to represent the interests of trade union members in accordance with the statute.

The elected body of the primary trade union organization (trade union representative) notifies the employer of the decision in writing within three days after its adoption. If this period is missed, it is considered that the elected body of the primary trade union organization (trade union representative) has given consent to the termination of the employment contract.

If the employee is simultaneously a member of several primary trade union organizations operating at the enterprise, institution, organization, consent to his dismissal is given by the elected body of the primary trade union organization to which the employer applied.

The decision of the elected body of the primary trade union organization (trade union representative) to refuse to give consent to the termination of the employment contract must be justified. If there is no justification in the decision for refusing to grant consent to the termination of the employment contract, the employer has the right to dismiss the employee without the consent of the elected body of the primary trade union organization (trade union representative).

The employer has the right to terminate the employment contract no later than one month after receiving the consent of the elected body of the primary trade union organization (trade union representative).

If the termination of the employment contract with the employee was carried out by the employer without applying to the elected body of the primary trade union organization (trade union representative), the court stops the proceedings in the case, requests the consent of the elected body of the primary trade union organization (trade union representative) and after its receipt or refusal of the elected body of the primary trade union organization (trade union representative) in giving consent to the dismissal of the employee (part one of this article) considers the dispute on its merits.

{Article 43 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 24.01.83 , No. 2444-11 dated 27.06.86 , No. 5938-11 dated 27.05.88 , Laws No. 871-12 dated 20.03.91 , No. 2134 -12 dated 18.02.92 , No. 3719-12 dated 16.12.93 , No. 6/95-VR dated 19.01.95 , No. 2343-III dated 05.04.2001 , No. 1096-IV dated 10.07.2003 , No. 1697-VII dated 14.10.2014 , No. 630-VIII dated 16.07.2015 , No. 901-VIII dated 23.12.2015 , No. 1150-IX dated 28.01.2021 }

Article 43[1]. Termination of the employment contract at the initiative of the employer without the prior consent of the elected body of the primary trade union organization (trade union representative)

Termination of the employment contract at the initiative of the employer without the consent of the elected body of the primary trade union organization (trade union representative) is allowed in the following cases:

liquidation of enterprises, institutions, organizations;

the unsatisfactory result of the test stipulated at the time of employment;

{The fourth paragraph of the first part of Article 43[1] is excluded on the basis of Law No. 2352-IX dated July 1, 2022 }

reinstatement of an employee who previously performed this work;

dismissal of an employee who is not a member of the primary trade union organization operating at the enterprise, institution, or organization;

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

dismissal of the head of the enterprise, institution, organization (branch, representative office, department and other separate subdivision), his deputies, the chief accountant of the enterprise, institution, organization, his deputies, as well as employees who have the status of civil servants in accordance with the Law of Ukraine "On Civil Service ", managers who are elected, approved or appointed to positions by state bodies, local self-government bodies, as well as public organizations and other associations of citizens;

dismissal of an employee who has committed embezzlement (including petty theft) of the employer's property at the workplace, established by a court verdict that has entered into force, or by a decision of a body whose competence includes the imposition of an administrative penalty or the application of measures of public influence;

conscription or mobilization during a special period of the employer - a natural person;

dismissal of the employee in connection with the impossibility of providing him with the work specified in the employment contract, in connection with the destruction (absence) of production, organizational and technical conditions, means of production or property of the employer as a result of hostilities.

Other cases of terminating the employment contract at the initiative of the employer without the consent of the relevant elected body of the primary trade union organization (trade union representative) may be provided for by the legislation.

{The Code was supplemented by Article 43[1] in accordance with Law No. 2134-12 dated 02.18.92 ; with changes introduced in accordance with Laws No. 3632-12 dated 19.11.93 , No. 3719-12 dated 16.12.93 , No. 6/95-VR dated 19.01.95 , No. 1096-IV dated 10.07.2003 , No. 5462-VI dated 16.10.2012 , No. 406-VII dated 04.07.2013 , No. 1275-VII dated 20.05.2014 , No. 378-IX dated 12.12.2019 . Amendments to Article 43[1] see in Law No. 440-IX dated January 14, 2020 . With changes introduced in accordance with Law No. 2352-IX dated 01.07.2022 }

{For the official interpretation of the concept used in the sixth paragraph of the first part of Article 43[1] , see in the Decision of the Constitutional Court No. 14-pn/98 dated 10/29/98 }

Article 44. Severance pay

Upon termination of the employment contract on the grounds specified in Clause 6 of Article 36 and Clauses 1 , 2 and 6 of Article 40 , Clause 6 of the first part of Article 41 of this Code, the employee shall be paid severance pay in the amount of at least the average monthly salary; in case of conscription or entry into military service, referral to alternative (non-military) service (paragraph 3 of Article 36) - in the amount of two minimum wages; as a result of the employer's violation of the labor legislation, collective or labor agreement, mobbing (harassment) of the employee or failure to take measures to stop it (Articles 38 and 39) - in the amount stipulated by the collective agreement, but not less than three months' average earnings; in case of termination of the employment contract on the grounds specified in Clause 5 of the first part of Article 41 , - in the amount of not less than six months' average earnings.

{Article 44 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 20.03.91 , No. 3694-12 dated 15.12.93 , No. 6/95-VR dated 19.01.95 ; as amended by Law No. 1356-XIV dated 12.24.99 ; as amended in accordance with Law No. 1014-V dated 11.05.2007 ; the text of Article 44 as amended by Law No. 107-VI dated 28.12.2007 - the change was recognized as unconstitutional in accordance with the Decision of the Constitutional Court No. 10-pn/2008 dated 22.05.2008 ; with changes introduced in accordance with Laws No. 1255-VII dated 13.05.2014 , No. 2352-IX dated 01.07.2022 , No. 2759-IX dated 16.11.2022 }

Article 45. Termination of the employment contract with the manager at the request of the elected body of the primary trade union organization (trade union representative)

At the request of the elected body of the primary trade union organization (trade union representative), the employer must terminate the employment contract with the head of the enterprise, institution, or organization, if he violates labor legislation, collective agreements and agreements, the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" .

If the employer or manager against whom the demand for termination of the employment contract has been presented does not agree with this demand, he can appeal the decision of the elected body of the primary trade union organization (trade union representative) to the court within two weeks from the day of receiving the decision. In this case, the fulfillment of the requirement to terminate the employment contract is suspended until the court renders a decision.

In the event that the decision of the elected body of the primary trade union organization (trade union representative) is not implemented and not appealed within the specified period, the elected body of the primary trade union organization (trade union representative) may, within the same period,

appeal to the court the activity or inaction of officials, bodies, up to the competence to whom the termination of the employment contract with the head of the enterprise, institution, or organization belongs.

{Article 45 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 6/95-VR dated 19.01.95 , as amended by Law No. 2343-III dated 04.05.2001 , as amended by Law No. 1096-IV dated 07.10.2003 }

Article 46. Suspension from work

Dismissal of employees from work by the employer is allowed in case of: appearing at work in a drunken state, in a state of narcotic or toxic intoxication; refusal or evasion of mandatory medical examinations, training, instruction and testing of knowledge on labor protection and fire protection; in other cases provided by law.

Dismissal of heads of enterprises, institutions and organizations by the military command is allowed in the cases defined by the Law of Ukraine "On the Legal Regime of Martial Law".

{Article 46 as amended in accordance with Laws No. 6/95-VR dated 19.01.95 , No. 1702-IX dated 16.07.2021 - shall be enforced from 01.01.2022}

Article 47. The employer's duty to settle with the employee

On the day of dismissal, the employer is obliged to issue to the employee a copy of the order (order) on dismissal, a written notification of the amounts accrued and paid to him upon dismissal (Article 116) and to settle with him within the terms specified by Article 116 of this Code, as well as at the request of the employee make appropriate records of dismissal in the labor book kept by the employee.

{The second part of Article 47 is excluded on the basis of Law No. 1217-IX dated February 5, 2021 }

In the event that an employer - a natural person is called up for military service during mobilization, for a special period, for military service when reservists are called up for a special period, such an employer - a natural person must fulfill his duties, defined by this article, within a month after discharge from such military service without the application of sanctions and fines.

{Article 47 as amended in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; By Laws No. 871-12 dated 03.20.91 , No. 1275-VII dated 05.20.2014 , No. 1217-IX dated 02.05.2021 , No. 1357-IX dated 03.30.2021 , No. 2352-IX dated 07.01.2022 }

Article 48. Accounting of the employee's labor activity

The employee's labor activity is recorded electronically in the register of insured persons of the State Register of Mandatory State Social Insurance in accordance with the procedure established by the Law of Ukraine "On Collection and Accounting of a Single Contribution to Mandatory State Social Insurance".

At the request of an employee who is hired for the first time, the employer must draw up a work book no later than five days after hiring.

The employer, at the request of the employee, is obliged to enter in the work book kept by the employee, records of hiring, transfer and dismissal, incentives and awards for success at work.

The procedure for keeping work books is determined by the Cabinet of Ministers of Ukraine.

{Article 48 as amended in accordance with Laws No. 871-12 dated 20.03.91 , No. 374/97-VR dated 19.06.97 , No. 1356-XIV dated 24.12.99 , No. 429-IV dated 16.01.2003 , No. 77 -VIII from 28.12.2014 ; as amended by Law No. 1217-IX dated February 5, 2021 }

Article 49. Issuance of employment and salary certificate

The employer is obliged to issue to the employee, upon his request, a certificate of his work at the given enterprise, institution, organization, indicating the specialty, qualification, position, working hours and salary amount.

{Article 49 as amended by Law No. 871-12 dated 03/20/91 }

Chapter III-A
ENSURING EMPLOYMENT OF RELEASED EMPLOYEES

{The Code was supplemented by Chapter III-A in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

{Article 49[1] is excluded on the basis of Law No. 263/95-VR dated 07.05.95 }

Article 49[2]. The procedure for releasing employees

Employees are personally warned about the next release no later than two months in advance.

When releasing employees in cases of changes in the organization of production and work, the overriding right to stay at work provided for by legislation is taken into account.

Simultaneously with the notice of dismissal in connection with changes in the organization of production and work, the owner or a body authorized by him, an individual who uses hired labor, offers the employee another job at the same enterprise, institution, organization, with an individual. In the absence of work in the relevant profession or specialty, as well as in the case of the employee's refusal to transfer to another job at the same enterprise, institution, organization, or individual, the employee, at his own discretion, applies for help to the state employment service or finds employment on his own. If the dismissal is mass in accordance with Article 48 of the Law of Ukraine "On Employment of the Population", the owner or the body authorized by him, a natural person who uses hired labor, informs the state employment service about the planned dismissal of employees. The notification must contain information about the planned mass release of employees, defined by the

second part of Article 49[4] of this Code, and consultations with the elected body of the primary trade union organization (trade union representative). The notification must be submitted to the elected body of the primary trade union organization (trade union representative). If there are several primary trade union organizations, the notification is sent to the joint representative body formed by them on the basis of proportional representation, and in the absence of such a body - to the elected body of the primary trade union organization (trade union representative), which unites the majority of employees of this enterprise (institution, organization).

The requirements of the first - third parts of this article do not apply to employees who are released in connection with changes in the organization of production and labor, related to the implementation of measures during mobilization, for a special period, as well as in connection with the impossibility of providing for the employee work defined by the labor contract, in connection with the destruction (absence) of production, organizational and technical conditions, means of production or property of the employer as a result of hostilities.

The State Employment Service informs employees about work in the same or another area according to their professions, specialties, qualifications, and in case of their absence - selects other work taking into account individual wishes and social needs. If necessary, the person may be sent, with his consent, to professional retraining or advanced training in accordance with the legislation.

The release of employees who have the status of civil servants in accordance with the Law of Ukraine "On Civil Service" is carried out in accordance with the procedure specified in this article, taking into account the following features:

employees are personally warned about the next release no later than 30 calendar days in advance;

in case of dismissal of employees on the basis of clause 1 of the first part of Article 40 of this Code, the provisions of the second part of Article 40 of this Code and the provisions of the second part of this Article shall not apply ;

no later than 30 calendar days before the planned layoffs, the primary trade union organizations are provided with information on these measures, including information on the reasons for the layoffs, the number and categories of employees who may be affected, the timing of the layoffs, and consultations are held with the trade unions on measures to prevent dismissal or reduction of their number to a minimum or mitigation of adverse consequences of any dismissals.

The release of employees in accordance with Clause 6 of Part One of Article 41 of this Code is carried out in the following manner:

employees are personally warned about the next release no later than 10 calendar days in advance;

not later than 10 calendar days before the planned release of employees, the primary trade union organizations are provided with information on these measures, including information on the reasons for the release, the number and categories of employees who may be affected, and the terms of the release. In the event that the dismissal of employees is mass in accordance with Article 48 of the Law of Ukraine "On Employment of the Population", the employer notifies the state employment service about the planned dismissal of employees 10 calendar days before the dismissal, and also, within five calendar days, consults with the trade unions about the measures to prevent or minimize layoffs or mitigate the adverse effects of any layoffs.

{Part of Article 49[2] is excluded on the basis of Law No. 259-VIII of March 18, 2015 }

{Article 49[2] as amended in accordance with Laws No. 871-12 dated 20.03.91 , No. 263/95-VR dated 05.07.95 , No. 1169-VII dated 27.03.2014 , No. 77-VIII dated 28.12.2014 , No. 259-VIII dated March 18, 2015 , No. 378-IX dated December 12, 2019 , No. 2253-IX dated May 12, 2022 , No. 2352-IX dated July 1, 2022 }

{Article 49[3] became invalid as of January 1, 2001 on the basis of Law No. 2213-III dated January 11, 2001 }

Article . Population employment

Employment in socially useful work of persons who have terminated their employment on the grounds provided for by this Code, in the event that their independent employment is impossible, is ensured in accordance with the Law of Ukraine "On Employment of the Population".

Liquidation, reorganization of enterprises, change of forms of ownership or partial stoppage of production, entailing a reduction in the number or staff of employees, deterioration of working conditions, may be carried out only after submitting to the elected body of the primary trade union organization (trade union representative) a notice of planned mass dismissal with relevant information (in writing) about such measures, including information about the reasons for subsequent layoffs, the average number and categories of employees, as well as the number and categories of employees that may be affected, about the timing of the layoffs. The owner or a body authorized by him, a natural person who uses hired labor, no later than three months from the date of adoption of a decision on mass dismissal, consults with the elected body of the primary trade union organization (trade union representative) on measures to prevent dismissal, reduce it to a minimum, and ameliorating the adverse effects of any dismissal. If there are several primary trade union organizations, a notification is sent and consultations are held with a joint representative body formed by them on the basis of proportional representation, and in the absence of such a body - with the elected body of the primary trade union organization (trade union representative), which unites the majority of employees of this enterprise, institution, organization, individual that uses hired labor. The procedure for conducting such consultations and implementing recommendations is determined by the collective agreement, and in its absence - by agreement.

Trade unions have the right to make proposals to the relevant authorities on the postponement of deadlines or the temporary suspension or cancellation of measures related to the dismissal of employees, which are mandatory for consideration.

{The Code was supplemented by Article 49 in accordance with Law No. 871-12 dated 03.20.91 , as amended by Laws No. 2343-III dated 04.05.2001 , No. 2253-IX dated 05.12.2022 }

CHAPTER III-B
SIMPLIFIED REGULATION OF LABOR RELATIONS

Article . Peculiarities of the application of the simplified mode of regulation of labor relations

The simplified mode of regulation of labor relations (hereinafter - the simplified mode) applies to labor relations arising:

between an employee and an employer who is a subject of a small or medium-sized business in accordance with the law with an average number of employees for the reporting period (calendar year) of no more than 250 people;

or between an employer and an employee whose monthly salary is more than eight times the minimum wage established by law.

The simplified regime can be applied on a voluntary basis in relations between employees and employers who have the right to use it.

For the purposes of applying this article, the average number of employees for the reporting period (calendar year) is determined based on the data of the relevant statistical reporting, in which the corresponding indicator is indicated.

The simplified regime can be applied in relations between employees and employers exclusively on a voluntary basis. This regime provides for the possibility of establishing individual working conditions of the employee directly in the employment contract.

The requirements for keeping documentation on personnel issues, adopting local regulations and organizational and administrative documentation, including regarding the regime of working hours and rest time, vacations, as well as other documents on matters regulated by the employment contract, do not apply to employers who apply simplified mode.

The employer is responsible for keeping records of the employee's labor activities in electronic form, and submitting personnel reports to state bodies.

Under the conditions of a simplified regime and on the condition that this does not contradict other provisions of this Code, the parties to an employment contract may, taking into account the provisions of Chapter III of this Code, at their own discretion and by mutual agreement, regulate their relations in terms of the creation and termination of employment relations, the wage system, norms labor, the amount of wages, taking into account the legally established minimum wage, allowances, extra payments, bonuses, rewards and other incentive, compensation and guarantee payments, norms of working hours and rest with observance of the normal duration of working hours per week, duration of weekly uninterrupted rest and other rights and guarantees defined by this Code.

Under the conditions of the simplified regime, annual paid vacations and vacations without salary are granted to employees in accordance with the procedure and conditions determined by Articles 79 , 84 , 115 of this Code, taking into account the following features:

1) at the employee's request, the annual leave can be divided into parts of any duration or granted for the full duration, taking into account the norms of the duration of annual leave established by this Code;

2) due to family circumstances and for other reasons, an employee may be granted leave without salary upon the agreement of the parties for a period of more than 15 calendar days per year, if such a condition is stipulated in the employment contract;

3) wages to employees for the entire period of annual leave are paid before the start of the leave, unless otherwise stipulated by the labor or collective agreement.

The provisions of this chapter do not apply to labor relations arising between employees and employers who are legal entities under public law.

Labor relations between employees and employers under the conditions of the simplified regime, which are not regulated by the provisions of this chapter and/or the terms of the employment contract, are regulated by the relevant provisions of this Code.

Article . An employment contract in the conditions of a simplified regime of regulation of labor relations

Regulation of labor relations of employees and employers, which are covered by the simplified regime, is carried out by the labor contract.

By mutual consent of the employee and the employer, an open-ended or fixed-term employment contract may be concluded. A fixed-term employment contract is concluded for a specified period of time or for the time of performing certain work.

If the fixed-term employment contract does not specify the conditions for its renewal, such employment contract is considered terminated within the term specified in the contract or after completion of the work.

The essential conditions of the employment contract are:

1) the place of work (with an indication of the structural unit) or another place of work, if the employee performs his duties on the basis of remote work;

2) the date of entry into force of the employment contract, and in the case of concluding a fixed-term employment contract - the term of validity of the contract;

3) duties of the employee;

4) conditions of payment of labor (including the amount of the tariff rate or salary (job salary), additional payments, bonuses, allowances, incentive and compensatory payments, payment for work at night and overtime, on holidays, non-working days and weekends);

5) mode of operation, duration of working hours and rest, night and overtime work;

6) the duration of the main annual leave, the procedure for providing it in accordance with the legislation, the provision of additional annual leave (the amount of their payment);

7) guarantees and compensations for work with harmful and/or dangerous working conditions, in the case of the presence of relevant conditions at the employee's workplace, with an indication of their characteristics;

8) working conditions;

9) terms of notification of termination of the employment contract at the initiative of the employer;

10) the order and form of information exchange between the employer and the employee;

11) the procedure and terms of notifying the employee about a change in essential working conditions (in case of their deterioration). The employee must be notified of a change in essential working conditions no later than the term specified in Article 32 of this Code;

12) the conditions and procedure for introducing other changes to the employment contract, as well as the procedure and form of informing about changes to the employment contract;

13) conditions of non-disclosure of commercial secrets, ensuring protection of intellectual property and use of copyright objects (in the case of their use or creation in the course of work) and responsibility for their violation;

14) the conditions of occurrence and the procedure for settling the conflict of interests;

15) compensation payment to the employee in case of termination of the employment contract at the initiative of the employer;

16) the employer's responsibility for the violation of the terms of payment of wages, which provides for the definition in the employment contract of the amount of compensation (in percentage relation to the amount of wages (tariff rate or salary (postal salary)), which is paid by the employer to the employee for each day of delay in the payment of wages.

An employment contract, by agreement between the employee and the employer, may provide for the grounds and procedure for engaging the employee to work overtime and at night, on holidays, non-working days and weekends, specifying the amount of payment for such work. At the same time, the amount of such payment cannot be less than the amount determined by Articles 72 , 106 , 107 , 108 of this Code.

Engaging an employee to work overtime under the conditions and in the manner specified by the labor contract is carried out without the permission of the elected body of the primary trade union organization (trade union representative) of the enterprise.

In case of deterioration of essential working conditions, the employer is obliged to notify the employee in the manner specified by the employment contract, no later than two months in advance. The need to notify the employee about a change in essential working conditions, which is not related to their deterioration, is determined by agreement of the parties when concluding an employment contract.

The employment contract specifies information about working conditions, the presence/absence of dangerous and harmful production factors at the employee's workplace, the possible consequences of their impact on health, and also defines the employee's statutory rights to benefits and compensation for working in harmful conditions. The employee is considered informed about the working conditions and the presence/absence of dangerous factors at his workplace from the moment he signs the employment contract.

The employment contract is concluded in writing in the state language in two copies (one copy for each of the parties).

Upon agreement between the employee and the employer, the employment contract may be concluded in the form of an electronic document in accordance with the Law of Ukraine "On Electronic Documents and Electronic Document Management".

In the conditions of martial law, the provisions of the labor contract are applied to the extent that they do not contradict the legislation on the regulation of labor relations in the conditions of martial law, unless otherwise established by agreement of the parties.

Article . Terms of payment of wages in the conditions of the simplified regime of regulation of labor relations

In the conditions of the simplified regime, the salary is paid to the employee in the terms specified by the employment contract, but not less than twice a month after a period of time not exceeding sixteen calendar days.

Article . Termination of the employment contract in the conditions of the simplified regime of regulation of labor relations

Termination of the employment contract, termination of the employment contract at the initiative of the employee or the employer shall be carried out on the grounds and in the manner established by this Code, taking into account the features specified in this chapter.

Termination of the employment contract at the initiative of the employer for reasons not provided for by this Code shall be carried out with justification (indication of the reasons for such termination) and with the provision of compensatory payment to the employee in the amount and in the order determined by the employment contract, but not less than:

1) half of the minimum wage - if the sum of the employee's periods of work with this employer is no more than 30 days;

2) minimum wage - if the sum of the employee's work periods with this employer is more than 30 days;

3) three minimum wages - if the sum of the employee's periods of employment with this employer is more than one year;

4) five minimum wages - if the sum of the employee's periods of work with this employer is more than two years.

For the purposes of this article, the amount of the minimum wage established by law on the day of termination of the employment contract shall be applied.

The employment contract is terminated at the initiative of the employer by signing an additional agreement on termination of the employment contract or unilaterally by sending to the employee in the manner specified by the employment contract or by registered mail with a description of the attachment of the official notice of termination of the employment contract.

In the case of sending a notice of termination of the employment contract to the employee by postal means, the employment contract is considered terminated from the next working day after the date of delivery to the employee of the employer's official notice of termination of the employment contract or seven calendar days from the date of receipt of the employer's mail at the post office at the employee's address .

In the conditions of the simplified regime, the provisions of Article 43 of this Code do not apply, except in cases of dismissal of employees of enterprises, institutions or organizations elected to trade union bodies.

The employee and the employer, upon their agreement, may define in the employment contract other grounds for termination or termination of the employment contract, in addition to those established by this Code.

{The Code was supplemented by Chapter III-B in accordance with Law No. 2434-IX dated 07/19/2022 - regarding the effect of changes, see point 1 of section II}

Chapter IV
WORKING HOURS

Article 50. Norm of duration of working hours

The normal duration of working hours of employees cannot exceed 40 hours per week.

When concluding a collective agreement, enterprises and organizations may establish a lower norm of the duration of working hours than is provided for in the first part of this article.

{Article 50 as amended by Laws No. 871-12 dated 03.20.91 , No. 3610-12 dated 11.17.93 }

Article 51. Reduced duration of working hours

The reduced duration of working hours is established:

1) for employees aged 16 to 18 - 36 hours per week, for persons aged 15 to 16 (students aged 14 to 15 who work during the holidays) - 24 hours per week.

The duration of working hours of students who work during the academic year in their free time from studying cannot exceed half of the maximum duration of working hours provided for in the first paragraph of this clause for persons of the appropriate age;

2) for employees employed in jobs with harmful working conditions - no more than 36 hours per week.

The list of industries, workshops, professions and positions with harmful working conditions, work in which gives the right to reduced working hours, is approved in accordance with the procedure established by legislation.

In addition, the legislation establishes reduced working hours for certain categories of employees (teachers, doctors, and others).

Reduced working hours can be set at the expense of the own funds of enterprises, institutions, organizations for employees who have children under the age of fourteen or a child with a disability, as well as for single mothers and parents who raise a child without a father (mother), including in case of a long stay of the mother in a hospital.

{Article 51 as amended in accordance with Laws No. 871-12 dated 20.03.91 , No. 3610-12 dated 17.11.93 , No. 263/95-VR dated 05.07.95 , No. 1401-IX dated 15.04.2021 }

Article 52. Five-day and six-day working week and duration of daily work

A five-day working week with two days off is established for employees. In the case of a five-day work week, the duration of daily work (shifts) is determined by the rules of the internal work schedule or shift schedules, which are approved by the employer in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization with observance of the established duration of the work week (Article 50 and 51).

At those enterprises, institutions, and organizations where the introduction of a five-day work week is impractical due to the nature of production and working conditions, a six-day work week with one day off is established. With a six-day working week, the duration of daily work cannot exceed 7 hours at a weekly rate of 40 hours, 6 hours at a weekly rate of 36 hours, and 4 hours at a weekly rate of 24 hours.

A five-day or six-day working week is established by the employer together with the elected body of the primary trade union organization (trade union representative) taking into account the specifics of the work, the opinion of the labor team and in agreement with the local council.

{Article 52 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 5938-11 dated 05.27.88 ; By laws No. 871-12 dated 03.20.91 , No. 3610-12 dated 11.17.93 , No. 1096-IV dated 07.10.2003 , No. 5462-VI dated 10.16.2012 }

Article 53. Duration of work on the eve of holidays, non-working days and weekends

{During the period of martial law, the provisions of Article 53 in accordance with Law No. 2136-IX of March 15, 2022 , as amended by Law No. 2352-IX of July 1, 2022, do not apply }

On the eve of holidays and non-working days (Article 73), the working hours of employees, except for the employees specified in Article 51 of this Code, are reduced by one hour for both a five-day and a six-day working week.

On the eve of weekends, the duration of work in a six-day working week cannot exceed 5 hours.

{Article 53 as amended by Laws No. 871-12 dated 03.20.91 , No. 3610-12 dated 11.17.93 }

Article 54. Duration of work at night

When working at night, the set duration of work (shifts) is reduced by one hour. This rule does not apply to employees for whom a reduction in working hours is already provided (paragraph 2 of part one and part three of Article 51).

{During the period of martial law, the norms of the first part of Article 54 do not apply in accordance with Law No. 2136-IX dated 03.15.2022 }

The duration of night work is equal to day work in those cases where it is necessary due to production conditions, in particular in continuous production, as well as in shift work with a six-day work week with one day off.

{During the period of martial law, the norms of the second part of Article 54 do not apply in accordance with Law No. 2136-IX dated 03.15.2022 }

The time from 10 o'clock in the evening to 6 o'clock in the morning is considered night time.

{Article 54 as amended by Law No. 871-12 dated 03/20/91 }

Article 55. Prohibition of work at night

It is prohibited to engage in work at night:

1) pregnant women and women with children under the age of three (Article 176);

2) persons under eighteen years of age (Article 192);

3) other categories of employees provided for by law.

Women's work at night is not allowed, except for the cases provided for in Article 175 of this Code. The work of persons with disabilities at night is allowed only with their consent and on the condition that it does not contradict medical recommendations (Article 172).

{Article 55 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By Law No. 871-12 dated 03.20.91 }

Article 56. Part-time working hours

According to the agreement between the employee and the employer, a part-time working day or a part-time working week can be established both at the time of employment and subsequently. At the request of a pregnant woman, a woman who has a child under the age of fourteen or a child with a disability, including one under her care, or is caring for a sick family member in accordance with a medical opinion, the employer is obliged to set her part-time or part-time week.

Payment of labor in these cases is carried out proportionally to the time worked or depending on the output.

Part-time work does not entail any restrictions on the scope of labor rights of employees.

{Article 56 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By Law No. 871-12 dated 03.20.91 }

Article 57. Beginning and end of work

The start and end time of daily work (shifts) is provided by the rules of the internal work schedule and shift schedules in accordance with the legislation.

Article 58. Shift work

In the case of shift work, employees rotate in shifts evenly in the order established by the rules of the internal work schedule.

The transition from one shift to another, as a rule, should occur every working week during the hours specified in the shift schedules.

{Article 58 as amended by Law No. 871-12 dated 03/20/91 }

Article 59. Breaks between shifts

The duration of the work break between shifts must be at least twice the duration of the work time in the previous shift (including the lunch break).

Assigning an employee to work for two consecutive shifts is prohibited.

Article 60. Flexible mode of working hours

By written agreement between the employee and the employer, regardless of the form of ownership, or by the body authorized by him, a flexible working time regime may be established for the employee, which provides for self-regulation by the employee of the time of start, end of work and duration of working time during the working day, for a specified period or indefinitely, when accepting to work or later.

During the threat of the spread of an epidemic, pandemic and/or in the event of a threat of armed aggression, an emergency situation of man-made, natural or other nature, a flexible working time regime may be established by order (order) of the employer. The employee gets acquainted with such an order (order) within two days from the day of its adoption, but before the introduction of flexible working hours. In this case, the provisions of the third part of Article 32 of this Code do not apply.

A flexible working time regime is a form of labor organization, according to which it is allowed to establish a different work regime than that defined by the rules of the internal labor schedule, provided that the established daily, weekly or other set for a certain accounting period (week, month, quarter, year, etc.) is observed. , working time norms.

Flexible working hours include:

1) a fixed time during which the employee must be present at the workplace and perform his official duties. At the same time, the division of the working day into parts may be envisaged;

2) variable time, during which the employee at his own discretion determines the periods of work within the established norm of the duration of working hours;

3) break time for rest and food.

Flexible working hours, as a rule, are not used in continuously operating enterprises, in institutions, organizations, in multi-shift organization of work, as well as in other cases determined by the specifics of the activity, when the performance of duties by the employee requires his presence in clearly defined by the rules of internal labor working hours or when such a regime is incompatible with the requirements for safe working conditions.

In case of production and technical necessity and/or for the performance of urgent or unforeseen tasks, the employer may temporarily (for a period of up to one month during the calendar year) apply to employees who have established a flexible working time regime, the general work regime at the enterprise, institution, or organization. In this case, the provisions of the third part of Article 32 of this Code do not apply.

If an employee is sent on a business trip, the work regime established at the enterprise (institution, organization) to which he is posted applies to him.

Flexible working hours can be set:

1) at the request of the employee with the time limits of the work schedule acceptable to him without complying with the requirements for notifying the employee no later than two months in advance about the change in the work regime;

2) by the employer - in the case of production necessity, with mandatory notification of the employee no later than two months in advance about the change of work regime.

The employer is obliged to familiarize the employees with the conditions and specifics of the flexible working time regime at least two months before the introduction of such regime, to ensure the accounting of the time worked and effective control over the most complete and rational use of working time by the employee.

The employer, based on the structure of working time and the established accounting period of its duration for each individual employee, coordinates the working time of an employee for whom a flexible working time regime is established with the working regime of other employees by regulating fixed, variable time and break time for rest and meals .

The introduction of a flexible working time regime does not entail changes in rationing, wages and does not affect the scope of the labor rights of employees.

In case of violation of the established flexible working hours regime, in addition to the application of appropriate disciplinary sanctions, the employee may be transferred to a general working regime without complying with the requirement to notify the employee no later than two months in advance of a change in essential working conditions.

The requirement for the employer to notify the employee of a change in the work regime, established by this article, does not apply to the cases provided for in the second part of this article.

{Article 60 as amended by Laws No. 540-IX dated March 30, 2020 , No. 1213-IX dated February 4, 2021 }

Article 60[1] . Homework

Home work is a form of work organization in which the work is performed by the employee at his place of residence or in other premises determined by him, characterized by the presence of a fixed area, technical means (main production and non-production assets, tools, devices, inventory) or their combination, necessary for the production of products, provision of services, performance of works or functions provided for by the founding documents, but outside the employer's production or work premises.

The standard form of an employment contract on home work is approved by the central executive body, which ensures the formation of state policy in the field of labor relations.

In case of introduction of home work, the employee's workplace is fixed and cannot be changed at the initiative of the employee without agreement with the employer in the manner determined by the employment contract on home work. The employer's decision to refuse to give consent to a change of workplace at the initiative of the employee must be justified.

If the employee is unable to perform work at a fixed workplace for reasons beyond his control, the employee has the right to change the workplace, provided that he notifies the employer at least three working days before such a change in the manner determined by the employment contract on home work. In this case, the provisions of the third part of this article do not apply.

When performing work under an employment contract on home work, employees are subject to the general operating regime of the enterprise, institution, or organization, unless otherwise stipulated by the employment contract. At the same time, the duration of working hours cannot exceed the norms

provided for in Articles 50 and 51 of this Code.

The performance of homework does not entail changes in rationing, wages and does not affect the scope of labor rights of employees.

Provision of means of production, materials and tools necessary for the employee to perform homework is the responsibility of the employer, unless otherwise stipulated by the employment contract. The employee, in the case of using his tools, has the right to compensation in accordance with the provisions of Article 125 of this Code.

During the threat of the spread of an epidemic, a pandemic, the need for self-isolation of the employee in cases established by law, and/or in the event of a threat of armed aggression, an emergency situation of man-made, natural or other nature, home work may be introduced by order (order) of the employer without necessarily concluding an employment contract. home work contract in written form. The employee gets acquainted with such an order (order) within two days from the day of its acceptance, but before the introduction of homework. In this case, the provisions of the third part of Article 32 of this Code do not apply.

The employer independently decides how to assign the work to the employee and monitor its performance, and ensures reliable accounting of the work performed.

Homework can be introduced exclusively for persons who have practical skills to perform certain jobs or can be trained in such skills.

Pregnant women, employees who have a child under the age of three or take care of a child according to a medical opinion until the child reaches the age of six, employees who have two or more children under the age of 15 or a child with a disability, parents of a person with a disability since childhood subgroups of A I group, as well as persons who have taken care of a child or a person with a disability since childhood of subgroup A I group, may work under the conditions of home work, if it is possible, taking into account the work performed, and the employer has the appropriate resources and means for this .

{The Code was supplemented by Article 60[1] in accordance with Law No. 1213-IX dated February 4, 2021 }

Article . Remote work

Remote work is a form of work organization in which work is performed by an employee outside the workplace or the employer's territory, in any place of the employee's choice and using information and communication technologies.

The standard form of the labor contract on remote work is approved by the central executive body, which ensures the formation of state policy in the field of labor relations.

The conclusion of an employment contract on remote work in the presence of dangerous and harmful production (technological) factors is prohibited.

In the case of remote work, the employee independently determines the workplace and is responsible for ensuring safe and harmless working conditions there.

When working remotely, the employee allocates working time at his own discretion, the rules of internal labor regulations do not apply to him, unless otherwise determined by the employment contract. At the same time, the total duration of working hours cannot exceed the norms provided for by Articles 50 and 51 of this Code.

By agreement between the employee and the employer, the performance of remote work can be combined with the performance of work by the employee at the workplace in the premises or on the territory of the employer. Features of the combination of remote work with work at the workplace in the premises or on the employer's territory are established by the labor contract on remote work.

The procedure and terms of providing employees who perform work remotely with the equipment, software and technical means, information protection means and other means necessary for them to perform their duties, the procedure and terms of submission of reports by such employees on the work performed, the amount, order and terms of payment compensation to employees for the use of equipment owned by them or rented by them, software and technical means, means of protecting information and other means, the procedure for reimbursement of other expenses related to the performance of remote work shall be determined by the employment contract on remote work.

In the absence of a provision in the employment contract on providing employees with equipment, software and technical means, information protection means and other means necessary for them to perform their duties, such provision rests with the employer, who organizes the installation and maintenance of the relevant means, as well as pays the costs , related to this.

An employee performing remote work is guaranteed a period of free time for rest (a period of disconnection), during which the employee can interrupt any information and telecommunication connection with the employer, and this is not considered a violation of the terms of the employment contract or labor discipline. The period of free time for rest (disconnection period) is defined in the labor contract on remote work.

An employee may demand from the employer a temporary transfer to remote work for a period of up to two months, if actions containing signs of discrimination have been committed against him at the workplace. At the same time, the employer can refuse the employee such a transfer if remote work is not possible due to the employee's job function, as well as if the employee has not provided facts that confirm that discrimination, sexual harassment or other forms of violence have taken place.

During the threat of the spread of an epidemic, a pandemic, the need for self-isolation of an employee in cases established by law, and/or in the event of a threat of armed aggression, an emergency situation of a man-made, natural or other nature, remote work may be introduced by order (order) of the employer without necessarily concluding an employment contract contract on remote work in written form. The employee gets acquainted with such an order (order) within two days from the day of its acceptance, but before the introduction of remote work. In this case, the provisions of the third part of Article 32 of this Code do not apply.

Pregnant women, employees who have a child under the age of three or take care of a child according to a medical opinion until the child reaches the age of six, employees who have two or more children under the age of 15 or a child with a disability, parents of a person with a disability since childhood subgroups of A I group, as well as persons who have taken care of a child or a person with a disability since childhood of subgroup A I group, may work remotely, if it is possible, taking into account the work performed, and the employer has the appropriate resources and means for this .

{The Code was supplemented by Article 60[2] in accordance with Law No. 1213-IX dated February 4, 2021 }

Article 61. Summary accounting of working hours

In continuously operating enterprises, in institutions, organizations, as well as in separate productions, workshops, districts, branches and in some types of work, where the daily or weekly duration of working hours established for this category of employees cannot be observed due to the conditions of production (work), it is allowed, upon agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization, to introduce the summary accounting of working hours, so that the duration of working hours during the accounting period does not exceed the normal number of working hours (Articles 50 and 51).

{Article 61 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Laws No. 871-12 dated 20.03.91 , No. 1096-IV dated 10.07.2003 }

Article 62. Restrictions on overtime work

{Article 62 was suspended on the basis of the Resolution of the Verkhovna Rada of the Ukrainian SSR dated July 4, 1991 (VVR 1991, No. 36, Art. 474) for the period of implementation of the Program of Emergency Measures to Stabilize the Economy of Ukraine and Get It Out of the Crisis (1991 - the first half of 1993) year}

Overtime is generally not allowed. Overtime is considered work beyond the established duration of the working day (Articles 52 , 53 and 61).

The employer may apply overtime work only in exceptional cases determined by the legislation and in part three of this article.

The employer may apply overtime only in the following exceptional cases:

1) when carrying out works necessary for the defense of the country, as well as averting natural disasters, industrial accidents and immediate elimination of their consequences;

2) when carrying out publicly necessary works on water supply, gas supply, heating, lighting, sewerage, transport, communication - to eliminate accidental or unexpected circumstances that disrupt their proper functioning;

3) if it is necessary to finish the started work, which due to unforeseen circumstances or an accidental delay due to the technical conditions of production could not be finished during normal working hours, if its termination may lead to damage or destruction of property, as well as in case of the need for urgent repair of machines, other equipment or equipment, if their malfunction causes a stoppage of work for a significant number of workers;

4) if it is necessary to carry out loading and unloading operations in order to prevent or eliminate the idleness of rolling stock or the accumulation of goods at the points of departure and destination;

5) to continue work in case of non-appearance of the substitute employee, when the work does not allow a break; in these cases, the employer is obliged to immediately take measures to replace the substitute with another employee.

Overtime work can be carried out only after informing the elected body of the primary trade union organization (trade union representative) of the enterprise (in case of creation of such an organization), institution, organization about their application, except for the cases specified in clauses 1 and 2 of part three of this article, when informing the elected body is allowed primary trade union organization (trade union representative) during the next working day.

{Article 62 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07/29/81 ; Laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 , No. 2215-IX dated 04.21.2022 , No. 2434-IX dated 07.19.2022 - regarding the effect of changes, see point 1 of section II}

Article 63. Prohibition of engaging in overtime work

It is forbidden to engage in overtime work (Article 62):

1) pregnant women and women with children under the age of three (Article 176);

2) persons under eighteen years of age (Article 192);

3) employees who study in secondary schools and vocational and technical schools without a break from production, on the days of classes (Article 220).

Legislation may also provide for other categories of employees that are prohibited from engaging in overtime work.

Women who have children between the ages of three and fourteen or a child with a disability may engage in overtime work only with their consent (Article 177).

Involvement of persons with disabilities in overtime work is possible only with their consent and on the condition that it does not contradict medical recommendations (Article 172).

{Article 63 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By Law No. 871-12 dated 20.33.91 }

Article 64. Necessity of obtaining the permission of the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization for overtime work

Overtime work can be carried out only with the permission of the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization.

{Article 64 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 1096-IV of July 10, 2003 }

Article 65. Limiting norms for the application of overtime work

{Article 65 was suspended by the Resolution of the Verkhovna Rada of the Ukrainian SSR dated July 4, 1991 (Government of the Ukrainian SSR 1991, No. 36, Art. 474) for the period of implementation of the Program of Emergency Measures to Stabilize the Economy of Ukraine and Get It Out of the Crisis (1991 - the first half of 1993)}

Overtime must not exceed four hours for each employee on two consecutive days and 120 hours per year.

{During the period of martial law, the norms of the first part of Article 65 do not apply in accordance with Law No. 2136-IX dated 03.15.2022 }

The employer must keep records of overtime work of each employee.

Chapter V
REST TIME

Article 66. Break for rest and food

Employees are given a break for rest and food lasting no more than two hours. The break is not included in the working time. A break for rest and food should be provided, as a rule, four hours after the start of work.

The start and end time of the break is established by the internal labor regulations.

Employees use break time at their discretion. During this time, they can be absent from the workplace.

In those works where, due to production conditions, it is not possible to establish a break, the employee must be given the opportunity to eat during working hours. The list of such jobs, the order and place of eating are established by the employer in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization.

{Article 66 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Laws No. 871-12 dated 20.03.91 , No. 1096-IV dated 10.07.2003 }

Article 67. Days off

With a five-day working week, employees are given two days off per week, and with a six-day working week - one day off.

The general day off is Sunday. The second day off in a five-day working week, if it is not defined by legislation, is determined by the work schedule of the enterprise, institution, organization, agreed with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization, and, as a rule, must be provided by contract with a public holiday.

In the event that a holiday or non-working day (Article 73) coincides with a day off, the day off is transferred to the day following the holiday or non-working day.

{During the period of martial law, the provisions of the third part of Article 67 in accordance with Law No. 2136-IX dated 03.15.2022 do not apply }

Postponement of weekends and working days, except for the cases established by this Code, is determined by the labor and/or collective agreement. In the absence of a corresponding provision in the labor and/or collective agreement, the transfer of weekends and working days is carried out by order (order) of the employer, agreed with the elected body of the primary trade union organization (trade union representative), and in the absence of a primary trade union organization - with freely elected and authorized representatives (representative) of employees.

{Part five of Article 67 is excluded on the basis of Law No. 3494-IX dated November 22, 2023 }

{Part six of Article 67 is excluded on the basis of Law No. 3494-IX dated November 22, 2023 }

{Article 67 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; Laws No. 35/95-VR dated 01.27.95 , No. 785/97-VR dated 26.12.97 , No. 576-XIV dated 08.04.99 , No. 1096-IV dated 10.07.2003 , No. 2914-VI dated 11.01.2011 , No. 3494-IX dated November 22, 2023 }

Article 68. Days off at enterprises, institutions, and organizations related to public service

At enterprises, institutions, organizations where work cannot be interrupted on a general day off due to the need to serve the population (shops, household service enterprises, theaters, museums, etc.), days off are set by local councils.

{Article 68 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 29.07.81 , Law No. 5462-VI dated 16.10.2012 }

Article 69. Days off at continuously operating enterprises, institutions, and organizations

At enterprises, institutions, organizations, the work of which is impossible to stop due to production and technical conditions or due to the need for continuous service to the population, as well as for loading and unloading work related to the operation of transport, days off are given on different days of the week to each group of employees in turn according to the shift schedule approved by the employer in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization.

{Article 69 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 1096-IV of July 10, 2003 }

Article 70. Duration of weekly uninterrupted rest

The duration of weekly uninterrupted rest should be at least forty-two hours.

Article 71. Prohibition of work on weekends. An exceptional procedure for applying such work

{During the period of martial law, the provisions of Article 71 in accordance with Law No. 2136-IX of March 15, 2022 , as amended by Law No. 2352-IX of July 1, 2022, shall not apply }

Working on weekends is prohibited. Engagement of individual employees to work on these days is allowed only with the permission of the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization and only in exceptional cases, which are determined by legislation and in part two of this article.

Engagement of individual employees to work on weekends is allowed in the following exceptional cases:

1) to avert or eliminate the consequences of natural disasters, epidemics, epizootics, industrial accidents and immediate elimination of their consequences;

2) to prevent accidents that endanger or may endanger life or normal living conditions of people, death or damage to property;

3) for the performance of urgent, not foreseen works, the immediate performance of which depends on the further normal operation of the enterprise, institution, organization as a whole or their individual divisions;

4) to carry out urgent loading and unloading operations in order to prevent or eliminate the idleness of rolling stock or the accumulation of goods at the points of departure and destination.

Involving employees to work on weekends is carried out by written order (order) of the employer.

{Article 71 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 4617-10 dated 01.24.83 ; By Laws No. 263/95-VR dated 07.05.95 , No. 639-IV dated 03.20.2003 , No. 1096-IV dated 07.10.2003 }

Article 72. Compensation for work on a day off

Work on a day off can be compensated, upon agreement of the parties, by providing another day of rest or in cash in a double amount.

Payment for work on a day off is calculated according to the rules of Article 107 of this Code.

{Article 72 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 5938-11 dated 05.27.88 }

Article 73. Holidays and non-working days

{During the period of martial law, the provisions of Article 73 in accordance with Law No. 2136-IX of March 15, 2022 , as amended by Law No. 2352-IX of July 1, 2022, do not apply }

Set the following holidays:

January 1 - New Year

{The third paragraph of the first part of Article 73 is excluded on the basis of Law No. 3258-IX dated July 14, 2023 }

March 8 - International Women's Day

May 1 - Labor Day

May 8 - Day of Remembrance and Victory over Nazism in the Second World War of 1939-1945

June 28 - Constitution Day of Ukraine

July 15 - Ukrainian Statehood Day

August 24 - Independence Day of Ukraine

October 1 - Day of Defenders of Ukraine

December 25 - Christmas.

Work is also not carried out on religious holidays:

{The second paragraph of the second part of Article 73 is excluded on the basis of Law No. 3258-IX dated July 14, 2023 }

one day (Sunday) - Pascha (Easter)

one day (Sunday) - Trinity

December 25 - Christmas.

At the request of religious communities of other (non-Orthodox) denominations registered in Ukraine, the management of enterprises, institutions, and organizations provides up to three days of rest during the year to persons who practice the respective religions to celebrate their major holidays with working for these days.

On the days indicated in the first and second parts of this article, work is allowed, the termination of which is impossible due to production and technical conditions (continuously operating enterprises, institutions, organizations), work caused by the need to serve the public. On these days, work with the involvement of employees is allowed in the cases and in the order provided by Article 71 of this Code.

Work on the specified days is compensated in accordance with Article 107 of this Code.

{Article 73 as amended in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; By laws No. 871-12 dated 03.20.91 , No. 1205-12 dated 06.18.91 , No. 2417-12 dated 06.05.92 , No. 256/96-VR dated 06.28.96 , No. 1421-XIV dated 02.01.2000 , No. 639 -IV from 03.20.2003 , No. 238-

VIII from 03.05.2015 , No. 315-VIII from 04.09.2015 , No. 2211-VIII from 11.16.2017 , No. 1643-IX from 07.14.2021 , No. 2295-IX from 05.31. 2022 , No. 3107-IX dated 05/29/2023 , No. 3258-IX dated 07/14/2023 }

Article 74. Annual vacations

Citizens who are in labor relations with enterprises, institutions, organizations, regardless of the forms of ownership, type of activity and industry affiliation, as well as working under an employment contract with a natural person, are granted annual (main and additional) vacations with retention of their place of work for the period (positions) and wages.

{Article 74 as amended by Law No. 117-XIV dated 18.09.98 }

Article 75. Duration of annual basic leave

Annual basic leave is granted to employees with a duration of at least 24 calendar days for the completed working year, which is counted from the date of conclusion of the employment contract.

Persons under the age of eighteen are granted annual basic leave of 31 calendar days.

For some categories of employees, the legislation of Ukraine may provide for a different duration of annual basic leave. At the same time, the duration of their vacation cannot be less than that provided for in the first part of this article.

{Article 75 as amended by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 }

Article 76. Annual additional vacations and their duration

Annual additional vacations are granted to employees:

1) for work with harmful and difficult working conditions;

2) for the special nature of work;

3) in other cases provided by law.

The duration of annual additional vacations, the conditions and procedure for their provision are established by the regulatory and legal acts of Ukraine, as well as by the labor and/or collective agreement.

{Article 76 as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 3494-IX dated November 22, 2023 }

Article 77. Creative leave

Creative leave is granted to employees to finish dissertations, write textbooks and in other cases provided for by law.

The duration, order, conditions of granting and payment of creative leave are established by the Cabinet of Ministers of Ukraine.

{Article 77 as amended in accordance with Decree of the PVR No. 4534-11 of 09.03.87 ; Law No. 263/95-VR dated 07.05.95 ; as amended by Law No. 117-XIV dated 18.09.98 }

Article 77[1]. Leave for preparation and participation in competitions

Leave for preparation and participation in competitions is granted to employees participating in all-Ukrainian and international sports competitions.

The duration, order, conditions of granting and payment of leave for preparation and participation in sports competitions are determined by the labor and/or collective agreement.

{The Code was supplemented by Article 77-1[in] with Law No. 1724-VI dated 11/17/2009 ; as amended by Law No. 3494-IX dated November 22, 2023 }

Article . Additional leave for certain categories of citizens and injured participants of the Revolution of Dignity

To combatants, injured participants of the Revolution of Dignity, persons with disabilities as a result of the war, whose status is determined by the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection", to persons rehabilitated in accordance with the Law of Ukraine "On the Rehabilitation of Victims of Repressions of the Communist Totalitarian Regime 1917-1991 years", from among those who were subjected to repression in the form (forms) of deprivation of liberty (imprisonment) or restriction of freedom or forced unjustified placement of a healthy person in a psychiatric institution by the decision of an extrajudicial or other repressive body, additional leave with retention of salary is granted lasting 14 calendar days per year.

{The Code was supplemented by Article 77[2] in accordance with Law No. 426-VIII dated 05/14/2015 ; with changes introduced in accordance with Laws No. 2249-VIII dated 19.12.2017 , No. 2443-VIII dated 22.05.2018 , No. 2542-VIII dated 18.09.2018 }

Article . Childbirth leave

One-time paid maternity leave of up to 14 calendar days (excluding holidays and non-working days) is granted no later than three months after the birth of the child to the following employees:

1) to a man whose wife gave birth to a child;

2) the child's father, who is not in a registered marriage with the child's mother, provided that they live together, are connected by common life, have mutual rights and obligations, which is confirmed by the statement of the child's mother and the child's birth certificate, in to which relevant information about the child's father is indicated;

3) to one of the following persons: a grandmother or grandfather, or another adult relative of the child who actually cares for the child whose mother (father) is a single mother (single father), based on the application of the child's single mother (single father).

Childbirth leave is granted only to one of the persons specified in the first part of this article.

Childbirth leave is granted in accordance with the procedure established by the Law of Ukraine "On Leave".

{The Code was supplemented by Article 77[3] in accordance with Law No. 1401-IX dated 04.15.2021 ; with changes introduced in accordance with Law No. 3494-IX dated November 22, 2023 }

Article 78. Non-inclusion of days of temporary incapacity for work in annual vacations

Days of temporary incapacity for work of the employee, certified in the prescribed manner, as well as leave due to pregnancy and childbirth are not included in the annual leave.

{Article 78 as amended by Law No. 117-XIV dated 18.09.98 }

Article 78[1]. Ignoring holidays and non-working days when determining the duration of annual vacations

{During the period of martial law, the provisions of Article 78[1] in accordance with Law No. 2136-IX of March 15, 2022 , as amended by Law No. 2352-IX of July 1, 2022, do not apply .

Holidays and non-working days (Article 73 of this Code) are not taken into account when determining the duration of annual vacations.

{The Code was supplemented by Article 78[1] in accordance with Law No. 490-IV dated February 6, 2003 }

Article 79. Procedure and conditions for granting annual leave. Withdrawal from leave

Annual basic and additional full-time vacations in the first year of work are granted to employees after six months of continuous work at this enterprise, institution, or organization.

In the case of granting the specified vacations before the end of the six-month period of continuous work, their duration is determined in proportion to the time worked, except for the cases specified by law, when these vacations are granted for the full duration at the request of the employee.

Annual leave for the second and subsequent years of work may be granted to an employee at any time of the relevant work year.

The sequence of vacations is determined by schedules, which are approved by the employer in agreement with the elected body of the primary trade union organization (trade union representative), and is brought to the attention of all employees. When drawing up schedules, the interests of production, personal interests of employees and opportunities for their rest are taken into account.

The specific period of granting annual vacations within the limits established by the schedule is agreed between the employee and the employer, who is obliged to notify the employee in writing about the date of the start of the vacation no later than two weeks before the period established by the schedule.

Dividing the annual leave into parts of any duration is allowed at the employee's request, provided that the main continuous part of it will be at least 14 calendar days.

{During the period of martial law, the norms of part seven of Article 79 do not apply in accordance with Law No. 2136-IX dated 15.03.2022, taking into account the changes introduced by Law No. 2352-IX dated 01.07.2022 } The unused part of the annual leave must be granted to the employee, as a rule , until the end of the working year, but no later than 12 months after the end of the working year for which the leave is granted.

Withdrawal from annual leave is allowed with the consent of the employee only to avert a natural disaster, industrial accident or immediate elimination of their consequences, to avert accidents, downtime, death or damage to the property of the enterprise, institution, organization in compliance with the requirements of part six of this article and in other cases, provided by law. In the case of recalling an employee from vacation, his work is paid taking into account the amount that was accrued for the payment of the unused part of the vacation.

{Article 79 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 , as amended by Laws No. 490-IV dated 06.02.2003 , No. 1096-IV dated 10.07.2003 }

Article 80. Postponement of annual leave

Annual leave at the employee's request must be transferred to another period in the event of:

1) violation by the employer of the deadline for written notification of the employee about the time of granting leave (part five of Article 79 of this Code);

2) late payment of wages by the employer to the employee during annual leave (part three of Article 115 of this Code).

Annual leave must be transferred to another period or extended in case of:

1) temporary incapacity of the employee, certified in accordance with the established procedure;

2) performance by the employee of state or public duties, if according to the law he is subject to being exempted from the main job for the time being with retention of salary;

3) the arrival of leave due to pregnancy and childbirth;

4) coincidence of annual leave with leave in connection with studies;

5) establishing, in accordance with the Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Freedom as a Result of Armed Aggression Against Ukraine, and Members of Their Families," the fact of deprivation of personal freedom of an employee as a result of armed aggression against Ukraine.

Annual leave at the initiative of the employer, as an exception, can be transferred to another period only with the written consent of the employee and with the agreement of the elected body of the primary trade union organization (trade union representative) in the event that the granting of annual leave in the previously stipulated period may adversely affect the normal course work of the enterprise, institution, organization, and on the condition that part of the vacation lasting at least 24 calendar days will be used in the current working year.

In case of postponement of annual leave, the new term of its provision is established by agreement between the employee and the employer. If the reasons that caused the vacation to be transferred to another period occurred during its use, then the unused part of the annual leave is granted after the expiration of the reasons that interrupted it, or by agreement of the parties, it is transferred to another period in compliance with the requirements of Article 12 of the Law of Ukraine "On Vacations " .

{During the period of martial law, the provisions of the fifth part of Article 80 do not apply in accordance with Law No. 2136-IX dated 15.03.2022 , taking into account the changes made by Law No. 2352-IX dated 01.07.2022 } It is prohibited not to grant annual vacations of full duration for two years contract, as well as failure to provide them during the working year to persons under the age of eighteen and employees who have the right to annual additional vacations for work with harmful and difficult conditions or with a special nature of work.

{Article 80 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 7543-11 dated 05.19.89 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 490-IV dated 06.02.2003 , No. 1096-IV dated 10.07.2003 , No. 2010-IX dated 26.01.2022 }

Article 81. *{Article 81 is excluded on the basis of Law No. 2352-IX dated July 1, 2022 }*

Article 82. Calculation of length of service entitling to annual leave

The length of service entitling to annual basic leave (Article 75 of this Code) includes:

1) time of actual work (including part-time work) during the working year for which leave is granted;

2) the time when the employee actually did not work, but in accordance with the law, the place of work (position) and salary were kept for him in full or in part (including the time of paid forced absenteeism caused by illegal dismissal or transfer to another job), except in cases, when for employees called up for fixed-term military service, military service by conscription of officers, military service by conscription during mobilization, for a special period, military service by conscription of reservists in a special period or accepted for military service under a contract, in including by concluding a new contract for military service, during the validity of the special period for the period before its end or until the day of actual release, the place of work and position at the enterprise were kept for the time of conscription;

3) the time when the employee actually did not work, but he kept his place of work (position) and was provided with material support under the mandatory state social insurance, with the exception of leave to care for a child until the child reaches the age of three;

4) the time when the employee actually did not work, but the place of work (position) was kept for him and he was not paid a salary in accordance with the procedure specified in Articles 25 and 26 of the Law of Ukraine "On Vacations", with the exception of unpaid leave to care for a child before reaching the age of six;

5) study time with a separation from production lasting less than 10 months in the full-time form of study in professional (vocational and technical) education institutions;

6) the time of training in new professions (specialties) of persons dismissed in connection with changes in the organization of production and work, including liquidation, reorganization or repurposing of an enterprise, institution, organization, reduction in the number or staff of employees;

6[1]) the time when the employee, in accordance with the Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Freedom as a Result of Armed Aggression Against Ukraine, and Members of Their Families" has been deprived of personal freedom as a result of armed aggression against of Ukraine, actually did not work in connection with the deprivation of personal freedom as a result of armed aggression against Ukraine, but his place of work (position) was kept and he was not paid a salary;

7) other periods of work provided for by law.

The length of service entitling to annual additional vacations (Article 76 of this Code) includes:

1) time of actual work with harmful, difficult conditions or with a special nature of work, if the employee is engaged in these conditions for at least half of the working day, established for employees of a given industry, workshop, profession or position;

2) the time of annual basic and additional vacations for work with harmful, difficult conditions and for the special nature of work;

3) the working time of pregnant women transferred on the basis of a medical opinion to a lighter job, where they are not affected by adverse production factors.

{Article 82 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; as amended in accordance with Laws No. 429-IV dated 16.01.2003 , No. 490-IV dated 06.02.2003 , No. 2215-IX dated 21.04.2022 , No. 2010-IX dated 26.01.2022 , No. 2352-IX dated 01.07. 2022 }

Article 83. Monetary compensation for unused annual leave

In case of dismissal of an employee, he is paid monetary compensation for all unused days of annual leave, as well as additional leave for employees who have children or an adult child with disabilities since childhood of subgroup A of group I.

Employees conscripted for fixed-term military service, military service upon conscription of officers, military service upon conscription during mobilization, for a special period, military service upon conscription of reservists during a special period, or accepted for military service under a contract, at their request and on the basis of the application, monetary compensation is paid for all unused days of annual leave, as well as additional leave to employees who have children or an adult child with a disability since childhood of subgroup A of group I. The relevant application is submitted no later than the last day of the month in which the employee was released from work in connection with military service.

In the case of dismissal of managerial, pedagogical, scientific, scientific-pedagogical employees, specialists of educational institutions who have worked for at least 10 months before dismissal, monetary compensation is paid for unused annual vacation days based on the calculation of their full duration.

{Part of Article 83 is excluded on the basis of Law No. 2352-IX dated July 1, 2022 }

At the request of the employee, part of the annual leave is replaced by monetary compensation. At the same time, the duration of the annual and additional vacations granted to the employee should not be less than 24 calendar days.

Persons under the age of eighteen are not allowed to replace all types of vacations with monetary compensation.

In the event of the death of an employee, monetary compensation for unused annual leave days, as well as additional leave for employees who have children or an adult child - a person with a disability from childhood of the A subgroup of the I group, which was not received during his lifetime, is paid to the family members of such employee, and in their absence - it is part of the inheritance.

{Article 83 as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 120-VIII dated 15.01.2015 - the change enters into force from 01.01.2015 , No. 2249-VIII from 19.12.2017 , No. 2215-IX from 21.04.2022 , No. 2352-IX from 01.07.2022 , No. 3494-IX dated November 22, 2023 }

Article 84. Vacations without salary

In the cases provided for by Article 25 of the Law of Ukraine "On Vacations" , an employee is granted mandatory vacation without salary at his request.

Due to family circumstances and other reasons, an employee may be granted leave without pay for a period stipulated by the agreement between the employee and the employer, but not more than 30 calendar days per year.

{The third part of Article 84 is excluded on the basis of Law No. 490-IV dated February 6, 2003 }

During the threat of the spread of an epidemic, a pandemic, the need for self-isolation of the employee in cases established by legislation, and/or in the event of a threat of armed aggression against Ukraine, an emergency situation of a man-made, natural or other nature, the employee may be granted leave without salary retention without limitation of the term specified the second part of this article. The duration of such leave is determined by the agreement of the parties.

The time spent on vacations, specified in the second and fourth parts of this article, is not included in the length of service, which gives the right to annual basic vacation, provided for in clause 4 of the first part of article 9 of the Law of Ukraine "On Vacations".

{Article 84 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 530-IX dated 17.03.2020 , No. 3494-IX dated 22.11.2023 }

Chapter VI
REGULATION OF WORK

Article 85. Labor standards

Labor standards - standards of production, time, service, number - are established for employees in accordance with the achieved level of equipment, technology, organization of production and labor.

In the conditions of collective forms of organization and payment of labor, consolidated and complex norms may also be applied.

Labor standards must be replaced by new ones in the course of certification and rationalization of workplaces, introduction of new equipment, technology and organizational and technical measures that ensure the growth of labor productivity.

Achieving a high level of production by an individual employee, a team due to the application of new work methods and better experience on their own initiative, improvement of workplaces by their own efforts is not a reason for revising the norms.

{Article 85 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 , Law No. 2215-IX dated 04.21.2022 }

Article 86. Introduction, replacement and revision of labor standards

The introduction, replacement and revision of labor standards is carried out by the employer in agreement with the elected body of the primary trade union organization (trade union representative).

The employer must explain to the employees the reasons for revising the labor standards, as well as the conditions under which the new standards should be applied.

The employer notifies the employees about the introduction of new and changes to the current labor standards no later than one month before the introduction.

{Article 86 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 4617-10 dated 01.24.83 ; by Law No. 1096-IV of July 10, 2003 }

Article 87. Term of validity of labor standards

Labor standards are established for an indefinite period and are valid until they are revised in connection with a change in the conditions for which they were calculated (Article 85).

Along with the norms established for stable under organizational and technical conditions of work, temporary and one-time norms are applied.

Temporary standards are established for the period of development of certain works in the absence of approved regulatory materials for labor standardization.

One-time norms are established for individual works of a single nature (unplanned, emergency).

{Article 87 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 7543-11 dated 05.19.89 }

Article 88. Working conditions that must be taken into account when developing production standards (time standards) and service standards

Production standards (time standards) and service standards are determined based on normal working conditions, which are considered to be:

1) the working condition of machines, machines and devices;

2) proper quality of materials and tools necessary for the performance of work and their timely submission;

3) timely supply of production with electricity, gas and other energy sources;

4) timely provision of technical documentation;

5) healthy and safe working conditions (observance of safety rules and regulations, necessary lighting, heating, ventilation, elimination of harmful effects of noise, radiation, vibration and other factors that negatively affect the health of employees, etc.).

{Article 88 as amended by Law No. 2215-IX dated 04/21/2022 }

Article 89. Replacement and revision of uniform and standard norms

The replacement and revision of uniform and standard (inter-branch, branch, departmental) norms is carried out by the bodies that approved them.

{Article 89 as amended in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

Article 90. The procedure for determining rates for piecework payment

In case of piecework payment, the rates are determined on the basis of the established categories of work, tariff rates (salaries) and production standards (time standards).

The piece rate is determined by dividing the hourly (daily) tariff rate, which corresponds to the type of work being performed, by the hourly (daily) production rate. Piece rates can also be determined by multiplying the hourly (daily) tariff rate, which corresponds to the type of work being performed, by the established rate of time in hours or days.

Article 91. Preservation of preliminary estimates during the implementation of an invention, utility model, industrial model or innovative proposal

For an employee who created an invention, a utility model, an industrial model or made an innovative proposal that led to a change in technical standards and rates, preliminary rates are kept for six months from the date of their implementation. The previous rates are preserved even in those cases when the author of the specified objects of intellectual property did not previously perform work, the norms and rates of which were changed in connection with their implementation, and was transferred to this work after their implementation.

For other employees who helped the author in the implementation of the invention, utility model, industrial model or innovative proposal, preliminary estimates are kept for three months.

{Article 91 as amended by Law No. 75/95-BP dated 28.02.95 }

Article 92. Establishment of standardized tasks for hourly wages

With hourly payment, standardized tasks are set for employees. For the performance of certain functions and volumes of work, service standards or staffing standards may be established.

{Article 92 as amended in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

{Article 93 is excluded on the basis of Law No. 263/95-VR dated 07.05.95 }

Chapter VII
PAYMENT OF LABOR

{The title of Chapter VII as amended by Law No. 357/96-VR dated 10.09.96 }

Article 94. Wages

Salary is a reward, calculated, as a rule, in monetary terms, which the employer pays to the employee for the work performed by him.

The size of the salary depends on the complexity and conditions of the work performed, the professional and business qualities of the employee, the results of his work and the economic activity of the enterprise, institution, organization and is not limited to a maximum amount.

The issue of state and contractual regulation of wages, workers' rights to wages and their protection is determined by this Code, the Law of Ukraine "On Labor Wages" and other normative legal acts.

{Article 94 as amended by Law No. 871-12 dated 03/20/91 ; as amended by Law No. 357/96-VR dated 10.09.96 }

Article 95. Minimum wage. Wage indexation

The minimum wage is the statutory minimum wage for the monthly (hourly) rate of work performed by an employee.

The minimum wage is set simultaneously in monthly and hourly amounts.

{The third part of Article 95 is excluded on the basis of Law No. 2190-IV dated November 18, 2004 }

The amount of the minimum wage is established and revised in accordance with Articles 9 and 10 of the Law of Ukraine "On Labor Payment" and cannot be lower than the subsistence minimum for able-bodied persons.

The minimum wage is a state social guarantee, mandatory throughout the territory of Ukraine for enterprises, institutions, organizations of all forms of ownership and management and individuals who use the labor of employees, under any system of payment.

Wages are subject to indexation in accordance with the procedure established by law.

{Article 95 as amended by Law No. 871-12 dated 03.20.91 ; Decree No. 7-92 dated 09.12.92 - became invalid on the basis of Law No. 534/96-VR dated 21.11.96 , No. 23-92 dated 31.12.92; as amended by Law No. 357/96-VR dated 10.09.96 ; with changes introduced in accordance with Laws No. 1766-III dated 01.06.2000 , No. 2190-IV dated 18.11.2004 , No. 466-V dated 14.12.2006 , No. 1574-VI dated 25.06.2009 , No. 1774-VIII dated 06.12. 2016 }

Article 96. Labor payment systems

Paying systems are tariff and other systems that are formed based on assessments of the complexity of the work performed and the qualifications of employees.

The tariff system of labor remuneration includes: tariff grids, tariff rates, salary schemes, professional standards and qualification characteristics (in the absence of professional standards).

The tariff system of labor payment is used in the distribution of works depending on their complexity, and employees - depending on qualifications and according to the categories of the tariff grid. It is the basis for the formation and differentiation of wages.

The tariff grid (scheme of official salaries) is formed on the basis of the tariff rate of the first-rate worker and inter-qualification (inter-position) ratios of tariff rates (position salaries).

The scheme of salaries (tariff rates) of employees of institutions, establishments and organizations financed from the budget is formed on the basis of:

the minimum official salary (tariff rate) established by the Cabinet of Ministers of Ukraine;

inter-position (inter-qualification) ratios of position salaries (tariff rates) and tariff coefficients.

The minimum official salary (tariff rate) is set at an amount not less than the living wage established for able-bodied persons on January 1 of the calendar year.

Assignment of performed work to certain tariff categories and assignment of qualification categories to workers is carried out by the owner or a body authorized by the owner, in accordance with professional standards in agreement with the elected body of the primary trade union organization (trade union representative). In the absence of professional standards, such assignment can be carried out according to qualification characteristics.

By a collective agreement, and if the agreement was not concluded - by an order (order) of the owner or a body authorized by him, issued after agreement with the elected body of the primary trade union organization (trade union representative), and in the absence of a primary trade union organization - with freely elected and authorized representatives (representative) employees, other payment systems may be established.

{Article 96 as amended by Laws No. 871-12 dated 03.20.91 , No. 2032-12 dated 01.04.92 ; as amended by Law No. 357/96-VR dated 10.09.96 ; with changes introduced in accordance with Laws No. 1766-III dated 01.06.2000 , No. 1096-IV dated 10.07.2003 , No. 2190-IV dated 18.11.2004 ; as amended by Law No. 1774-VIII of December 6, 2016 ; with changes introduced in accordance with Law No. 341-IX dated 05.12.2019 ; as amended by Law No. 2179-IX dated April 1, 2022 }

Article 97. Payment of labor at enterprises, institutions and organizations

Employees are paid according to hourly, piecework or other payment systems. Payment can be made based on the results of individual and collective work.

Forms and systems of remuneration, labor standards, rates, tariff grids, rates, salary schemes, conditions of introduction and amounts of allowances, surcharges, bonuses, rewards and other incentive, compensatory and guarantee payments are established by enterprises, institutions, organizations independently in a collective agreement with compliance with the norms and guarantees provided for by legislation, general and branch (regional) agreements. If a collective agreement has not been concluded at the enterprise, institution, organization, the employer is obliged to agree on these issues with the elected body of the primary trade union organization (trade union representative), which represents the interests of the majority of employees, and in its absence - with another labor collective authorized to represent body

Specific amounts of tariff rates (salaries), piece rates, salaries for employees, as well as allowances, surcharges, bonuses and rewards are established by the employer taking into account the requirements stipulated in the second part of this article.

The employer (employer - a natural person) does not have the right to unilaterally make decisions on salary issues that worsen the conditions established by legislation, agreements, and collective agreements.

Employees are paid on a priority basis. All other payments are made by the employer after fulfilling the obligations regarding payment of labor.

{Article 97 as amended by Laws No. 871-12 dated 03.20.91 , No. 2032-12 dated 01.04.92 ; Decree 23-92 dated 12.31.92; as amended by Law No. 357/96-VR dated 10.09.96 , as amended by Laws No. 1096-IV dated 10.07.2003 , No. 2103-IV dated 21.10.2004 , No. 2215-IX dated 21.04.2022 }

Article 98. Remuneration of employees of institutions and organizations financed from the budget

Remuneration of employees of institutions and organizations financed from the budget is carried out on the basis of laws and other normative legal acts of Ukraine, general, sectoral, regional agreements, collective agreements, within the limits of budget allocations and extra-budgetary revenues.

{Article 98 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 5938-11 dated 05.27.88 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 357/96-VR dated 10.09.96 }

{Article 99 is excluded on the basis of Law No. 357/96-VR dated 10.09.96 }

Article 100. Remuneration for hard work, work with harmful and dangerous working conditions, work with special natural geographical and geological conditions and conditions of increased health risk

Higher wages are established for difficult jobs, jobs with harmful and dangerous working conditions, jobs with special natural geographical and geological conditions and conditions of increased health risk. The list of these works is determined by the Cabinet of Ministers of Ukraine.

{Article 100 as amended by Law No. 3694-12 dated 12.15.93 }

{Article 101 is excluded on the basis of Law No. 357/96-VR dated 10.09.96 }

{Article 102 is excluded on the basis of the PVR Decree No. 5938-11 dated 05.27.88 }

Article . Payment for part-time work

Part-time work is considered to be the performance by an employee, in addition to the main one, of other paid work under the terms of an employment contract in the time free from the main job at the same or another enterprise, institution, organization or employer - a natural person.

Part-time employees are paid for the work actually performed.

{The Code was supplemented by Article 102-1 [in] with Law No. 357/96-VR dated 10.09.96 ; the text of Article 102 [1] as amended by Law No. 2352-IX dated July 1, 2022 }

Article 103. Notification of employees on the introduction of new or changes to the current terms of payment

The employer must inform the employee about new or a change in the existing terms of payment towards deterioration no later than two months before their introduction or change.

{Article 103 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 357/96-VR dated 10.09.96 }

Article 104. Payment of labor for the performance of works of different qualifications

When performing work of various qualifications, the work of part-time workers, as well as employees, is paid for the work of a higher qualification.

The work of temporary workers is paid at the rates established for the work being performed. In those branches of the economy of Ukraine, where, due to the nature of production, temporary workers are assigned to perform work that is tariffed below the categories assigned to them, the workers who perform such work are paid the difference between the categories. The payment of the inter-grade difference and the terms of such payment are established by collective agreements.

Article 105. Remuneration for work when combining professions (positions) and performing the duties of a temporarily absent employee

Employees who, in the same enterprise, institution, organization, in addition to their main work stipulated in the employment contract, perform additional work in another profession (position) or the duties of a temporarily absent employee without being relieved from their main job, are paid a supplement for combining professions (position) or performing the duties of a temporarily absent employee.

The amounts of additional payments for combining professions (positions) or fulfilling the duties of a temporarily absent employee are established on the terms stipulated in the collective agreement.

{Article 105 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Laws No. 263/95-VR dated 05.07.95 , No. 357/96-VR dated 10.09.96 }

Article 106. Payment for overtime work

Under the hourly wage system, overtime work is paid at double the hourly rate.

Under the piecework system of remuneration for overtime work, an additional payment is paid in the amount of 100 percent of the tariff rate of an employee of the appropriate qualification, whose labor is paid according to the hourly system, for all overtime hours worked.

In the case of cumulative accounting of working hours, all hours worked over the established working hours in the accounting period are paid as overtime, in accordance with the procedure provided for in parts one and two of this article.

Compensation for overtime work by granting time off is not allowed.

{Article 106 as amended by Law No. 263/95-VR dated 07.05.95 ; as amended by Law No. 357/96-VR dated 10.09.96 }

Article 107. Payment for work on holidays and non-working days

Work on a holiday and a non-working day (part four of Article 73) is paid at a double rate:

1) to individual workers - at double individual rates;

2) employees whose work is paid at hourly or daily rates - in the amount of double the hourly or daily rate;

3) employees who receive a monthly salary - in the amount of a single hourly or daily rate on top of the salary, if the work on a holiday or non-working day was carried out within the limits of the monthly norm of working hours, and in the amount of double the hourly or daily rate on top of the salary, if the work was carried out over monthly rate.

Payment in the specified amount is made for hours actually worked on holidays and non-working days.

At the request of an employee who worked on a holiday or a non-working day, he may be given another day off.

{Article 107 as amended by Law No. 871-12 dated 03/20/91 }

Article 108. Payment for work at night

Night work (Article 54) is paid at an increased rate established by general, sectoral (regional) agreements and a collective agreement, but not lower than 20 percent of the tariff rate (salary) for each hour of night work.

{Article 108 as amended by Laws No. 3694-12 dated 15.12.93 , No. 357/96-VR dated 10.09.96 }

Article 109. Payment of labor under an unfinished unit order

In the event that an employee leaves a work order unfinished for reasons beyond his control, the completed part of the work is paid for at an estimate determined by agreement of the parties in accordance with existing norms and rates.

Article 110. Notification of the employee about the amount of remuneration

With each payment of wages, the employer must notify the employee of the following data related to the period for which labor is paid:

a) the total amount of wages with a breakdown by types of payments;

b) amounts and grounds of deductions and deductions from wages;

c) the amount of wages to be paid.

{Article 110 as amended in accordance with Laws No. 3694-12 dated 15.12.93 , No. 263/95-VR dated 05.07.95 ; as amended by Law No. 357/96-VR dated 10.09.96 }

Article 111. Procedure for payment of labor in case of non-fulfillment of production norms

In case of non-fulfillment of production standards due to no fault of the employee, payment is made for the work actually performed. In this case, the monthly salary cannot be lower than two-thirds of the tariff rate of the category (salary) established for him. In case of non-fulfillment of production standards due to the employee's fault, payment is made in accordance with the work performed.

{Article 111 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; By Law No. 871-12 dated 03.20.91 }

Article 112. The procedure for payment of labor in the manufacture of products that turned out to be defective

In the case of production of products that turned out to be defective due to no fault of the employee, payment for labor for its production is carried out at reduced rates. In these cases, the employee's monthly salary cannot be lower than two-thirds of the tariff rate of the category (salary) established for him.

The lack of products, which occurred as a result of a hidden defect in the processed material, as well as a lack due to no fault of the employee, discovered after the acceptance of the product by the technical control body, is paid to this employee on an equal basis with suitable products.

A complete shortage due to the fault of the employee is not subject to payment. Partial failure due to the fault of the employee is paid for at reduced prices depending on the degree of suitability of the products.

{Article 112 as amended in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

Article 113. The procedure for payment of idle time, as well as when developing new production (products)

Idle time not due to the fault of the employee, including during the period of the declaration of quarantine established by the Cabinet of Ministers of Ukraine, is paid at a rate not lower than two-thirds of the tariff rate of the employee's grade (salary).

The employee must notify the employer or foreman, master or officials about the start of downtime, except for the downtime of a structural unit or the entire enterprise.

During idle time, when an industrial situation has arisen that is dangerous for the life or health of the employee or for the people surrounding him and the natural environment through no fault of his, the average earnings are kept for him.

Downtime due to the fault of the employee is not paid.

During the period of development of a new production (product), the employer can make an additional payment to the employees to the previous average earnings for a period of no more than six months.

{Article 113 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; Laws No. 871-12 dated 03.20.91 , No. 1356-XIV dated 12.24.99 , No. 289-VIII dated 04.07.2015 ; as amended by Law No. 540-IX dated March 30, 2020 ; with changes introduced in accordance with Law No. 2215-IX dated 04/21/2022 }

Article 114. Retention of salary upon transfer to another permanent lower-paid job and relocation

When an employee is transferred to another permanent, lower-paid job, the employee's previous average earnings are retained for two weeks from the date of transfer.

In those cases when, as a result of the transfer of the employee (part two of Article 32), the salary is reduced for reasons beyond his control, an additional payment is made to the previous average salary within two months from the date of transfer.

{Article 114 as amended in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

Article 115. Terms of salary payment

Wages are paid to employees regularly on working days within the time limits established by the collective agreement or the regulatory act of the employer, agreed with the elected body of the primary trade union organization or another body authorized to represent the labor collective (and in the absence of such bodies - representatives elected and authorized by the labor collective). , but not less than twice a month after a period of time not exceeding sixteen calendar days, and no later than seven days after the end of the period for which the payment is made.

If the day of payment of wages coincides with a weekend, holiday or non-working day, wages are paid the day before.

The amount of wages for the first half of the month is determined by a collective agreement or a regulatory act of the employer, agreed with the elected body of the primary trade union organization or another body authorized to represent the labor collective (and in the absence of such bodies - representatives elected and authorized by the labor collective), but not less payment for actually worked time based on the calculation of the employee's tariff rate (postal salary).

In the conditions of the simplified regime, the amount of wages is determined by the labor contract, taking into account the minimum wage level established by law, and the wages are paid to the employee in the terms established by this article and determined by the labor contract, but not less than twice a month after a period of time that does not exceed sixteen calendar days.

Salary to employees for the entire period of annual leave is paid before the start of the leave, unless otherwise stipulated by the labor or collective agreement.

{Article 115 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; Law No. 263/95-VR dated 07.05.95 ; as amended by Law No. 357/96-VR dated 10.09.96 ; with changes introduced in accordance with Laws No. 2559-VI dated 23.09.2010 , No. 2352-IX dated 01.07.2022 , No. 2434-IX dated 19.07.2022 - regarding the effect of the changes, see point 1 of section II}

Article 116. Payment terms upon dismissal

Upon dismissal of an employee, payment of all sums due to him from the enterprise, institution, organization is carried out on the day of dismissal. If the employee did not work on the day of dismissal, then the specified amounts must be paid no later than the next day after the dismissed employee submits a claim for settlement. About the amounts accrued and paid to the employee upon dismissal, with a separate indication of each type of payment (basic and additional wages, incentive and compensation payments, other payments to which the employee is entitled according to the terms of the employment contract and in accordance with the law, including when dismissals) the employer must notify the employee in writing on the day of their payment.

In the event of a dispute about the amount of the sums charged to the employee upon dismissal, the employer must in any case pay the undisputed amount within the period specified in this article.

{Article 116 as amended in accordance with Laws No. 3248-IV dated 12.20.2005 , No. 2352-IX dated 07.01.2022 }

Article 117. Liability for delay in settlement upon dismissal

In case of non-payment due to the fault of the employer to the dismissed employee within the terms specified in Article 116 of this Code, in the absence of a dispute about their amount, the enterprise, institution, organization must pay the employee his average earnings for the entire period of delay up to the day of the actual calculation, but no more than six months.

If there is a dispute about the amounts due to the dismissed employee, the employer must pay the compensation specified in this article if the dispute is resolved in favor of the employee. If the dispute is partially resolved in favor of the employee, the amount of compensation for the time of delay is determined by the body that makes a decision on the merits of the dispute, but not more than for the period established by part one of this article.

{Article 117 as amended by Law No. 3248-IV dated 12.20.2005 ; the text of Article 117 as amended by Law No. 2352-IX dated July 1, 2022 }

Chapter VIII
WARRANTIES AND INDEMNIFICATION

Article 118. Guarantees for employees elected to elected positions

Employees dismissed from work as a result of their election to elected positions in state bodies, as well as in party, trade union, Komsomol, cooperative and other public organizations, are provided with a preliminary job (position) after the end of their mandate for an elected position, and in its absence -

another equivalent work (position) at the same or, with the consent of the employee, at another enterprise, institution, organization.

Article 119. Guarantees for employees during the performance of state or public duties

During the performance of state or public duties, if according to the current legislation of Ukraine these duties can be performed during working hours, employees are guaranteed the preservation of their place of work (position) and average earnings.

Employees who are involved in the performance of duties stipulated by the Code of Civil Defense of Ukraine , the laws of Ukraine "On military duty and military service" and "On alternative (non-military) service" , "On mobilization training and mobilization" are provided with guarantees and benefits according to these laws.

For employees called up for fixed-term military service, military service by conscription of officers, military service by conscription during mobilization, for a special period, military service by conscription of reservists in a special period or accepted for military service under a contract, including including by concluding a new contract for military service, during the validity of the special period for the period until its end or until the day of actual release, the place of work and position at the enterprise, institution, organization, farm, agricultural production cooperative are preserved, regardless of subordination and form of ownership and at individuals - entrepreneurs, for whom they worked at the time of the draft. Such employees are paid financial support at the expense of the State Budget of Ukraine in accordance with the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families".

{The fourth part of Article 119 is excluded on the basis of Law No. 1769-VIII dated 06.12.2016 }

The guarantees defined in the third part of this article are kept for employees who were injured (other health damage) during military service and are being treated in medical institutions, as well as captured or recognized as missing, for a period of up to , following the date of their military registration at the district (city) territorial centers of recruitment and social support, the Central Administration or regional bodies of the Security Service of Ukraine, the relevant division of the Foreign Intelligence Service of Ukraine after their release from military service in the event that they have completed treatment in medical institutions regardless of the period of treatment, return from captivity, their appearance after they were recognized as missing or before the day they were declared dead by the court.

The guarantees defined in the third part of this article do not apply to members of the rank-and-file and senior staff of the civil defense service, and in terms of maintaining their workplaces and positions, they also apply to persons who held elected positions in local self-government bodies and whose term of office has expired.

The guarantees provided for in the second and third parts of this article do not apply to persons found guilty of criminal offenses against the established order of military service (military criminal offenses) during a special period and the sentence in respect of which has entered into force.

{Article 119 as amended in accordance with Laws No. 6/95-VR dated 19.01.95 , No. 263/95-VR dated 05.07.95 , No. 1014-V dated 11.05.2007 , No. 1169-VII dated 27.03.2014 , No. 1275-VII dated 20.05.2014 , No. 116-VIII dated 15.01.2015 , No. 259-VIII dated 18.03.2015 , No. 433-VIII dated 14.05.2015 , No. 801-VIII dated 12.11.2015 , No. 911-VIII dated 24.12.2015 , No. 1769-VIII dated 06.12.2016 , No. 1971-VIII dated 22.03.2017 , No. 1357-IX dated 30.03.2021 , No. 1702-IX dated 16.07.2021 - entered into force from 01.01.2022, No. 2352 -IX from 01.07.2022 , No. 2379-IX from 07.08.2022 , No. 2750-IX from 16.11.2022 , No. 2839-IX from 13.12.2022 }

Article 119[1]. Guarantees for workers who have been deprived of personal freedom as a result of armed aggression against Ukraine

The place of employment is retained for a person who, in accordance with the Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Freedom as a Result of Armed Aggression against Ukraine, and Members of Their Families" has been determined to be deprived of personal freedom as a result of armed aggression against Ukraine (position) during the entire period of deprivation of liberty, as well as within six months from the day of release in the event that such a person undergoes medical, rehabilitation, including psychological, assistance, sanatorium-resort treatment, other restorative (post-isolation, reintegration) measures in order, established by the Cabinet of Ministers of Ukraine.

{The Law was supplemented by Article 119[1] in accordance with Law No. 2010-IX dated January 26, 2022 }

Article 120. Guarantees and compensations when moving to work in another area

Employees have the right to reimbursement of expenses and receiving other compensation in connection with the transfer, acceptance or referral to work in another area.

Employees who are transferred to another job, when it is connected with moving to another area, are paid: travel expenses of the employee and his family members; expenses for transportation of property; per diem for the time spent on the road; one-time benefit for the employee himself and for each family member who moves; salary for the days of collection for the trip and accommodation at the new place of residence, but not more than six days, as well as for the time spent on the road.

Employees who move in connection with their hiring (by prior agreement) to work in another area shall be paid compensation and provided with the guarantees specified in the second part of this article, in addition to the payment of a one-time allowance, which may be paid to these employees upon agreement of the parties.

Amounts of compensation, the order of their payment and the provision of guarantees to the persons specified in parts two and three of this article, as well as guarantees and compensation to persons when they move to another area in connection with being sent to work in the order of distribution after graduation from an educational institution, postgraduate studies, clinical residency or in the order of organized recruitment, established by legislation.

{Article 120 with changes introduced in accordance with Decree of the PVR No. 2957-10 dated 12.30.81 ; By Law No. 6/95-VR dated 19.01.95 }

Article 121. Guarantees and compensations during business trips

Employees have the right to reimbursement of expenses and receiving other compensations in connection with business trips.

Employees who are sent on a business trip are paid: per diem for the time they are on a business trip, the cost of travel to the destination and back, and expenses for renting a living space in the manner and amounts established by law.

For seconded employees, the place of work (position) is kept for the entire duration of the secondment.

Employees who are sent on a business trip are paid for the work performed in accordance with the conditions defined by the labor or collective agreement, and the amount of such payment cannot be lower than the average salary.

{Article 121 as amended by Laws No. 263/95-VR dated 07.05.95 , No. 3231-VI dated 04.19.2011 }

Article 122. Guarantees for employees sent for professional development

When employees are sent for professional development with a break from production, their place of work (position) is kept and payments provided for by law are made.

Article 123. Guarantees for employees sent for examination to a medical institution

During the stay in a medical institution for an examination, the average earnings at the place of work are kept for employees who are obliged to undergo such an examination (Articles 169 , 191).

Article 124. Guarantees for donors

On the days of the medical examination and donation of blood and/or blood components, a person who expressed a desire to donate blood and/or blood components is released from work at an enterprise, institution, organization, regardless of the form of ownership, with the retention of his average earnings at the expense of funds the employer of the relevant enterprise, institution, organization or authorized body. Such a person is given a day of rest immediately after each day of donating blood and/or blood components, with his/her average earnings at the expense of the employer of the relevant enterprise, institution, organization or authorized body. At the request of such a person, this day is added to the annual vacation.

{Article 124 as amended by Law No. 931-IX dated 30.09.2020 - shall be enforced from 25.01.2021 }

Article 125. Compensation for wear and tear of tools belonging to employees

Employees who use their tools for the needs of an enterprise, institution, or organization have the right to receive compensation for their wear and tear (depreciation).

The amount and order of payment of this compensation, if they are not established centrally, are determined by the employer in agreement with the employee.

Article 126. Guarantees for employees - authors of inventions, utility models, industrial designs and innovative proposals

For employees who are authors of inventions, utility models, industrial designs, and innovative proposals, the average earnings are preserved when they are released from their main job to participate in the implementation of an invention, utility model, industrial design, or innovative proposal at the same enterprise, institution, or organization.

When implementing an invention, utility model, industrial design, or innovative proposal at another enterprise, institution, or organization, the position of the employee at the place of permanent employment is retained, and work on the implementation of the invention, utility model, industrial design, or innovative proposal is paid upon agreement of the parties in the amount of below the average salary at the place of permanent employment.

{Article 126 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Law No. 75/95-VR dated 28.02.95 }

Article 127. Limitation of deductions from wages

Deductions from wages can be made only in cases provided for by the legislation of Ukraine.

Deductions from the wages of employees to cover their debts to the enterprise, institution and organization where they work may be carried out by order (order) of the employer:

1) for the return of an advance issued on account of wages; for the return of sums overpaid due to calculation errors; for the repayment of an unspent and timely unreturned advance issued for a business trip or transfer to another area; for economic needs, if the employee does not dispute the grounds and amount of the deduction. In these cases, the employer has the right to issue an order (order) on deduction no later than one month from the date of expiry of the period established for the return of the advance, repayment of the debt or from the date of payment of the incorrectly calculated amount;

2) upon dismissal of an employee before the end of the working year for which he has already received leave, for unused leave days. Deductions for these days are not carried out if the employee is dismissed from work for the reasons specified in clauses 3 , 5 , 6 of Article 36 and clauses 1 , 2 and 5 of Article 40 of this Code, as well as when being sent to study and in connection with a transfer for retirement;

3) when compensating for damage caused to an enterprise, institution, or organization due to an employee's fault (Article 136).

{Article 127 with changes introduced in accordance with Decree of the PVR No. 6237-10 of 01.24.83 ; By Law No. 263/95-VR dated 07.05.95 }

Article 128. Limitation of the amount of deductions from wages

With each payment of wages, the total amount of all deductions cannot exceed twenty percent, and in cases separately provided for by the legislation of Ukraine, fifty percent of the wages to be paid to the employee.

When deducting from the salary according to several executive documents for the employee, in any case, fifty percent of the earnings should be kept.

The restrictions established by the first and second parts of this article do not apply to deductions from wages when performing corrective work and when collecting alimony for minor children. In these cases, the amount of deductions from wages cannot exceed seventy percent.

{Article 128 with changes introduced in accordance with Decree of the PVR No. 3546-11 dated 02.10.87 ; By Laws No. 263/95-VR dated 07.05.95 , No. 2056-III dated 10.19.2000 }

Article 129. Prohibition of deductions from severance pay, compensation and other payments

Deductions from severance pay, compensatory and other payments, which are not subject to collection under the law, are not allowed.

Chapter IX
GUARANTEES WHEN EMPLOYEES ARE IMPOSED TO FINANCIALLY RESPONSIBILITY FOR DAMAGE CAUSED BY THE ENTERPRISE, INSTITUTION, ORGANIZATION

Article 130. General grounds and conditions of material liability of employees

Employees bear material responsibility for damage caused to the enterprise, institution, or organization as a result of violation of the labor duties assigned to them.

When material liability is imposed, the rights and legal interests of employees are guaranteed by establishing liability only for direct actual damage, only within the limits and in the manner prescribed by law, and on the condition that such damage is caused to the enterprise, institution, organization by the culpable illegal actions (inaction) of the employee. This liability, as a rule, is limited to a certain part of the employee's earnings and should not exceed the full amount of the damage caused, except for cases provided by law.

In the presence of the specified grounds and conditions, financial liability may be imposed regardless of the employee's disciplinary, administrative or criminal liability.

Employees cannot be held responsible for damage that falls under the category of normal industrial and economic risk, as well as for damage caused by an employee who was in a state of emergency. Responsibility for profit not received by the enterprise, institution, organization can be assigned only to employees who are officials.

{Part four of Article 130 as amended by Law No. 1255-VII dated May 13, 2014 }

The employee who caused the damage can voluntarily cover it in whole or in part. With the consent of the employer, the employee can transfer property of equal value to cover the damage or repair the damaged property.

{Article 130 with changes introduced in accordance with Decrees of the PVR No. 1616-09 dated 12.24.76 , No. 2444-11 dated 06.27.86 ; By Law No. 263/95-VR dated 07.05.95 }

Article 131. Obligations of the employer and employees to preserve property

The employer is obliged to create for employees the conditions necessary for normal work and to ensure the full preservation of the property entrusted to them.

Employees are obliged to treat the property of the enterprise, institution, organization with care and to take measures to prevent damage.

{Article 131 as amended in accordance with Decree of the PVR No. 1616-09 dated 12.24.76 }

Article 132. Material responsibility within the limits of average monthly earnings

For damage caused to an enterprise, institution, organization in the performance of work duties, employees, except for employees who are officials, due to whose fault the damage was caused, bear material responsibility in the amount of direct actual damage, but not more than their average monthly earnings

{Part one of Article 132 as amended by Law No. 1255-VII dated 05/13/2014 }

Financial responsibility in excess of the average monthly earnings is allowed only in the cases specified in the legislation

{Article 132 with changes introduced in accordance with Decrees of the PVR No. 6237-10 dated 12.21.83 , No. 2444-11 dated 06.27.86 ; By Law No. 263/95-VR dated 07.05.95 }

Article 133. Cases of limited financial liability of employees

In accordance with the legislation, limited financial responsibility is borne by:

1) employees - for the deterioration or destruction due to negligence of materials, semi-finished products, products (products), including during their manufacture, - in the amount of the damage caused by their fault, but not more than their average monthly earnings. To the same extent, employees are financially responsible for damage or destruction due to negligence of tools, measuring devices, special clothing and other items issued by the enterprise, institution, organization to the employee for use;

2) heads of enterprises, institutions, organizations and their deputies, as well as heads of structural subdivisions at enterprises, institutions, organizations and their deputies - in the amount of damage caused by their fault, but not more than their average monthly earnings, if the damage to the enterprise, institution, the organization was caused by excessive cash payments to employees, incorrect accounting and storage of material, monetary or cultural values, failure to take necessary measures to prevent downtime.

{Clause 2 of Article 133 as amended in accordance with Law No. 1255-VII dated 13.05.2014 }

{Article 133 with changes introduced in accordance with Decrees of the PVR No. 1616-09 dated 12.24.76 , No. 6237-10 dated 12.21.83 , No. 2444-11 dated 06.27.86 ; By laws No. 2134-12 dated 18.02.92 , No. 263/95-VR dated 05.07.95 , No. 534-V dated 22.12.2006 }

Article 134. Cases of full material responsibility

In accordance with the law, employees are financially responsible for the full amount of damage caused by their fault to the enterprise, institution, organization, in cases where:

1) between the employee and the enterprise, institution, organization, in accordance with Article 135[1] of this Code, a written contract has been concluded on the assumption by the employee of full material responsibility for failure to ensure the integrity of property and other valuables transferred to him for safekeeping or for other purposes;

2) property and other valuables were received by the employee under a one-time power of attorney or other one-time documents;

3) the damage was caused by the employee's actions, which have the characteristics of actions prosecuted in criminal proceedings;

4) the damage was caused by an employee who was intoxicated;

5) the damage was caused by a shortage, intentional destruction or intentional deterioration of materials, semi-finished products, products (products), including during their manufacture, as well as tools, measuring devices, special clothing and other items issued by the enterprise, institution, organization to the employee for use;

6) in accordance with the legislation, the employee is charged with full material responsibility for the damage caused to the enterprise, institution, organization during the performance of labor duties;

7) the damage was not caused while performing work duties;

8) an official guilty of illegal dismissal or transfer of an employee to another job;

9) the head of an enterprise, institution, organization of all forms of ownership, guilty of late payment of wages for more than one month, which led to the payment of compensation for violation of the terms of its payment, and on the condition that the State Budget of Ukraine and local budgets, legal entities of the state form of ownership do not have debts to this enterprise;

10) damage caused by lack of, destruction of, or damage to equipment and tools provided to the employee for the performance of work under a remote work or home work contract. In case of dismissal of an employee and non-return of the equipment and facilities provided to him for use, the book value of such equipment may be charged from him in the manner specified by this Code.

{Article 134 with changes introduced in accordance with Decrees of the PVR No. 1616-09 dated 12.24.76 , No. 6237-10 dated 12.21.83 ; By Laws No. 2134-12 dated 02.18.92 , No. 263/95-VR dated 07.05.95 , No. 184-IV dated 10.17.2002 , No. 1213-IX dated 02.04.2021 }

Article 135. Limits of material liability in cases where the actual amount of damage exceeds its nominal amount

The limits of financial liability of employees for damage caused to an enterprise, institution, organization by theft, intentional damage, shortage or loss of certain types of property and other valuables, as well as in cases where the actual amount of damage exceeds its nominal amount, are established by legislation.

{Article 135 with changes introduced in accordance with Decree of the PVR No. 2444-11 dated 06.27.86 ; By Law No. 263/95-VR dated 07.05.95 }

Article . Written agreement on full financial responsibility

A written contract on full financial responsibility can be concluded by an enterprise, institution, organization with an employee who has reached the age of eighteen and:

1) holds a position or performs work directly related to the storage, processing, sale (sale), transportation or use in the production process of the values transferred to him. The list of such positions and works, as well as the standard contract on full individual financial responsibility, are approved in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

2) performs work under an employment contract for remote work or home work and uses the employer's equipment and facilities provided to him to perform work.

{The Code was supplemented by Article 135-1 accordance with Decree of the PVR No. 1616-09 dated 12.24.76 ; with changes introduced in accordance with Law No. 263/95-VR dated 07.05.95 ; as amended by Law No. 1213-IX dated February 4, 2021 }

Article . Collective (team) material responsibility

When employees jointly perform certain types of work related to the storage, processing, sale (sale), transportation or use in the production process of the values transferred to them, when it is impossible to distinguish the financial responsibility of each employee and conclude an agreement with him on full financial responsibility, it may be introduced collective (team) material responsibility.

Collective (team) material responsibility is established by the employer in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization. A written agreement on collective (team) material responsibility is concluded between the enterprise, institution, organization and all members of the team (team).

The list of works for which collective (brigade) material responsibility may be introduced, the conditions of its application, as well as the standard contract on collective (brigade) material responsibility are developed with the participation of trade unions of Ukraine and approved by the central executive body, which ensures the formation of state policy in the field of work, labor relations and population employment.

{The Code was supplemented by Article 135-2 accordance with Decree of the PVR No. 1616-09 dated 12.24.76 ; with changes introduced in accordance with Decrees of the State Government No. 2240-10 dated 07.29.81 , No. 4617-10 dated 01.24.83 ; By Laws No. 263/95-VR dated 07.05.95 , No. 1096-IV dated 07.10.2003 , No. 5462-VI dated 10.16.2012 , No. 341-IX dated 12.05.2019 }

Article . Determining the amount of damage

The amount of damage caused to the enterprise, institution, organization is determined based on actual losses, on the basis of accounting data, based on the balance sheet value (cost value) of tangible assets less wear and tear in accordance with established norms.

In case of theft, shortage, intentional destruction or intentional damage of material values, the amount of damage is determined according to the prices in effect in the given area on the day of compensation.

At public catering enterprises (on production and in buffets) and commission trade, the amount of damage caused by theft or shortage of products and goods is determined by the prices set for the sale (sale) of these products and goods.

Legislation may establish a separate procedure for determining the amount of damage subject to coverage, including in multiples, caused to an enterprise, institution, organization by theft, intentional damage, lack or loss of certain types of property and other valuables, as well as in cases where the actual the size of the damage exceeds its nominal size.

The amount of covered damage caused by the fault of several employees is determined for each of them, taking into account the degree of fault, type and limit of financial responsibility.

{The Code was supplemented by Article 135-3 accordance with Decree of the PVR No. 1616-09 dated 12.24.76 ; with changes introduced in accordance with Decree of the PVR No. 2444-11 dated 06.27.86 ; By Law No. 263/95-VR dated 07.05.95 }

Article 136. Procedure for covering damage caused by an employee

Compensation of damage to employees in an amount not exceeding the average monthly earnings is carried out by order of the employer, heads of enterprises, institutions, organizations and their deputies - by order of the higher authority in the order of subordination by deduction from the employee's salary.

The order of the employer or a superior in the order of subordination of the body must be made no later than two weeks from the day of discovery of the damage caused by the employee and sent for execution no earlier than seven days from the day of notification of this to the employee. If the employee does not agree with the deduction or its amount, the labor dispute at his request is considered in accordance with the law.

In the remaining cases, coverage of damage is carried out by the employer filing a lawsuit in the local general court.

Recovery of material damage from the managers of enterprises, institutions, organizations and their deputies is carried out in a court of law based on the claim of the superior in order of subordination of the body.

{Article 136 with changes introduced in accordance with Decrees of the Government of Ukraine No. 1616-09 dated 24.12.76 , No. 6237-10 dated 21.12.83 , No. 2444-11 dated 27.06.86 , Laws No. 762-IV dated 15.05.2003 , No. 1697 -VII from 14.10.2014 }

Article 137. Circumstances to be taken into account when determining the amount of compensation

When determining the amount of damage subject to coverage, in addition to direct real damage, the court takes into account the degree of fault of the employee and the specific circumstances under which the damage was caused. When the damage was the result not only of the employee's culpable behavior, but also of the lack of conditions ensuring the preservation of material values, the amount of coverage should be reduced accordingly.

The court may reduce the amount of coverage for damage caused by the employee, depending on his property status, except for cases where the damage was caused by the criminal actions of the employee committed with a selfish purpose.

{Article 137 as amended in accordance with Decree of the PVR No. 1616-09 dated 12.24.76 }

Article 138. Obligation to prove the existence of conditions for imposing material responsibility on the employee

In order to impose material liability on the employee for the damage, the employer must prove the existence of the conditions provided for in Article 130 of this Code.

Chapter X
LABOR DISCIPLINE

Article 139. Duties of employees

Employees are obliged to work honestly and conscientiously, to comply with the employer's orders in a timely and accurate manner, to observe labor and technological discipline, the requirements of regulatory acts on labor protection, and to treat the property of the employer with whom the employment contract is concluded with care.

{Article 139 as amended by Law No. 263/95-VR dated 07.05.95 }

Article 140. Ensuring labor discipline

Labor discipline at enterprises, institutions, and organizations is ensured by creating the necessary organizational and economic conditions for normal, highly productive work, a conscious attitude to work, methods of persuasion, education, and encouragement for conscientious work.

In necessary cases, disciplinary measures are applied to individual dishonest employees.

{Article 140 with changes introduced in accordance with Decrees of the State Government No. 8474-10 dated 27.02.85 , No. 5938-11 dated 27.05.90 , Law No. 2215-IX dated 21.04.2022 }

Article 141. Obligations of the employer

The employer must properly organize the work of employees, create conditions for increased labor productivity, ensure labor and production discipline, strictly comply with labor legislation and labor protection rules, take measures to prevent and counter mobbing (harassment), pay attention to the needs and requests of employees, improve their working and living conditions.

{Article 141 as amended by Law No. 2759-IX dated 11/16/2022 }

Article 142. Rules of internal labor regulations. Statutes and regulations on discipline

The work schedule at enterprises, institutions, and organizations is determined by the rules of the internal work schedule, which are approved by the labor collectives at the request of the employer and the elected body of the primary trade union organization (trade union representative) on the basis of standard rules.

In some branches of the Ukrainian economy, there are statutes and regulations on discipline for certain categories of employees.

{Article 142 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 8474-10 dated 02.27.85 ; By laws No. 2134-12 dated 18.02.92 , No. 1096-IV dated 10.07.2003 }

Article 143. Incentives for success in work

Employees of enterprises, institutions, and organizations may be given any incentives contained in the rules of internal labor regulations approved by the labor collectives.

{Article 143 as amended by Law No. 871-12 dated 03/20/91 }

Article 144. Procedure for applying incentives

Incentives are applied by the employer together with or in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization.

Incentives to employees are announced by an order (order) in a solemn setting, and also at the request of the employee, if the work book is kept with him, are entered in his work book.

{Article 144 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By laws No. 1096-IV dated 07/10/2003 , No. 1217-IX dated 02/05/2021 }

Article 145. Advantages and benefits for employees who successfully and conscientiously perform their work duties

Employees who successfully and conscientiously perform their work duties are primarily given advantages and benefits in the field of social, cultural and residential services (tickets to sanatoriums and rest houses, improvement of living conditions, etc.). Such employees are also given priority in job promotion.

Article 146. Incentives for special labor merits

For special labor merits, employees are presented to higher authorities for encouragement, for awarding orders, medals, certificates of honor, badges, and for awarding honorary titles and the title of the best worker in this profession.

Article 147. Penalties for violation of labor discipline

For a violation of labor discipline, only one of the following enforcement measures may be applied to an employee:

1) reprimand;

2) dismissal.

Legislation, statutes and regulations on discipline may provide for other disciplinary sanctions for certain categories of employees.

{Article 147 with changes introduced in accordance with the Decrees of the PVR No. 6237-10 dated 12.21.83 , No. 2444-11 dated 06.27.86 , No. 5938-11 dated 05.27.88 ; By Law No. 871-12 dated 03.20.91 }

Article 147[1]. Bodies authorized to apply disciplinary sanctions

Disciplinary sanctions are applied by the body that has been granted the right to hire (elect, approve and appoint) this employee.

Disciplinary sanctions may also be imposed on employees who bear disciplinary responsibility in accordance with statutes, regulations and other acts of legislation on discipline by bodies higher in the order of subordination to the bodies specified in part one of this article.

Employees holding elected positions may be dismissed only by decision of the body that elected them, and only on the grounds provided for by law.

{The Code was supplemented by Article 147-1 accordance with Law No. 2134-12 dated [02.18.92] *; with changes introduced in accordance with Law No. 2215-IX dated 04/21/2022 }*

Article 148. Term for applying disciplinary sanctions

Disciplinary sanctions are applied by the employer immediately upon discovery of a misdemeanor, but no later than one month from the day of its discovery, not counting the time of dismissal of the employee due to temporary incapacity or his stay on vacation.

Disciplinary penalty cannot be imposed later than six months from the date of committing the misdemeanor.

Article 149. The procedure for applying disciplinary sanctions

Before applying a disciplinary sanction, the employer must demand a written explanation from the violator of labor discipline.

Only one disciplinary sanction may be applied for each violation of labor discipline.

When choosing the type of penalty, the employer must take into account the degree of severity of the committed misdemeanor and the damage caused by it, the circumstances under which the misdemeanor was committed, and the employee's previous work.

The recovery is announced in an order (order) and notified to the employee against a receipt.

Article 150. Disciplinary penalty appeal

Disciplinary sanctions may be appealed by the employee in accordance with the procedure established by current legislation (Chapter XV of this Code).

Article 151. Removal of disciplinary sanction

If an employee is not subject to a new disciplinary penalty within a year from the date of imposition of a disciplinary penalty, he is considered to have had no disciplinary penalty.

If the employee has not committed a new violation of labor discipline and, in addition, has shown himself to be a conscientious employee, the penalty may be removed before the end of one year.

During the term of disciplinary action, incentive measures are not applied to the employee.

{Article 151 as amended by Law No. 2134-12 dated 02.18.92 }

Article 152. Referral of the issue of violation of labor discipline to consideration of the labor collective or its body

Instead of imposing a disciplinary sanction, the employer has the right to refer the issue of violation of labor discipline to the consideration of the labor team or its body.

{Article 152 with changes introduced in accordance with Decree of the PVR No. 8474-10 dated 02.27.85 ; By Law No. 871-12 dated 03.20.91 }

Chapter XI
LABOR PROTECTION

Article 153. Creation of safe and harmless working conditions

Safe and harmless working conditions are created at all enterprises, institutions, and organizations.

Ensuring safe and harmless working conditions rests with the employer, except in cases of concluding an employment contract on remote work between the employee and the employer.

Working conditions at the workplace, the safety of technological processes, machines, mechanisms, equipment and other means of production, the condition of the means of collective and individual protection used by the employee, as well as sanitary and domestic conditions must meet the requirements of regulatory acts on labor protection.

The employer must implement modern safety equipment to prevent industrial injuries, and provide sanitary and hygienic conditions that prevent the occurrence of occupational diseases among employees.

The employer has no right to require the employee to perform work that poses a clear danger to the employee's life, as well as in conditions that do not comply with the legislation on labor protection. An employee has the right to refuse to perform assigned work if an industrial situation has arisen that poses a danger to the life or health of such an employee or the people around him or the environment.

In case of impossibility of complete elimination of dangerous and harmful to health working conditions, the employer is obliged to inform about this the central body of executive power, which implements the state policy in the field of labor protection, which can grant temporary consent to work in such conditions.

The employer is responsible for instructing (training) employees on issues of occupational safety and fire safety.

Labor collectives discuss and approve comprehensive plans for improving working conditions, occupational health and safety, and implementation of health and wellness measures and monitor the implementation of such plans.

When concluding an employment contract on remote work, the employer is entrusted with the duty of systematic instruction (training) of the employee on labor protection and fire safety issues within the scope of such employee's use of equipment and tools recommended or provided by the employer.

Such instruction (training) can be conducted remotely, using modern information and communication technologies, in particular through video communication. In this case, the fact of exchange of relevant electronic documents between the employer and the employee is considered as confirmation of the instruction (training).

When performing remote work, the employer is responsible for the safety and proper technical condition of the equipment and means of production given to the employee for performing remote work.

{Article 153 with changes introduced in accordance with the Decree of the PVR No. 8474-10 dated 27.02.85 ; Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 ; as amended by Law No. 1213-IX dated February 4, 2021 }

Article 154. Compliance with labor protection requirements during the design, construction (production) and reconstruction of enterprises, objects and means of production

The design of production facilities, the development of new technologies, means of production, means of collective and individual protection of workers must be carried out taking into account the requirements for labor protection.

Production buildings, structures, equipment, vehicles put into operation after construction or reconstruction, technological processes must comply with regulations on labor protection.

{Article 154 as amended by Law No. 3694-12 dated 15.12.93 }

Article 155. Prohibition of commissioning enterprises that do not meet labor protection requirements

No enterprise, workshop, site, production can be accepted and put into operation, if safe and harmless working conditions have not been created for them.

Commissioning of new and reconstructed objects of industrial and socio-cultural purpose without the permission of the central body of executive power, which implements the state policy in the field of labor protection, is prohibited.

An employer who has created a new enterprise is obliged to obtain a permit to start its work from the central executive body that implements state policy in the field of labor protection.

{Article 155 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

Article 156. Prohibition of transfer to production of samples of new machines and other means of production, introduction of new technologies that do not meet labor protection requirements

It is prohibited to manufacture and put into production samples of new machines, mechanisms, equipment and other means of production, as well as the introduction of new technologies without the permission of the central executive body that implements state policy in the field of labor protection.

{Article 156 as amended by Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

Article 157. State inter-branch and branch normative acts on labor protection

State inter-industry and industry normative acts on labor protection are rules, standards, regulations, regulations, instructions and other documents, which are given the validity of legal norms that are mandatory for implementation.

Development and adoption of new, revision and cancellation of current state inter-sectoral and sectoral normative acts on labor protection are carried out by the central executive body, which ensures the formation of state policy in the field of labor protection, with the participation of other state bodies and professional unions in the order determined by the Cabinet of Ministers of Ukraine.

Standards, technical conditions and other regulatory and technical documents for work equipment and technological processes must include requirements for occupational health and safety and be agreed with the central executive body, which ensures the formation of state policy in the field of occupational health and safety.

If there are no requirements in the regulations on labor protection that must be met to ensure safe and harmless working conditions in certain jobs, the employer is obliged to take measures agreed with the central executive body that implements the state policy in the field of labor protection, which will ensure employee safety.

{Article 157 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 4617-10 dated 01.24.83 ; By Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

Article 158. The employer's duty to facilitate and improve the working conditions of employees

The employer is obliged to take measures to facilitate and improve the working conditions of employees by introducing modern technologies, achievements of science and technology, means of mechanization and automation of production, ergonomics requirements, better experience in labor protection, reduction and elimination of dustiness and gassing of air in production premises, reduction intensity of noise, vibration, radiation, etc.

The employer is obliged to take measures to ensure the safety and protection of the physical and mental health of employees, to prevent risks and tension in the workplace, to carry out informational, educational and organizational measures to prevent and counter mobbing (harassment).

{Article 158 as amended by Law No. 3694-12 dated 12.15.93 ; as amended by Law No. 2215-IX dated April 21, 2022 ; with changes introduced in accordance with Law No. 2759-IX dated 11/16/2022 }

Article 159. The employee's duty to comply with the requirements of regulatory acts on labor protection

The employee is obliged to:

to know and fulfill the requirements of normative acts on labor protection, the rules of handling machines, mechanisms, equipment and other means of production, to use the means of collective and individual protection;

comply with the obligations regarding labor protection stipulated by the collective agreement (agreement, labor contract) and the rules of the internal labor regulations of the enterprise, institution, organization;

undergo preliminary and periodic medical examinations in the prescribed manner;

cooperate with the employer in the organization of safe and harmless working conditions, personally take reasonable measures to eliminate any industrial situation that poses a threat to his life or health or the people who surround him and the surrounding natural environment, report the danger to his direct manager or official.

{Article 159 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 4617-10 dated 01.24.83 ; By Laws No. 3694-12 dated 15.12.93 , No. 289-VIII dated 07.04.2015 }

Article 160. Control over compliance with the requirements of normative acts on labor protection

Permanent control over employees' compliance with the requirements of regulations on labor protection is entrusted to the employer.

Labor collectives through their elected representatives, trade unions in the person of their elected bodies and representatives monitor compliance by all employees with regulations on labor protection at enterprises, institutions, and organizations.

{Article 160 with changes introduced in accordance with Decree of the PVR No. 8474-10 dated 27.02.85 ; by Law No. 3694-12 dated 15.12.93 }

Article 161. Measures regarding labor protection

The employer develops with the participation of trade unions and implements complex measures for labor protection in accordance with the Law of Ukraine "On labor protection" . The plan of measures for labor protection is included in the collective agreement.

{Article 161 as amended in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 }

Article 162. Funds for labor protection measures

Funds and necessary materials are allocated in accordance with the established procedure for the implementation of labor protection measures. Spending these funds and materials for other purposes is prohibited.

The procedure for using these funds and materials is determined in collective agreements.

Labor collectives control the use of funds allocated for labor protection.

{Article 162 as amended in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 }

Article 163. Issuance of special clothing and other personal protective equipment

In work with harmful and dangerous working conditions, as well as work related to pollution or carried out in adverse temperature conditions, employees are issued free of charge special clothing, special shoes and other means of personal protection in accordance with the established norms.

The employer is obliged to organize the supply and maintenance of personal protective equipment in accordance with the regulations on labor protection.

{Article 163 as amended by Law No. 3694-12 dated 12.15.93 }

Article 164. Compensation payments for unissued special clothing and special footwear

Issuing instead of special clothes and special shoes materials for their manufacture or money for their purchase is not allowed.

The employer must compensate the employee for the costs of purchasing protective clothing and other means of personal protection, if the period established by the regulations for issuing these means is violated and the employee was forced to purchase them at his own expense. In the case of premature wear of these means through no fault of the employee, the employer is obliged to replace them at his own expense.

{Article 164 as amended by Law No. 3694-12 dated 12.15.93 }

Article 165. Issuance of soap and disinfectants

Soap is provided free of charge in accordance with the established standards for works related to pollution. At work, where there is a possible influence of harmful substances on the skin, washing and disinfecting agents are issued free of charge according to the established norms.

Article 166. Issuance of milk and medical and preventive nutrition

In workplaces with harmful working conditions, milk or other equivalent food products are given free of charge according to established norms.

At jobs with particularly harmful working conditions, medical and preventive nutrition is provided free of charge according to the established norms.

Article 167. Provision of employees of hot shops with carbonated salt water

The employer is obliged to supply employees of hot shops and production areas with carbonated salt water free of charge.

Workshops and production sites where the supply of carbonated salt water is organized are determined by the central executive body, which implements state policy in the areas of industrial safety, occupational health and safety, in agreement with the employer.

{Article 167 as amended by Laws No. 5462-VI dated 16.10.2012 , No. 2573-IX dated 06.09.2022 }

Article 168. Breaks in work for heating and rest

Employees working in the cold season in the open air or in closed unheated premises, loaders and some other categories of employees in cases stipulated by law are given special breaks for heating and rest, which are included in working hours. The employer is obliged to equip the premises for heating and rest of the employees.

{Article 168 as amended by Laws No. 871-12 dated 03.20.91 , No. 2215-IX dated 04.21.2022 }

Article 169. Mandatory medical examinations of employees of certain categories

The employer is obliged, at his own expense, to organize preliminary (upon hiring) and periodic (during employment) medical examinations of employees engaged in difficult jobs, jobs with harmful or dangerous working conditions or those where there is a need for professional selection, and as well as an annual mandatory medical examination of persons under the age of 21.

The list of professions whose employees are subject to a medical examination, the term and procedure for its conduct are established by the central executive body that ensures the formation of state policy in the field of health care, in agreement with the central executive body that ensures the formation of state policy in the field of labor protection.

{Article 169 with changes introduced in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 ; By Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

Article 170. Transfer to easier work

The employer must transfer, with their consent, to such work in accordance with a medical opinion, temporarily or indefinitely, employees who, due to their state of health, require easier work.

When transferred due to health conditions to a lighter, lower-paid job, the previous average earnings are kept for employees for two weeks from the day of the transfer, and in the cases provided for by the legislation of Ukraine, the previous average earnings are kept for the entire time of performing the lower-paid work or material support is provided according to the universally mandatory state social insurance.

{Article 170 as amended by Laws No. 3694-12 dated 15.12.93 , No. 429-IV dated 16.01.2003 }

Article 171. Obligations of the employer regarding the investigation and accounting of accidents, occupational diseases and accidents at work

The employer must conduct investigations and keep records of accidents, occupational diseases and accidents at work in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

{Article 171 with changes introduced in accordance with Decree of the PVR No. 4617-10 of 01.24.83 ; by Law No. 3694-12 dated 15.12.93 }

Article 172. Employment of persons with disabilities

In the cases stipulated by the legislation, the employer is obliged to organize training, retraining and employment of persons with disabilities in accordance with medical recommendations, to establish part-time working hours or part-time working weeks at their request, and to create favorable working conditions.

Involvement of persons with disabilities in overtime work and night work without their consent is not allowed (Articles 55 , 63).

{Article 172 as amended by Law No. 3694-12 dated 12.15.93 }

Article 173. Compensation for damage in case of damage to the health of employees

Damage caused to employees by mutilation or other health damage related to the performance of work duties shall be compensated in accordance with the procedure established by law.

In case of damage to the employee's health, the cause of which was mobbing (harassment), the fact of which is confirmed by a court decision that has entered into force, the damage caused shall be compensated in the amount of incurred costs for treatment.

{Article 173 as amended by Law No. 3694-12 dated 12.15.93 ; as amended by Law No. 429-IV dated February 11, 2003 ; with changes introduced in accordance with Law No. 2759-IX dated 11/16/2022 }

{Article 173[1] is excluded on the basis of Law No. 1356-XIV dated 12.24.99 }

Chapter XII
WOMEN'S WORK

Article 174. Works in which the use of women's labor is prohibited

The use of women's labor in heavy work and in work with harmful or dangerous working conditions, as well as in underground work, except for some underground work (non-physical work or sanitary and domestic service work) is prohibited.

It is also forbidden to involve women in lifting and moving things, the mass of which exceeds the limits set for them.

The list of heavy jobs and jobs with harmful and dangerous working conditions, in which the use of women's work is prohibited, as well as the maximum standards for lifting and moving heavy objects by women, are approved by the central executive body, which ensures the formation of state policy in the field of health care, in agreement with the central body of executive power, which ensures the formation of state policy in the field of labor protection.

{Article 174 as amended by Laws No. 871-12 dated 03.20.91 , No. 3694-12 dated 12.15.93 , No. 5462-VI dated 10.16.2012 }

Article 175. Restrictions on women's work at night

Involvement of women in work at night is not allowed, with the exception of those branches of the economy of Ukraine, where it is caused by a special need and is allowed as a temporary measure.

The list of these industries and types of work with an indication of the maximum terms of employment of women at night is approved by the Cabinet of Ministers of Ukraine.

The restrictions specified in the first part of this article do not apply to women who work in enterprises where only members of one family are employed.

{Article 175 as amended by Law No. 3694-12 dated 15.12.93 }

Article 176. Prohibition of engaging pregnant women and women with children under the age of three in night, overtime, and weekend work and sending them on business trips

It is not allowed to involve pregnant women and women with children under three years of age in work at night, in overtime work and work on weekends.

{Article 176 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By Law No. 871-12 dated 03.20.91 }

Article 177. Limiting the involvement of women with children aged three to fourteen or children with disabilities in overtime work and sending them on business trips

Women who have children aged three to fourteen or children with disabilities cannot work overtime or go on business trips without their consent.

{Article 177 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By Law No. 871-12 dated 03.20.91 }

Article 178. Transfer of pregnant women and women with children under the age of three to easier work

According to a medical report, pregnant women have reduced production standards, service standards, or are transferred to another job that is easier and excludes the influence of adverse production factors, while maintaining the average earnings from the previous job.

Until the issue of providing a pregnant woman with other work, which is easier and excludes the influence of adverse production factors, in accordance with a medical opinion, she is subject to dismissal from work with preservation of average earnings for all work days missed as a result at the expense of the enterprise, institution, organization.

Women who have children under the age of three, in the case of inability to perform the previous job, are transferred to another job with the preservation of the average earnings from the previous job until the child reaches the age of three.

If the earnings of the persons specified in parts one and three of this article are higher in lighter work than they received before the transfer, they shall be paid their actual earnings.

{Article 178 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By laws No. 871-12 dated 03.20.91 , No. 263/95-VR dated 07.05.95 }

Article 179. Leave in connection with pregnancy, childbirth and child care

On the basis of a medical opinion, women are granted a paid leave in connection with pregnancy and childbirth lasting 70 calendar days before childbirth and 56 (in the case of the birth of two or more children and in case of complications of childbirth - 70) calendar days after childbirth, starting from the day of childbirth.

The duration of leave in connection with pregnancy and childbirth is calculated in total and amounts to 126 calendar days (140 calendar days - in case of birth of two or more children and in case of childbirth complications). It is provided to women completely regardless of the number of days actually used before childbirth.

At the woman's request and in the absence of medical contraindications, part of the 70-calendar-day leave provided before childbirth can be transferred and used by the woman in part or in full after childbirth, starting from the day of childbirth. At the same time, the total duration of leave cannot exceed a total of 126 calendar days (140 calendar days - in the case of the birth of two or more children and in the case of childbirth complications).

At the request of the child's mother or father, one of them is granted leave to care for the child until the child reaches the age of three with payment for these periods of assistance in accordance with the law.

Enterprises, institutions and organizations can provide one of the child's parents with partially paid leave and unpaid leave to take care of the child with their own funds.

Leave to care for a child before the child reaches the age of three is not granted if the child is in state care, except for adopted children in foster families and foster children in family-type orphanages.

If a child needs home care, one of the child's parents must be granted unpaid leave for the duration specified in the medical report, but no longer than until the child reaches six years of age.

Leave for child care provided for in parts three, four and six of this article can be used in full or in parts also by the grandmother, grandfather or other relatives of the child who actually take care of the child, or by the person who adopted or took the child into custody, one from adoptive parents or foster parents.

At the request of the child's mother, father or the persons specified in part seven of this article, during their stay on leave to take care of the child, they may work part-time or at home.

The persons specified in this article must notify the employer about the early termination of such leave no later than 10 calendar days before the day of early termination of such leave.

{Article 179 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 429-IV dated 16.01.2003 , No. 120-VIII dated 15.01.2015 , No. 1366-VIII dated 17.05.2016 , No. 1401-IX dated 15.04.2021 , No. 3238-IX dated 13.07. 2023 }

{According to Section II of the Law of the Ukrainian SSR No. 871-12 of March 20, 1991 (Vidomosti Verkhovna Rada of the Ukrainian SSR, 1991, No. 23, Article 267), partially paid vacations are granted to women from January 1, 1992 until the child reaches the age of three .}

Article 180. Joining annual leave to leave due to pregnancy and childbirth

In the case of granting leave to women in connection with pregnancy and childbirth, the employer is obliged, upon the woman's application, to add annual basic and additional leave to her, regardless of the length of her work at this enterprise, institution, organization in the current working year.

{Article 180 as amended by Law No. 117-XIV dated 18.09.98 }

Article 181. The procedure for granting leave to care for a child and including it in the length of service

Leave to take care of a child before the child reaches the age of three and leave without salary (parts three and six of Article 179 of this Code) are granted upon the application of the mother (father) of the child or the persons specified in part seven of Article 179 of this Code, in whole or in part in within the established period and are issued by order (order) of the employer.

Leave to take care of a child before the child reaches three years of age and leave without pay (parts three and six of Article 179 of this Code) are counted towards both general and continuous work experience and work experience in a specialty. The vacation time specified in this article does not count towards the length of service entitling to annual vacation.

{Article 181 with changes introduced in accordance with Decree of the PVR No. 4617-10 of 01.24.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 1401-IX dated 04.15.2021 }

{According to Chapter II of the Law of the Ukrainian SSR No. 871-12 of March 20, 1991 (News of the Verkhovna Rada of the Ukrainian SSR, 1991, No. 23, Article 267) since January 1, 1992, partially paid vacations have been granted to women until the child reaches the age of three.}

Article 182. Leave for employees who have adopted a child (children)

Employees who have adopted a child from among orphans or children deprived of parental care are granted a one-time paid leave in connection with the adoption of a child for a duration of 56 calendar days (70 calendar days - in case of adoption of two or more children), excluding holidays and non-working days after the court's decision to adopt a child has entered into legal force. Such a leave is granted on the condition that the application for granting the leave is received no later than three months from the date of entry into legal force of the court's decision on the adoption of the child.

In the event of the adoption of a child (children) by the spouses, the specified leave is granted to one of the spouses at their discretion.

Employees who have adopted a child (or two or more children at the same time) are granted childcare leave under the conditions and in the manner established by Articles 179 and 181 of this Code.

{Article 182 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 573-VI dated 23.09.2008 , No. 2824-VI dated 21.12.2010 ; as amended by Law No. 2728-VIII dated 30.05.2019 }

Article 182[1]. Additional leave for employees who have children or an adult child with a disability since childhood of subgroup A of group I

One of the parents who has two or more children under the age of 15, or a child with a disability, or who has adopted a child, the mother (father) of a person with a disability since childhood of subgroup A of the I group, a single mother, the father of a child or a person with a disability since childhood of subgroup A I group, who raises them without a mother (including in the case of a long-term stay of the mother in a medical institution), as well as a person who has taken care of a child or a person with a disability since childhood of subgroup A I group, is granted annual additional paid leave for the duration of 10 calendar days excluding holidays and non-working days (Article 73 of this Code).

If there are several reasons for granting this leave, its total duration cannot exceed 17 calendar days.

The vacation specified in the first part of this article is granted in addition to the annual vacations provided for in Articles 75 and 76 of this Code, as well as in addition to the annual vacations established by other laws and regulations, and is transferred to another period or extended in accordance with the procedure specified in Article 80 of this Code .

{The Code was supplemented by Article 182-1 accordance with Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 490-IV dated 06.02.2003 , No. 2128-IV dated 22.10.2004 , No. 1343-VI dated 19.05.2009 , No. 120-VIII dated 15.01.2015 - the change enters into force on 01.01.2015 , No. 2249-VIII dated 19.12.2017 , No. 1401-IX dated 15.04.2021 }

Article 183. Breaks for feeding a child

Women who have children under the age of one and a half are given, in addition to the general break for rest and food, additional breaks for feeding the child.

These breaks are provided at least every three hours, lasting at least thirty minutes each.

If there are two or more infants, the duration of the break is set at least one hour.

The terms and procedure for granting breaks are established by the employer in agreement with the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization and taking into account the wishes of the mother.

Breaks for feeding a child are included in working hours and are paid according to average earnings.

{Article 183 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 4841-11 dated 10.30.87 ; by Law No. 1096-IV of July 10, 2003 }

Article 184. Guarantees upon employment and prohibition of dismissal of pregnant women and women with children

It is forbidden to refuse employment to women and to reduce their wages for reasons related to pregnancy or the presence of children under the age of three, and single mothers - due to the presence of a child under the age of fourteen or a child with a disability.

In case of refusal to hire women of the specified categories, the employer is obliged to inform them of the reason for the refusal in writing. Refusal of employment can be challenged in court.

The dismissal of pregnant women and women with children under the age of three (up to six years - part six of Article 179), single mothers with a child under the age of fourteen or a child with a disability at the initiative of the employer is not allowed, except in cases of complete liquidation of the enterprise, institution , organizations, when dismissal with mandatory employment is allowed. Mandatory employment of these women is also carried out in cases of their dismissal after the end of a fixed-term employment contract. For the period of employment, their average salary is kept, but not more than three months from the end of the fixed-term employment contract.

{Article 184 with changes introduced in accordance with Decree of the PVR No. 4841-11 dated 10.30.87 ; By laws No. 871-12 dated 03.20.91 , No. 1356-XIV dated 12.24.99 , No. 2215-IX dated 04.21.2022 }

Article 185. Provision of vouchers to sanatoriums and rest homes and provision of material assistance to pregnant women and women with children under the age of fourteen

The employer must, if necessary, issue tickets to sanatoriums and rest homes for free or on preferential terms to pregnant women and women who have children under the age of fourteen or children with disabilities, as well as provide them with financial assistance.

{Article 185 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Law No. 871-12 dated 03.20.91 }

Article 186. Mother care at enterprises and organizations

At enterprises and organizations with extensive use of women's labor, nurseries, kindergartens, rooms for feeding infants, as well as rooms for women's personal hygiene are organized.

Article . Guarantees for persons who raise minor children without a mother

The guarantees established by articles 56 , 176 , 177 , parts three to eight of article 179 , articles 181 , 182 , 182 [1] , 184 , 185, 186 of this Code also apply to parents who raise children without a mother (including in the case long-term stay of the mother in a medical institution), as well as for guardians (guardians), one of the adoptive parents, one of the foster parents.

{The Code was supplemented by Article 186-1 accordance with Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Laws No. 1959-VI dated 10.03.2010 , No. 1366-VIII dated 17.05.2016 }

Chapter XIII
WORK OF YOUTH

Article 187. Rights of minors in labor relations

Minors, i.e. persons who have not reached the age of eighteen, in labor relations have the same rights as adults, and in the field of labor protection, working hours, vacations and some other working conditions, they enjoy benefits established by the legislation of Ukraine.

{Article 187 as amended by Law No. 263/95-VR dated 07.05.95 }

Article 188. Age at which employment is allowed

It is not allowed to hire persons under the age of sixteen.

With the consent of one of the parents or a person replacing him, persons who have reached the age of fifteen may, as an exception, be hired.

In order to prepare young people for productive work, it is allowed to employ graduates of general secondary, professional (vocational-technical), professional pre-university or higher education institutions who are acquiring any form of primary, basic secondary or specialized secondary education to perform light work, which does not harm health and does not disrupt the education process, in the time free from education after they reach the age of fourteen with the consent of one of the parents or a person who replaces him.

{Article 188 with changes introduced in accordance with Decree of the PVR No. 4617-10 of 01.24.83 ; By laws No. 871-12 dated 03.20.91 , No. 2418-12 dated 06.05.92 , No. 2215-IX dated 04.21.2022 }

Article 189. Registration of employees who have not reached the age of eighteen

Each enterprise, institution, organization must keep a special record of employees who have not reached the age of eighteen, indicating their date of birth.

Article 190. Works in which the employment of persons under the age of eighteen is prohibited

It is prohibited to employ the labor of persons under the age of eighteen in heavy work and in work with harmful or dangerous working conditions, as well as in underground work.

It is also forbidden to involve persons younger than eighteen years of age in lifting and moving objects whose weight exceeds the limits established for them.

The list of heavy work and work with harmful and dangerous working conditions, as well as the maximum standards for lifting and moving heavy objects by persons under the age of eighteen are approved by the central executive body, which ensures the formation of state policy in the field of health care, in agreement with the central executive body , which ensures the formation of state policy in the field of labor protection.

{Article 190 as amended by Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

Article 191. Medical examinations of persons younger than eighteen years of age

All persons younger than eighteen years of age are accepted for work only after a preliminary medical examination and in the future, until reaching the age of 21, are subject to a mandatory medical examination every year.

{Article 191 as amended by Law No. 3694-12 dated 12.15.93 }

Article 192. Prohibition of engaging employees under the age of eighteen in night, overtime and weekend work

It is forbidden to involve employees under the age of eighteen in night, overtime and weekend work.

{Article 192 as amended by Law No. 3694-12 dated 12.15.93 }

Article 193. Standards of production for young workers

For workers under the age of eighteen, the production standards are established based on the production standards for adult workers in proportion to reduced working hours for persons who have not reached the age of eighteen.

For young employees who enter the enterprise, the organization after graduating from general secondary or professional (vocational-technical) education institutions, courses, as well as for those who have undergone training directly at the factory, in the cases and sizes provided for by the law and for the periods determined by it reduced production rates may be approved. These norms are approved by the employer in agreement with the trade union committee.

{Article 193 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 194. Remuneration of workers under the age of eighteen with reduced daily work hours

Wages for employees under the age of eighteen with a reduced daily work duration are paid in the same amount as for employees of the corresponding categories with a full daily work duration.

The work of workers under the age of eighteen, admitted to piecework, is paid at the piecework rates established for adult workers, with an additional payment at the tariff rate for the time during which the duration of their daily work is reduced compared to the duration of the daily work of adult workers.

Remuneration of students of general secondary or vocational (vocational-technical) education institutions who work in their free time from studies is carried out in proportion to the time worked or depending on the output. Enterprises can set additional payments to the wages of those who are getting an education.

{Article 194 as amended by Laws No. 871-12 dated 03.20.91 , No. 2215-IX dated 04.21.2022 }

Article 195. Holidays for employees under the age of eighteen

Annual leave for employees under the age of eighteen is granted at a time convenient for them.

Annual vacations for employees under the age of eighteen years of full duration in the first year of work are granted upon their application before the six-month period of continuous work at the given enterprise, institution, or organization.

{Article 195 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; as amended by Law No. 117-XIV dated 18.09.98 }

Article 196. *{Article 196 is excluded on the basis of Law No. 2622-IX dated September 21, 2022 }*

Article 197. Providing youth with their first job

Able-bodied youth - citizens of Ukraine aged 15 to 28 years after graduation or termination of education at secondary, professional (vocational-technical), professional pre-higher or higher education institutions, completion of professional training and retraining, as well as after release from conscript military service, military service upon conscription during mobilization, for a special period, military service upon the conscription of reservists during a special period, military service upon the conscription of officers or alternative (non-military) service, the first workplace is provided for a period of at least two years.

Young specialists - graduates of state-owned educational institutions, the need for which was previously declared by enterprises, institutions, organizations, are given work in their specialty for a period of at least three years in accordance with the procedure determined by the Cabinet of Ministers of Ukraine.

{Article 197 as amended by Law No. 263/95-VR dated 07.05.95 ; as amended in accordance with Laws No. 259-VIII dated 03/18/2015 , No. 1357-IX dated 03/30/2021 , No. 2215-IX dated 04/21/2022 }

Article 198. Restrictions on dismissal of employees under the age of eighteen

Dismissal of employees under the age of eighteen at the initiative of the employer is allowed, in addition to observing the general procedure for dismissal, only with the consent of the district (city) service for children. At the same time, dismissal on the grounds specified in clauses 1 , 2 and 6 of Article 40 of this Code is carried out only in exceptional cases and is not allowed without employment.

{Article 198 as amended by Law No. 609-V dated February 7, 2007 }

Article 199. Termination of an employment contract with a minor at the request of his parents or other persons

Parents, adoptive parents and guardians of a minor, as well as state bodies and officials entrusted with the supervision and control of compliance with labor legislation, have the right to demand the termination of an employment contract with a minor, including a fixed-term one, when its continuation threatens health a minor or violates his legitimate interests.

{Article 199 as amended by Law No. 6/95-VR dated 19.01.95 }

Article 200. Participation of youth organizations in considering issues of work and life of young people

The elected body of the primary trade union organization (trade union representative), enterprises, institutions, organizations and the employer consider the issue of encouraging young workers, allocating them housing and places in dormitories, labor protection, their dismissal, using funds for the development of cultural, mass and sports work with the participation of representative of a youth organization under the conditions specified by the collective agreement.

{Article 200 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 263/95-VR dated 07.05.95 , as amended by Law No. 1096-IV dated 07.10.2003 }

Chapter XIV
BENEFITS FOR EMPLOYEES WHO COMBINE WORK WITH STUDY

{Title of Chapter XIV as amended by Law No. 871-12 dated 03/20/91 }

Article 201. Organization of industrial training

For professional training and advanced training of employees, especially young people, the employer organizes individual, team, course and other industrial training at the expense of the enterprise, organization, institution.

{Article 201 as amended by Law No. 871-12 dated 03/20/91 }

Article 202. Creation of necessary conditions for combining work with study

The employer must create the necessary conditions for combining work with education for employees who undergo industrial training or study in educational institutions without separation from production.

{Article 202 as amended in accordance with Law No. 117-XIV dated 18.09.98 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 203. Encouraging employees who combine work with education

When raising qualifications or when promoting at work, employees' successful completion of industrial training, general education and professional training, and successful completion of training by employees in educational institutions must be taken into account.

{Article 203 as amended in accordance with Law No. 117-XIV dated 18.09.98 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 204. Implementation of industrial training during working hours

Theoretical classes and on-the-job training for training new employees directly at the factory through individual, team and course training are conducted within the working hours established by the labor legislation for employees of the appropriate age, professions and industries.

{Article 204 as amended by Law No. 2215-IX of April 21, 2022 }

Article 205. Inadmissibility of engaging in work that does not relate to the specialty being studied

During the period of on-the-job training, retraining or training in other specialties, employees may not be employed in any work that is not related to the specialty they are studying.

Article 206. Provision of work in accordance with acquired qualifications

An employee who has successfully completed industrial training is assigned a qualification in accordance with the tariff and qualification guide and is given a job in accordance with the qualification he has acquired and the assigned grade.

{Article 206 as amended by Law No. 2215-IX of April 21, 2022 }

Article 207. Payment of labor during industrial training, retraining or training in other specialties

During industrial training, retraining or training in other specialties, employees are paid wages in the manner and in the amounts determined by legislation.

Article 208. Benefits for employees studying in secondary, professional (vocational-technical), professional pre-higher education institutions

For employees who study without separation from production in secondary, professional (vocational-technical), vocational higher education institutions, a shortened working week or a shortened duration of daily work is established with the preservation of wages in the established order; they are also given other benefits.

{Article 208 as amended in accordance with Law No. 117-XIV dated 18.09.98 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 209. Reduction of working hours with retention of wages for employees studying in secondary comprehensive schools

For employees who successfully study in secondary general education evening (shift) schools, classes, groups with full-time, part-time forms of education at general education schools, a reduced working week for one working day or the corresponding number of working hours is established for the period of the academic year (in case of reduction working day during the week). These persons are released from work during the academic year for no more than 36 working days in a six-day working week or for the corresponding number of working hours. With a five-day work week, the number of days off varies depending on the duration of the work shift while keeping the number of hours off.

The employees specified in the first part of this article shall be paid 50 percent of the average salary at the main place of employment during the time of dismissal, but not below the minimum wage.

{Article 209 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; Laws No. 871-12 dated 20.03.91 , No. 117-XIV dated 18.09.98 }

Article 210. Dismissal without pay of employees studying in secondary education institutions

The employer may grant, without prejudice to production activities, one or two days off from work per week to employees who study in secondary education institutions in full-time (evening) and extramural forms of education, at their request, during the academic year without retaining wages.

{Article 210 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Laws No. 117-XIV dated 18.09.98 , No. 2215-IX dated 21.04.2022 }

Article 211. Additional leave in connection with studies in secondary education institutions

Employees who obtain general secondary education in secondary education institutions with full-time (evening) or extramural forms of education are granted additional paid leave for the period of preparation:

1) state final certification for the completion of basic general secondary education - lasting 10 calendar days;

2) state final attestation for completion of full general secondary education - lasting 23 calendar days;

3) annual evaluation during the acquisition of basic general secondary and full general secondary education - from 4 to 6 calendar days.

Employees who pass the state final certification for completing basic general secondary education or full general secondary education through an external form of education are granted additional paid leave lasting 21 and 28 calendar days, respectively.

{Article 211 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 490-IV dated February 6, 2003 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 212. Time of granting annual leave to employees studying in educational institutions

Employees who study in educational institutions without separation from production, annual vacations, at their request, are added to the time of conducting orientation classes, performing laboratory work, preparing attestations, evaluations, tests and exams (exams), time for preparing and defending a diploma thesis, diploma thesis project or creative work and other works provided by the curriculum.

Employees who study in institutions of secondary education with full-time (evening) or part-time education are granted annual vacations, at their request, in such a way that they can be used before the start of studies in these institutions.

Employees who successfully study in educational institutions without separation from production and wish to add vacation time to the time of conducting instructional classes, performing laboratory work, preparing attestations, evaluations, tests and exams (exams), the time of preparing and defending a diploma thesis, diploma project or creative work and other jobs provided for by the training program, full-time annual vacations for the first year of work are granted until the six-month period of continuous work at the given enterprise, institution, or organization.

{Article 212 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Laws No. 117-XIV dated 18.09.98 , No. 2215-IX dated 21.04.2022 }

Article 213. Additional leave in connection with studies in professional (vocational and technical) education institutions

Employees who successfully study in vocational (vocational and technical) education institutions in the evening form of education are granted additional paid leave for the preparation and passing of certifications, tests, exams (exams) for a total duration of 35 calendar days during the academic year.

{Article 213 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 490-IV dated February 6, 2003 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 214. Leave without pay for employees admitted to entrance exams to higher education institutions

Employees admitted to the entrance exams to institutions of higher education are granted leave without pay for a duration of 15 calendar days without taking into account the time required to travel to the location of the educational institution and back.

Employees who study continuously at preparatory departments (preparatory courses) of institutions of higher education are granted, at their request, one day off work per week during the academic year without salary retention. In order to take the final exams, they are granted additional leave under the conditions provided for in the first part of this article.

{Article 214 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; by Law No. 871-12 dated 03.20.91 ; as amended by Laws No. 117-XIV dated 18.09.98 , No. 2215-IX dated 21.04.2022 }

Article 215. Benefits for employees studying in institutions of higher education

Employees who study in institutions of higher education with evening and extramural forms of education are granted additional vacations in connection with studies, as well as other benefits provided for by law.

{Article 215 as amended by Law No. 263/95-VR dated 07.05.95 ; as amended by Laws No. 117-XIV dated 18.09.98 , No. 2215-IX dated 21.04.2022 }

Article 216. Additional leave in connection with studies in institutions of professional pre-university, higher education, institutions of postgraduate education and postgraduate studies

Additional paid vacations are granted to employees who successfully study full-time at institutions of professional pre-university and higher education with evening and correspondence forms of education:

1) for the period of orientation classes, performance of laboratory work, preparation of certifications, evaluations, credits and exams (exams) - for those studying in the first and second years:

in institutions of vocational pre-higher education with an evening form of education - 10 calendar days;

in institutions of higher education with evening education - 20 calendar days;

in institutions of vocational pre-university, higher education with correspondence form of education - 30 calendar days;

2) for the period of orientation classes, performance of laboratory work, preparation of certifications, evaluations, credits and exams (exams) - for those studying in the third and following courses:

in institutions of vocational pre-higher education with an evening form of education - 20 calendar days;

in institutions of higher education with evening education - 30 calendar days;

in institutions of vocational pre-university, higher education with correspondence form of education - 40 calendar days;

3) for the period of preparation of the state final attestation, state qualification exam in institutions of vocational pre-university, higher education - 30 calendar days;

4) for the period of preparation and defense of a diploma project, diploma or creative work for applicants of institutions of vocational pre-higher education with evening and correspondence forms of education - two months, and institutions of higher education - four months.

The duration of additional paid vacations for employees who obtain a second (subsequent) higher education by correspondence (evening) form of education in postgraduate and higher education institutions, scientific institutions that have postgraduate education units under their authority is determined as for persons studying at the third and in the following courses in professional pre-university and higher education institutions.

Employees allowed to take entrance exams to graduate school with or without a break from production are granted an additional paid leave of 10 calendar days for each exam once a year to prepare and take the exams.

Employees who study continuously in post-graduate studies and successfully complete an individual training plan are granted an additional paid leave of 30 calendar days.

For employees who study in institutions of professional pre-higher education, higher education with evening and correspondence forms of education, where the educational process has its own characteristics, the legislation may establish a different duration of vacations in connection with education.

Vacations provided for in clauses 1 and 2 of part one and part four of this article are granted during the academic year.

{Article 216 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; Law No. 263/95-VR dated 07.05.95 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 490-IV dated February 6, 2003 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article 217. Retention of wages during additional vacations in connection with studies

During additional vacations in connection with studies (Articles 211 , 213 , 216 of this Code, the average salary is kept for employees at the main place of work.

{Article 217 as amended by Law No. 117-XIV dated 18.09.98 }

Article 218. Provision of days off from work to employees studying in institutions of higher education and postgraduate studies

Employees studying in the last courses of higher education institutions, during the ten academic months before the start of the diploma project (work) or taking state exams, are given one day off work per week in a six-day work week to prepare for classes with payment in the amount of 50 percent of the received wages, but not lower than the minimum wage.

With a five-day work week, the number of days off varies depending on the length of the work shift, provided the total number of hours off work is maintained.

During the ten academic months before the start of the diploma project (work) or taking state exams, employees may, at their request, be given an additional one or two days off from work per week without saving wages.

In-service postgraduate workers are granted, at their request, one free day per week during the four years of study, with payment of 50 percent of the employee's average wage.

Employees who study continuously in post-graduate studies during the fourth year of study are granted, at their request, one additional day off work per week without maintaining wages.

{Article 218 as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 2215-IX dated 04/21/2022 }

Article 219. Payment of travel to the location of a higher educational institution

The employer pays for employees who study in institutions of higher education with evening and correspondence forms of education, travel to the location of the educational institution and back once a year for training classes, to perform laboratory work and take tests and exams - in the amount of 50 percent of the cost of travel.

The same amount is paid for travel for preparing and defending a diploma project (work) or taking state exams.

{Article 219 with changes introduced in accordance with Decree of the PVR No. 6237-10 dated 12.21.83 ; as amended by Law No. 117-XIV dated 18.09.98 ; with changes introduced in accordance with Law No. 2215-IX dated 04/21/2022 }

Article 220. Limitation of overtime work for employees who are studying

Workers who are studying continuously from production in institutions of secondary, professional (vocational and technical) education are prohibited from engaging in overtime work on class days.

{Article 220 as amended by Laws No. 117-XIV dated 18.09.98 , No. 2215-IX dated 21.04.2022 }

Chapter XV
INDIVIDUAL LABOR DISPUTES

{Chapter XV as amended by Law No. 2134-12 dated 02.18.92 }

Article 221. Bodies that consider labor disputes

Labor disputes are considered:

1) commissions on labor disputes;

2) local general courts.

This procedure for consideration of labor disputes arising between an employee and an employer is applied regardless of the form of the employment contract.

The established procedure for consideration of labor disputes does not apply to disputes about early dismissal from elected paid positions of members of public and other associations of citizens by decision of the bodies that elected them.

{Article 221 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By laws No. 871-12 dated 03.20.91 , No. 2134-12 dated 02.18.92 , No. 762-IV dated 05.15.2003 }

Article 222. Procedure for consideration of labor disputes of certain categories of employees

Peculiarities of consideration of labor disputes of judges, prosecutor-investigative employees, as well as employees of educational, scientific and other institutions of the prosecutor's office, who have class ranks, are established by legislation.

{Article 222 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

Article ^{1}. Settlement of labor disputes through mediation

A labor dispute between an employee and an employer, regardless of the form of the employment contract, can be settled through mediation in accordance with the Law of Ukraine "On Mediation" taking into account the features provided by this Code.

The agreement on mediation and the agreement on the results of mediation in labor disputes shall be concluded in writing.

In case of non-performance or improper performance of the agreement as a result of the mediation, the parties to the mediation have the right to apply for consideration of the labor dispute to the bodies provided for in Article 221 of this Code.

Participation in the mediation procedure can be recognized as a valid reason within the meaning of Articles 225 and 234 of this Code.

{The Code was supplemented by Article 222 ^{1} in accordance with Law No. 1875-IX dated November 16, 2021 }

Article 223. Organization of labor dispute commissions

The commission on labor disputes is elected by the general meeting (conference) of the labor team of the enterprise, institution, organization with the number of employees at least 15 people.

The order of election, number, composition and term of office of the commission are determined by the general meeting (conference) of the labor team of the enterprise, institution, organization. At the same time, the number of workers in the commission on labor disputes of the enterprise must be at least half of its composition.

The commission on labor disputes elects the chairman, his deputies and the secretary of the commission from among its members.

According to the decision of the general meeting (conference) of the labor team of the enterprise, institution, organization, commissions on labor disputes can be created in shops and other similar units. These commissions are elected by collectives of subdivisions and act on the same basis as commissions on labor disputes of enterprises, institutions, and organizations.

The commissions for labor disputes of subdivisions may consider labor disputes within the limits of the powers of these subdivisions.

Organizational and technical support of the commission on labor disputes (provision of equipped premises, printing and other equipment, necessary literature, organization of paperwork, recording and storage of employee applications and cases, preparation and issuance of copies of decisions, etc.) is carried out by the employer.

The commission for labor disputes of an enterprise, institution, or organization has a seal of the established model.

{Article 223 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

Article 224. Competence of the commission on labor disputes

The Labor Disputes Commission is the mandatory primary body for consideration of labor disputes arising at enterprises, institutions, and organizations, with the exception of disputes specified in Articles 222 and 232 of this Code.

A labor dispute is subject to consideration by the labor dispute commission, if the employee, independently or with the participation of a trade union organization representing his interests, did not settle the disagreement during direct negotiations with the employer.

{Article 224 as amended by Law No. 2134-12 dated 02.18.92 }

Article 225. Deadlines for appeals to the commission on labor disputes and the procedure for accepting employee applications

An employee may apply to the commission for labor disputes within a period of three months from the day when he learned or should have learned about the violation of his right, and in disputes about the payment of wages due to him - without any time limit.

In the case of missing the established term due to valid reasons, the commission on labor disputes can renew it.

The employee's application received by the commission is subject to mandatory registration.

{Article 225 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; By Laws No. 2134-12 dated 18.02.92 , No. 2620-III dated 11.07.2001 }

Article 226. The procedure and terms of consideration of a labor dispute in the commission on labor disputes

The commission on labor disputes is obliged to consider the labor dispute within ten days from the date of submission of the application. Disputes must be considered in the presence of the employee who submitted the application, representatives of the employer. Consideration of a dispute in the absence of an employee is allowed only upon his written application. At the request of the employee, a representative of the trade union body or, at the employee's choice, another person, including a lawyer, may act on his behalf during the consideration of the dispute.

If the employee or his representative does not appear at the commission meeting, consideration of the application is postponed until the next meeting. If the employee fails to appear again without valid reasons, the commission may issue a decision to withdraw this application from consideration, which does not deprive the employee of the right to submit the application again within a three-month period from the day the employee learned or should have learned about the violation of his right.

The commission for labor disputes has the right to summon witnesses to the meeting, instruct specialists to carry out technical, accounting and other checks, demand the necessary calculations and documents from the employer.

A meeting of the commission on labor disputes is considered authoritative if at least two-thirds of the members elected to its composition are present.

The employee and the employer have the right to express a reasoned objection to any member of the commission. The issue of recusal is decided by the majority of the commission members present at the meeting. A member of the commission who has been dismissed does not take part in the decision on the dismissal.

At the meeting of the commission, a protocol is kept, which is signed by the chairman or his deputy and the secretary.

{Article 226 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

Article 227. The procedure for making decisions by the commission on labor disputes

The commission on labor disputes makes decisions by the majority of its members present at the meeting.

The decision shall specify: the full name of the enterprise, institution, organization, surname, name and patronymic of the employee who applied to the commission, or his representative, the date of the application to the commission and the date of consideration of the dispute, the essence of the dispute, the surnames of the members of the commission, the employer or his representatives, voting results and reasoned decision of the commission.

Copies of the commission's decision are delivered to the employee and employer within three days.

{Article 227 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; By Laws No. 2134-12 dated 02/18/92 , No. 2215-IX dated 04/21/2022 }

Article 228. Appealing the decision of the commission on labor disputes

In case of disagreement with the decision of the commission on labor disputes, the employee or the employer may appeal its decision to the court within ten days from the date of delivery of the extract from the minutes of the commission meeting or its copy. Missing the specified deadline is not a reason for refusing to accept the application. Having recognized the reasons for the omission as valid, the court can renew this term and consider the dispute on its merits. If the missed deadline is not renewed, the application will not be considered, and the decision of the commission on labor disputes will remain in force.

{Article 228 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

Article 229. Time limit for implementation of the decision of the commission on labor disputes

The decision of the commission on labor disputes is subject to implementation by the employer within a three-day period after the end of the ten days provided for its appeal (Article 228), with the exception of the cases provided for by part five of Article 235 of this Code.

{Article 229 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

Article 230. The procedure for implementing the decision of the commission on labor disputes

If the employer fails to comply with the decision of the labor dispute commission within the prescribed period (Article 229), the labor dispute commission of the enterprise, institution, organization issues a certificate that has the force of an executive letter to the employee.

The certificate shall indicate the name of the body that made the decision regarding the labor dispute, the date of acceptance and issue and the number of the decision, the name, first name, patronymic and address of the debt collector, the name and address of the debtor, the numbers of his bank accounts, the decision on the merits of the dispute, the term presentation of a certificate for execution. The certificate is certified by the signature of the chairman or deputy chairman of the commission on labor disputes of the enterprise, institution, organization and the seal of the commission on labor disputes.

The certificate shall not be issued if the employee or the employer applied to the local general court within the period established by Article 228 for the resolution of the labor dispute.

On the basis of a certificate presented no later than a three-month period to a state executive service body or a private executor, the state executor or a private executor enforces the decision of the commission on labor disputes in a compulsory manner.

{The fifth part of Article 230 is excluded on the basis of Law No. 2056-III dated 10.19.2000 }

{Article 230 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; By Laws No. 2134-12 dated 02.18.92 , No. 2056-III dated 10.19.2000 , No. 762-IV dated 05.15.2003 , No. 1404-VIII dated 06.02.2016 }

Article 231. Consideration of labor disputes in local general courts

In local general courts, labor disputes are considered based on applications:

1) an employee or employer, when they do not agree with the decision of the commission on labor disputes of the enterprise, institution, organization (subdivision);

{Clause 2 of Article 231 is excluded on the basis of Law No. 1697-VII dated 14.10.2014 }

{Article 231 with changes introduced in accordance with Decrees of the PVR No. 3866-08 dated 06.05.75 , No. 4617-10 dated 01.24.83 ; By laws No. 871-12 dated 03.20.91 , No. 2134-12 dated 02.18.92 , No. 762-IV dated 05.15.2003 }

Article 232. Labor disputes subject to direct consideration in local general courts

Labor disputes are considered directly in local general courts based on applications:

1) employees of enterprises, institutions, organizations where labor dispute commissions are not elected;

2) employees on reinstatement regardless of the grounds for terminating the employment contract, changing the date and formulating the reason for dismissal, payment for forced absenteeism or performing lower-paid work, with the exception of employee disputes specified in Part Three of Article 221 and Article 222 of this Code;

3) the head of the enterprise, institution, organization (branch, representative office, department and other separate subdivision), his deputies, the chief accountant of the enterprise, institution, organization, his deputies, as well as officials of tax and customs authorities who have been assigned special titles, and officials persons of central executive bodies implementing state policy in the spheres of state financial control and price control; management employees who are elected, approved or appointed to positions by state bodies, local self-government bodies, as well as public organizations and other associations of citizens, on issues of dismissal, changing the date and formulating the reason

for dismissal, transfer to another job, payment for forced absenteeism and imposition of disciplinary sanctions, with the exception of employee disputes specified in the third part of Article 221 and Article 222 of this Code;

4) the employer on compensation by employees for material damage caused to the enterprise, institution, organization;

5) employees in the matter of application of labor legislation, which, in accordance with current legislation, was previously decided by the employer and the elected body of the primary trade union organization (trade union representative) of the enterprise, institution, organization (subdivision) within the limits of their rights;

6) employees on the registration of labor relations in the event that they perform work without concluding an employment contract and establishing the period of such work (except in cases of performing work or providing services under a gig contract in the manner and under the conditions provided for by the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine ").

Disputes about refusal of employment are also considered directly in local general courts:

1) employees invited to work in order of transfer from another enterprise, institution, organization;

2) young specialists who have graduated from a vocational pre-university or higher education institution and are sent to work at a given enterprise, institution, or organization in accordance with the established procedure;

3) pregnant women, women who have children under the age of three or a child with a disability, and single mothers (parents) - if there is a child under the age of fourteen;

4) elected employees after the term of office expires;

5) employees who are granted the right to return to work;

6) other persons with whom the employer is obliged to conclude an employment contract in accordance with the current legislation.

{Article 232 with changes introduced in accordance with Decrees of the PVR No. 1616-09 dated 12.24.76 , No. 6237-10 dated 12.21.83 ; Laws No. 2134-12 dated 02.18.92 , No. 3632-12 dated 12.15.93 , No. 6/95-VR dated 01.19.1995 , No. 762-IV dated 05.15.2003 , No. 1096-IV dated 07.10.2003 , No. 5462 -VI from 16.10.2012 , No. 239-VII from 15.05.2013 , No. 406-VII from 04.07.2013 , No. 77-VIII from 28.12.2014 , No. 440-IX from 14.01.2020 , No. 1667-IX from 15.07. 2021 , No. 2215-IX dated 04/21/2022 }

Article 233. Time limits for applying to the court for the resolution of labor disputes

An employee may apply for the resolution of a labor dispute directly to the court within three months from the day when he learned or should have learned about the violation of his right, except for the cases provided for in the second part of this article.

{For the official interpretation of the provisions of the first part of Article 233, see in the Decision of the Constitutional Court No. 4-pn/2012 dated February 22, 2012 }

The employee has the right to apply to the court for the resolution of a labor dispute in dismissal cases within one month from the date of delivery of a copy of the order (order) on dismissal, and in cases regarding the payment of all sums due to the employee upon dismissal - within three months from the date his receipt of a written notification about the amounts accrued and paid to him upon dismissal (Article 116).

{For the official interpretation of the provisions of the second part of Article 233, see in Decisions of the Constitutional Court No. 8-pn/2013 dated 15.10.2013 , No. 9-pn/2013 dated 15.10.2013 }

For the employer to appeal to the court in matters of recovery from the employee of the material damage caused to the enterprise, institution, organization, a period of one year is established from the date of discovery of the damage caused by the employee.

The term established by the third part of this article is also applied when applying to a higher court in the order of subordination of the body.

{Article 233 with changes introduced in accordance with the decrees of the PVR No. 4617-10 dated 01.24.83 , No. 6237-10 dated 12.21.83 , No. 5938-11 dated 05.27.88 ; By Laws No. 871-12 dated 03.20.91 , No. 2134-12 dated 02.18.92 , No. 2620-III dated 07.11.2001 , No. 762-IV dated 05.15.2003 , No. 1697-VII dated 10.14.2014 , No. 1217-IX dated 02/05/2021 , No. 2215-IX dated 04/21/2022 , No. 2352-IX dated 07/01/2022 }

Article 234. Renewal by the court of terms missed for valid reasons

In the event that the terms established by Article 233 of this Code are missed due to good reasons, the court may renew these terms if no more than 100 days have passed since the day of receiving a copy of the order (order) on dismissal or a written notification about the amounts accrued and paid to the employee upon dismissal (Article 116) more than one year.

{Article 234 with changes introduced in accordance with the Decrees of the State Government No. 3866-08 dated 05.06.75 , No. 5938-11 dated 27.05.88 , Law No. 762-IV dated 15.05.2003 ; the text of Article 234 as amended by Law No. 2352-IX dated July 1, 2022 }

Article 235. Resumption of work, change in wording of reasons for dismissal, registration of labor relations with an employee who performed work without concluding an employment contract, and establishment of the period of such work

In case of dismissal without legal grounds or illegal transfer to another job, including in connection with the notification of violation of the requirements of the Law of Ukraine "On Prevention of Corruption" by another person, the employee must be reinstated at the previous job by the body that examines the labor dispute.

When making a decision on reinstatement, the body considering a labor dispute simultaneously makes a decision to pay the employee the average salary for the period of forced absenteeism or the difference in earnings for the time of performing lower-paid work, but not for more than one year. If the application for reinstatement is considered for more than one year, due to no fault of the employee, the body that examines the labor dispute makes a decision on the payment of the average salary for the entire period of forced absenteeism.

If the wording of the reason for dismissal is recognized to be incorrect or does not comply with current legislation, in cases where this does not entail the reinstatement of the employee, the body that considers the labor dispute is obliged to change the wording and indicate the reason for dismissal in the decision in an accurate compliance with the wording of the current legislation and with reference to the relevant article (paragraph) of the law. If the incorrect wording of the reason for dismissal prevented the employee from being employed, the body that considers the labor dispute simultaneously makes a decision to pay him the average salary for the period of forced absenteeism in the manner and under the conditions provided for in the second part of this article.

If there are grounds for reinstatement of an employee who was dismissed in connection with a report by him or a person close to him about possible facts of corruption or corruption-related offenses, other violations of the Law of Ukraine "On Prevention of Corruption" by another person, and for his refusal of such a renewal, the body that examines the labor dispute makes a decision to pay him monetary compensation in the amount of six months' average earnings, and in case of impossibility of renewal - in the amount of two years' average earnings.

In the event of a delay in issuing a copy of the order (order) on dismissal due to the fault of the employer, the employee is paid the average salary for the entire period of forced absenteeism.

When making a decision on formalizing labor relations with an employee who performed work without concluding an employment contract, and establishing the period of such work or work under part-time conditions, in the case of actual performance of work, the full-time working hours established at the enterprise, institution, organization (except cases of performance of work or provision of services under a gig contract in the manner and under the conditions provided for by the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine"), the body that examines the labor dispute simultaneously makes a decision on the calculation and payment of wages to such an employee in the amount not lower than the average salary for the relevant type of economic activity in the region in the relevant period without taking into account the actually paid salary, about the accrual and payment in accordance with the legislation of the personal income tax and the amount of the single contribution to the mandatory state social insurance for the established period of work.

In the absence of confirmation that the resident of Diya City misled an individual regarding the legal nature of the gig contract concluded with him in accordance with the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine", its conclusion and/or execution cannot be considered as entering into employment relations and/or performing work without concluding an employment contract (contract).

The decision on the reinstatement of an illegally dismissed or transferred employee, made by the body that examines the labor dispute, is subject to immediate execution.

{Article 235 with changes introduced in accordance with Decree of the PVR No. 3866-08 dated 06.05.75 ; By Laws No. 871-12 dated 03.20.91 , No. 2134-12 dated 02.18.92 , No. 1700-VII dated 10.14.2014 , No. 77-VIII dated 12.28.2014 , No. 198-IX dated 10.17.2019 , No. 1217-IX dated 02/05/2021 , No. 1667-IX dated 07/15/2021 }

Article 236. Payment of forced absenteeism in case of delay in the implementation of the decision on reinstatement of the employee

If the employer delays the implementation of the decision of the body that considered the labor dispute on the reinstatement of an illegally dismissed or transferred employee, this body issues a decision to pay him the average salary or the difference in salary during the delay.

{Article 236 as amended by Law No. 2134-12 dated 02.18.92 }

Article 237. Imposition of financial responsibility on an official guilty of illegal dismissal or transfer of an employee

The court imposes on an official who is guilty of illegal dismissal or transfer of an employee to another job, the obligation to cover the damage caused to the enterprise, institution, organization in connection with payment to the employee for the time of forced absenteeism or the time of performing lower-paid work. Such an obligation is imposed if the dismissal or transfer was carried out in violation of the law or if the employer delayed the execution of the court decision on reinstatement.

{Article 237 as amended by Law No. 2134-12 dated 02.18.92 ; as amended by Law No. 2215-IX of April 21, 2022 }

Article . Reimbursement of moral damages by the employer

Compensation of moral damage to the employee by the employer is carried out in the event that the violation of his legal rights, including as a result of discrimination, mobbing (harassment), the fact of which is confirmed by a court decision that has entered into legal force, has led to moral suffering, loss of normal life relationships and requires from him additional efforts to organize his life.

The procedure for compensation for moral damage is determined by legislation.

{The Code was supplemented by Article 237 [1] in accordance with Law No. 1356-XIV dated 12.24.99 ; with changes introduced in accordance with Law No. 2759-IX dated 11/16/2022 }

Article 238. Satisfaction of monetary claims

When considering labor disputes in matters of monetary claims, in addition to claims for payment of the employee's average salary for the period of forced absenteeism or the difference in earnings for the time of performing lower-paid work (Article 235), the body that considers the dispute has the right to issue a decision on the payment of the appropriate amounts to the employee without any time limit.

{Article 238 as amended in accordance with Decree of the PVR No. 1616-09 dated 12.24.76 ; Laws No. 871-12 dated 03.20.91 , No. 2134-12 dated 02.18.92 }

{Article 238[1] is excluded on the basis of Law No. 2134-12 dated 18.02.92 }

Article 239. Restrictions on the execution of decisions on labor disputes

In case of annulment of executed court decisions on collection of wages or other payments arising from labor relations, reversal of execution is allowed only when the annulled decision was based on false information provided by the claimant or forged documents submitted by him.

For the same reasons, it is allowed to recover from employees the sums paid to them in accordance with the previously adopted decision of the commission on labor disputes during the re-examination of the dispute.

{Article 239 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 ; by Law No. 2134-12 dated 02.18.92 }

{Article 240 is excluded on the basis of Law No. 871-12 dated 03.20.91 }

Article . Decision-making by the body that considers labor disputes, in case of impossibility of reinstatement of the employee due to the termination of the activity of the enterprise, institution, organization

In the event that an employee is dismissed without a legal basis or in violation of the established procedure, but his reinstatement at the previous job is impossible due to the liquidation of the enterprise, institution, organization, the body that examines the labor dispute obligates the liquidation commission or the employer (a body authorized to manage property liquidated enterprise, institution, organization, and in appropriate cases - the legal successor), to pay the employee wages for the entire period of forced absenteeism. At the same time, the body that examines the labor dispute recognizes the employee as one who was dismissed according to paragraph 1 of Article 40 of this Code. Such an employee is entitled to the benefits and compensation provided for in Article 49[3] of this Code for laid-off employees, and his employment is ensured in accordance with the Law of Ukraine "On Employment of the Population".

{The Code was supplemented by Article 240[1] in accordance with Law No. 6/95-VR dated 19.01.95 }

{Article 241 is excluded on the basis of Law No. 871-12 dated 03.20.91 }

Article 241[1]. Calculation of the terms stipulated by this Code

The terms of occurrence and termination of labor rights and obligations are calculated in years, months, weeks and days.

The term, calculated in years, ends on the corresponding month and date of the last year of the term.

The term, calculated in months, ends on the corresponding date of the last month of the term. If the end of the term calculated in months falls on a month that does not have a corresponding number, then the term ends on the last day of this month.

The term, calculated in weeks, ends on the corresponding day of the week.

When the terms are determined in days, they are calculated from the day following the day from which the term begins. If the last day of the term falls on a holiday, holiday or non-working day, then the nearest working day is considered the day of the end of the term.

{The Code was supplemented by Article 241[1] in accordance with Law No. 6/95-VR dated 19.01.95 }

{Article 242 is excluded on the basis of Law No. 2134-12 dated 18.02.92 }

Chapter XVI
PROFESSIONAL UNIONS. PARTICIPATION OF EMPLOYEES IN THE MANAGEMENT OF ENTERPRISES, INSTITUTIONS, ORGANIZATIONS

{Title of Chapter XVI with changes introduced in accordance with Decree of the PVR No. 8474-10 dated 27.02.85 }

Article 243. The right of citizens to join trade unions

In accordance with the Constitution of Ukraine and the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity", citizens of Ukraine have the right, based on the free expression of their will, without any permission, to create trade unions for the purpose of representing, exercising and protecting their labor and socio-economic rights and interests , to join and leave them on the terms and in the order determined by their statutes, to participate in the work of professional unions.

The state recognizes trade unions as authorized representatives of employees and defenders of their labor, socio-economic rights and interests in state and local self-government bodies, in relations with the employer, as well as with other associations of citizens.

{Article 243 as amended by Law No. 263/95-VR dated 07.05.95 , as amended by Law No. 2343-III dated 04.05.2001 }

Article 244. Rights of trade unions and their associations

The rights of trade unions and their associations are determined by the Constitution of Ukraine, the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity", this Code, and other normative legal acts.

{Article 244 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 8474-10 dated 02.27.85 ; By Laws No. 3694-12 dated 12.15.15 , No. 263/95-VR dated 07.05.95 , as amended by Law No. 2343-III dated 04.05.2001 }

Article 245. The right of employees to participate in the management of enterprises, institutions, and organizations

Employees have the right to participate in the management of enterprises, institutions, organizations through general meetings (conferences), councils of labor collectives, trade unions operating in labor collectives, other bodies authorized by the labor collective for representation, to make proposals for improving the work of the enterprise, institution, organization, as well as on issues of social, cultural and household service.

The employer is obliged to create conditions that would ensure the participation of employees in the management of enterprises, institutions, and organizations. Officials of enterprises, institutions, and organizations are obliged to consider the critical comments and suggestions of employees and inform them about the measures taken within the prescribed period.

{Article 245 with changes introduced in accordance with Decrees of the PVR No. 8474-10 dated 02.27.85 , No. 5938-11 dated 05.27.88 ; By Law No. 263/95-VR dated 07.05.95 }

Article 246. Primary trade union organizations at enterprises, institutions, and organizations

Primary trade union organizations at enterprises, institutions, organizations and their structural subdivisions represent the interests of their members and protect their labor, socio-economic rights and interests.

Primary trade union organizations exercise their powers through elected bodies formed in accordance with the statute (regulations), and in organizations where elected bodies are not formed, through a trade union representative authorized by the statute to represent the interests of trade union members, who acts within the limits of the rights granted The Law of Ukraine "On trade unions, their rights and guarantees of activity" and the statute of the trade union.

If there are several primary trade union organizations at the enterprise, institution, or organization, the representation of the collective interests of the employees of the enterprise, institution, or organization regarding the conclusion of a collective agreement is carried out by a joint representative body in the manner determined by the second part of Article 12 of this Code.

{Article 246 with changes introduced in accordance with Decree of the Government of Ukraine No. 4617-10 dated 01.24.83 , as amended by Laws No. 2343-III dated 04.05.2001 , No. 1096-IV dated 07.10.2003 ; with changes introduced in accordance with Law No. 2253-IX dated 12.05.2022 }

Article 247. Powers of the elected body of the primary trade union organization at the enterprise, institution, organization

The elected body of the primary trade union organization at the enterprise, institution, organization:

1) concludes and monitors the implementation of the collective agreement, reports on its implementation at general meetings of the labor team, applies to the relevant authorities to hold officials accountable for non-fulfillment of the terms of the collective agreement;

2) jointly with the employer resolves the issue of introduction, revision and changes of labor standards;

3) together with the employer, resolves the issue of remuneration of employees, forms and systems of remuneration, rates, tariff grids, salary schemes, conditions of introduction and amounts of allowances, surcharges, bonuses, rewards and other incentive and compensation payments;

4) together with the employer, resolves the issue of working time and rest time, agrees on shift schedules and the granting of vacations, the introduction of a summary accounting of working hours, gives permission for overtime work, work on weekends, etc.;

5) together with the employer, resolves issues of social development of the enterprise, improvement of working conditions, material and household, and medical care of employees;

6) participates in solving socio-economic issues, defining and approving the list and procedure for providing employees with social benefits;

7) participates in the development of internal labor regulations of the enterprise, institution or organization;

8) represents the interests of employees on their behalf during consideration of individual labor disputes and in a collective labor dispute, contributes to its resolution;

9) makes a decision on the requirement for the employer to terminate the employment contract (contract) with the head of the enterprise, institution, organization, if he violates the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" , labor legislation, avoids participating in negotiations regarding the conclusion or changes to the collective agreement, does not fulfill obligations under the collective agreement, allows other violations of the legislation on collective agreements;

10) gives consent or refuses to give consent to the termination of an employment contract at the initiative of the employer with an employee who is a member of a trade union operating at an enterprise, institution and organization, in cases provided for by law;

11) participates in the investigation of accidents, occupational diseases and accidents, in the work of the occupational health and safety commission;

12) carries out public control over the employer's implementation of the legislation on labor and labor protection, on ensuring at the enterprise, in the institution, the organization of safe and harmless working conditions, industrial sanitation, the correct application of the established terms of payment of labor, requires the elimination of identified deficiencies;

13) supervises the preparation and submission by the employer of documents necessary for assigning pensions to employees and their family members;

14) supervises the granting to pensioners and persons with disabilities, who before retirement worked at the enterprise, institution, organization, of the right to use, on an equal basis with its employees, the available opportunities for medical care, provision of housing, vouchers to health and preventive institutions and other social services and benefits in accordance with the charter of the enterprise, institution, organization and collective agreement;

15) represents the interests of insured persons in the social insurance commission, refers employees to sanatoriums, prophylactics and rest houses, tourist complexes, bases and health facilities under the conditions stipulated by the collective agreement or agreement, checks the state of the organization of medical care for employees and their family members;

16) determines together with the employer, in accordance with the collective agreement, the amount of funds that will be directed to the construction, reconstruction, and maintenance of housing, keeps records of citizens who need to improve living conditions, distributes the living space in houses built with funds or with the participation of enterprises, institutions, organizations, as well as living space provided to the employer at the disposal of other buildings, supervises housing and household services of employees;

17) represents the interests of employees of the debtor enterprise during the bankruptcy procedure.

Elected bodies of a trade union organization operating at an enterprise, institution, or organization also have other rights provided for by the legislation of Ukraine.

{Article 247 with changes introduced in accordance with the decrees of the PVR No. 4617-10 dated 01.24.83 , No. 8474-10 dated 02.27.85 , No. 5938-11 dated 05.27.88 ; By Law No. 263/95-VR dated 07.05.95 , as amended by Law No. 2343-III dated 04.05.2001 , as amended by Laws No. 429-IV dated 01.16.2003 , No. 1096-IV dated 07.10.2003 }

Article 248. Guarantees of trade union activities

To exercise the powers of trade unions provided for by the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity", members of elected bodies of trade union organizations of enterprises, institutions and organizations higher in status than trade union bodies, as well as authorized representatives of these bodies, have the right:

1) freely visit and inspect workplaces at the enterprise, institution, or organization where trade union members work;

2) to demand and receive from the employer, another official, relevant documents, information and explanations regarding working conditions, implementation of collective agreements, compliance with labor legislation and social and economic rights of employees;

3) directly address orally or in writing to the employer, trade union officials;

4) inspect the operation of trade, public catering, health care, children's institutions, dormitories, transport enterprises and household service enterprises that belong to or provide services to the enterprise, institution, organization in which trade union members work;

5) post your own information in the premises and on the territory of the enterprise, institution, organization in places accessible to employees;

6) check calculations of wages and state social insurance, use of funds for social and cultural events and housing construction.

{Article 248 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 , Law No. 871-12 dated 03.20.91 ; as amended by Law No. 2343-III of April 5, 2001 ; with changes introduced in accordance with Law No. 2215-IX dated 04/21/2022 }

Article 249. The employer's duty to create conditions for trade union activity

The employer is obliged to contribute to the creation of appropriate conditions for the activity of primary trade union organizations operating at the enterprise, institution, or organization.

Premises for the work of the elected trade union body and holding meetings of employees who are members of the trade union with all the necessary equipment, communication, heating, lighting, cleaning, transport, security are provided by the employer in the manner stipulated by the collective agreement.

In the presence of written statements from employees who are members of a trade union, the employer withholds from the salary every month free of charge and transfers to the account of the trade union the membership union contributions of the employees in accordance with the concluded collective agreement or a separate agreement within the terms specified by this agreement or agreement. The employer has no right to delay the transfer of said funds.

Disputes related to the employer's failure to fulfill these obligations are considered in court.

Buildings, premises, structures, including rented ones, intended for conducting cultural and educational, recreational, physical culture and sports work among employees of the enterprise, institution, organization and their family members, as well as recreational camps may be transferred on a contractual basis for the use of trade union organizations of this enterprises, institutions, organizations.

{Article 249 as amended in accordance with the Decree of the Government of Ukraine No. 4617-10 of 01.24.83 , as amended by Law No. 2343-III of 04.05.2001 , as amended in accordance with Law No. 1096-IV of 07.10.2003 }

Article 250. Deduction of funds by enterprises, institutions, organizations to primary trade union organizations for cultural and mass, physical education and health work

Employers are obliged to deduct funds to primary trade union organizations for cultural, mass, physical and health work in the amounts stipulated by collective agreements and agreements, but not less than 0.3 percent of the wage fund in accordance with the Law of Ukraine "On Trade Unions, Their Rights and activity guarantees" .

{Article 250 with changes introduced in accordance with Decree of the PVR No. 4617-10 dated 01.24.83 , as amended by Laws No. 2343-III dated 04.05.2001 , No. 1096-IV dated 07.10.2003 }

Article 251. The employer's duty to provide information at the request of trade unions and their associations

The employer is obliged to provide, within a week, at the request of trade unions and their associations, information on the conditions and wages of employees, the social and economic development of the enterprise, institution, organization, and the implementation of collective agreements and agreements.

In the event of a delay in the payment of wages, the employer is obliged, at the request of the elected trade union bodies, to provide written permission to obtain from banks information about the availability of funds in the accounts of the enterprise, institution, organization, or to obtain such information from banks and provide it to the trade union body. In case of refusal of the employer to provide such information or permission to receive information, his actions or inaction may be challenged in court.

{Article 251 as amended by Law No. 2343-III dated 04.05.2001 , as amended by Law No. 1096-IV dated 07.10.2003 }

Article 252. Guarantees for employees of enterprises, institutions, organizations elected to trade union bodies

Employees of enterprises, institutions, and organizations elected to the elected trade union bodies are guaranteed opportunities to exercise their powers.

Changing the terms of the employment contract, wages, bringing to disciplinary responsibility employees who are members of elected trade union bodies is allowed only with the prior consent of the elected trade union body of which they are members.

Dismissal of members of an elected trade union body of an enterprise, institution, organization (including structural subdivisions), its managers, a trade union representative (where the elected body of a trade union is not elected), except in cases of observance of general order, is allowed with the prior consent of the elected body, by members which they are, as well as the higher elected body of this trade union (association of trade unions).

Dismissal at the initiative of the employer of employees who were elected to the trade union bodies of the enterprise, institution, or organization is not allowed within a year after the end of the term for which this group was elected (except in cases of complete liquidation of the enterprise, institution, or organization, revealed incompatibility of the employee with the position held or the work performed in connection with a state of health that prevents the continuation of this work, or the employee's actions for which the law provides for the possibility of dismissal from work or service). Such a guarantee is not provided to employees in the event of early termination of authority in these bodies due to improper performance of their duties or at their own will, except for cases where it is related to health conditions.

Employees dismissed in connection with their election to elected trade union bodies, after the expiration of their term of office, are given a previous job (position) or, with the consent of the employee, another job (position) of equal value.

Members of elected trade union bodies, who are not released from their production or official duties, are granted, under the conditions stipulated by the collective agreement, time off from work with preservation of the average salary to participate in consultations and negotiations, perform other public duties in the interests of the labor team , as well as for the time of participation in the work of elected trade union bodies, but not less than 2 hours per week.

During trade union training, employees elected to the elected trade union bodies of the enterprise, institution, or organization are granted additional leave of up to 6 calendar days with compensation of the average salary at the expense of the trade union organization, by whose decision the employee is sent to trade union training.

For employees elected to the elected bodies of the trade union organization operating at the enterprise, in the institution, organization, social benefits and incentives established for other employees at the place of work in accordance with the law are kept. At the enterprise, additional benefits may be provided to these employees at the expense of its funds, if this is stipulated by the collective agreement.

The provisions of this article regarding the specifics of bringing to disciplinary responsibility and dismissal, as well as the provisions of the second and third parts of Article 49^{4} of this Code, do not apply to prosecutors, police officers and employees of the National Police, the Security Service of Ukraine, the State Bureau of Investigation of Ukraine, the National Anti-Corruption Bureau of Ukraine , the Bureau of Economic Security of Ukraine and bodies that monitor compliance with tax and customs legislation.

{Article 252 with changes introduced in accordance with Decrees of the PVR No. 4617-10 dated 01.24.83 , No. 5938-11 dated 05.27.88 ; by Law No. 871-12 dated 03.20.91 ; as amended by Law No. 2343-III of April 5, 2001 ; as amended by Laws No. 1096-IV dated 10.07.2003 , No. 1697-VII dated 14.10.2014 , No. 630-VIII dated 16.07.2015 , No. 901-VIII dated 23.12.2015 , No. 113-IX dated 19.09. 2019 , No. 1150-IX dated 28.01.2021 , No. 3494-IX dated 22.11.2023 }

Chapter XVI-A
LABOR COLLECTIVE

{The Code was supplemented by Chapter XVI-A in accordance with Decree of the PVR No. 5938-11 dated 05.27.88 }

Article 252[1]. The labor team of the enterprise

The labor team of the enterprise consists of all citizens who participate in its activities with their work on the basis of an employment contract (contract, agreement), as well as other forms that regulate the labor relations of the employee with the enterprise.

The powers of the labor team are determined by legislation.

{Article 252[1] as amended by Law No. 871-12 dated 03.20.91 }

{Article 252[2] is excluded on the basis of Law No. 871-12 dated 03.20.91 }

{Article 252[3] is excluded on the basis of Law No. 871-12 dated 03.20.91 }

{Article 252[4] is excluded on the basis of Law No. 871-12 dated 03.20.91 }

Article . General principles of material interest of the labor team in the results of economic activity

Achievements and losses in the work of the enterprise directly affect the level of self-supporting income of the collective, the well-being of each employee. An enterprise that ensures the production and sale of better products (works, services) with lower costs, receives greater self-financing income and an advantage in its industrial and social development and remuneration of employees.

Reimbursement by the enterprise for damages caused to other organizations and the state, payment of fines, penalties and other sanctions established by law is carried out at the expense of the collective self-financing income. The employer identifies the specific divisions and employees responsible for causing the losses suffered by the enterprise, informs the labor team about this and assigns property (material) responsibility to specific divisions and employees in accordance with the legislation.

{Article 252[5] as amended by Law No. 871-12 dated 03.20.91 }

Article . Formation of the team of the brigade

Enrollment of new employees in the brigade is carried out with the consent of the team of the brigade. The refusal of the brigade to enroll employees sent to the brigade in accordance with the employment procedure in accordance with the law (young specialists, graduates of educational institutions of the vocational and technical education system, persons exempted from punishment or forced treatment and others) is not allowed.

The team of the brigade has the right to demand from the employer the removal of employees from the team in the event of a reduction in the number of the team, inadequacy of the employee to the work performed and in other cases provided for in Articles 40 and 41 of this Code. The employer, in accordance with the legislation, transfers such employees, with their consent, to another job or dismisses them in accordance with the established procedure.

Foremen are elected at the meetings of teams of teams (by secret or open voting) and are approved by the head of the unit that includes these teams.

{Article 252[6] with changes introduced in accordance with Decree of the PVR No. 7543-11 of 19.05.89 ; By Law No. 871-12 dated 03.20.91 }

Article . Distribution of collective earnings in the brigade using the coefficient of labor participation

The team of the brigade can distribute the collective earnings using the labor participation coefficient. Coefficients for brigade members are approved by the brigade team at the request of the foreman (brigade council).

When applying the labor participation rate, the employee's salary cannot be lower than the minimum amount established by the state (Article 95).

Article . Mutual responsibility of the employer and the team

The employer is responsible to the team for creating normal conditions for highly productive work (providing work, ensuring the working condition of mechanisms and equipment, technical documentation, materials and tools, energy, creating safe and healthy working conditions). If the team fails to meet the production indicators due to the fault of the employer, the team retains the wage fund, calculated according to the tariff rates. Officials guilty of violating the employer's obligations to the brigade shall be subject to disciplinary liability, and for excessive monetary payments of the brigade, also to material liability to the enterprise in the manner and amounts established by law.

The team is responsible to the employer for non-fulfillment of production indicators due to its fault. In these cases, payment is made for the work performed, bonuses and other incentive payments are not accrued. Damages caused to the enterprise by the production of low-quality products due to the fault of the team are compensated from its collective earnings within the average monthly earnings of the team. When distributing collective earnings among team members, the fault of specific employees in the production of low-quality products is taken into account.

{Text of Article 252[8] as amended by Law No. 2215-IX dated 04/21/2022 }

Chapter XVII
MANDATORY STATE SOCIAL INSURANCE AND PENSION SECURITY

Article 253. Persons subject to mandatory state social insurance

Persons who work under an employment contract (contract) at enterprises, institutions, organizations, regardless of the form of ownership, type of activity and management, or with an individual, are subject to mandatory state social insurance.

Article 254. Mandatory state social insurance funds

The main sources of funds for mandatory state social insurance are contributions from employers (employers - natural persons), employees. Budgetary and other sources of funds necessary for the implementation of mandatory state social insurance are provided for by the relevant laws on certain types of mandatory state social insurance.

{Article 254 as amended by Law No. 2215-IX of April 21, 2022 }

Article 255. Types of material support and social services under mandatory state social insurance

The types of material support and social services under the mandatory state social insurance for employees, and in some cases also for their family members, the terms of their provision and their amounts are determined by the laws of Ukraine on certain types of mandatory state social insurance, other normative legal acts that contain norms regarding mandatory state social insurance.

Article 256. Pension provision

Employees and their family members have the right to state pensions for old age, disability, survivorship, and seniority in accordance with the law.

{Chapter XVII with amendments introduced in accordance with Decrees of the PVR No. 2048-08 dated 18.09.73 , No. 2240-10 dated 29.07.81 , No. 4617-10 dated 24.01.83 , with Laws No. 871-12 dated 20.03.91 , No. 3694-12 dated 15.12.93 , No. 263/95-VR dated 05.07.95 , as amended by Law No. 429-IV dated 16.01.2003 }

Chapter XVIII
SUPERVISION AND CONTROL OF COMPLIANCE WITH LABOR LAW

Article 259. Supervision and control over compliance with labor legislation

State supervision and control over compliance with labor legislation by legal entities, regardless of the form of ownership, type of activity, management, natural persons - entrepreneurs who use hired labor, is carried out by the central executive body, which implements the state policy on supervision and control over compliance with labor legislation labor, and its territorial bodies in the order determined by the Cabinet of Ministers of Ukraine.

Central bodies of executive power exercise control over compliance with labor legislation at enterprises, institutions and organizations under their functional control, except for tax authorities, which have the right to monitor compliance with tax legislation at all enterprises, institutions and organizations regardless of the forms of ownership and subordination, and local self-government bodies - at enterprises, institutions and organizations that are communally owned by the respective territorial communities.

{The third part of Article 259 is excluded on the basis of Law No. 1697-VII dated 14.10.2014 }

Public control over compliance with labor legislation is carried out by trade unions and their associations.

{Article 259 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; By Laws No. 2857-12 dated 15.12.92 , No. 3694-12 dated 15.12.93 , No. 2343-III dated 04.05.2001 , No. 2275-VI dated 20.05.2010 , No. 5462-VI dated 16.10.2012 , No. 406-VII dated 04.07.2013 , No. 77-VIII dated 28.12.2014 , No. 440-IX dated 14.01.2020 , No. 1320-IX dated 04.03.2021 }

Article 260. State supervision of labor protection

State supervision of compliance with legislative and other normative acts on labor protection is carried out by:

the central body of the executive power, which implements the state policy in the field of labor protection;

the central body of executive power implementing state policy in the field of nuclear and radiation safety;

the central body of executive power implementing state policy in the field of state supervision (control) in the field of fire safety;

the central executive body that implements state policy in the field of state supervision (control) in the field of man-made safety.

{The sixth paragraph of the first part of Article 260 is excluded on the basis of Law No. 2573-IX dated September 6, 2022 }

{Article 260 with changes introduced in accordance with Decrees of the PVR No. 2240-10 dated 07.29.81 , No. 2957-10 dated 12.30.81 ; by Law No. 3694-12 dated 15.12.93 ; as amended by Law No. 5462-VI dated 10.16.2012 }

{Article 261 is excluded on the basis of Law No. 3694-12 dated 12.15.93 }

{Article 262 is excluded on the basis of Law No. 3694-12 dated 15.12.93 }

Article 263. Powers of local state administrations and councils in the field of labor protection

Local state administrations and councils within the relevant territory:

ensure the implementation of state policy in the field of labor protection;

form, with the participation of trade unions, programs of measures on issues of safety, occupational hygiene and the industrial environment, which have interdisciplinary significance;

monitor compliance with regulations on labor protection.

{Article 263 with changes introduced in accordance with Decree of the PVR No. 2240-10 dated 07.29.81 ; By Laws No. 3694-12 dated 15.12.93 , No. 5462-VI dated 16.10.2012 }

{Article 264 excluded on the basis of Law No. 3694-12 dated 12.15.93 }

Article 265. Liability for violation of labor legislation

{During the period of martial law, in the case of compliance in full and within the prescribed period of prescriptions on the elimination of violations discovered during the implementation of unplanned measures of state supervision (control), fines provided for in Article 265 shall not be applied in accordance with Law No. 2136-IX dated 15.03 .2022, taking into account the changes introduced by Law No. 2352-IX dated 01.07.2022 }

Officials of state authorities and local self-government bodies, enterprises, institutions and organizations guilty of violating the labor legislation shall bear responsibility in accordance with the current legislation.

Legal entities and natural persons - entrepreneurs who use hired labor are liable in the form of a fine in the event of:

the actual admission of an employee to work without the execution of an employment contract (contract), the registration of an employee for part-time work or under an employment contract with unfixed working hours in the case of actual work performance during the entire working hours established at the enterprise, and payment of wages (remuneration) without accrual and payment of a single contribution to the mandatory state social insurance and taxes - in the amount of ten times the minimum wage established by law at the time of detection of the violation, for each employee in relation to whom the violation was committed, and for legal entities and natural persons - entrepreneurs who use hired work and are payers of the single tax of the first - third groups, a warning applies;

committing the violation provided for in the second paragraph of this part, repeatedly within two years from the date of discovery of the violation - in the amount of thirty times the minimum wage established by law at the time of discovery of the violation, for each employee in respect of whom the violation was committed;

violation of the established terms of payment of wages to employees, other payments provided for by labor legislation, for more than one month, their payment is not in full - in the amount of three times the minimum wage established by law at the time of detection of the violation;

non-compliance with the minimum state guarantees in the payment of labor - in the amount of twice the minimum wage, established by law at the time of detection of the violation, for each employee in respect of whom the violation was committed;

non-compliance with the guarantees and benefits established by law for employees who are involved in the performance of duties provided for by the laws of Ukraine "On military duty and military service" , "On alternative (non-military) service" , "On mobilization training and mobilization" - in a four-fold a warning is applied to the amount of the minimum wage established by law at the time of detection of the violation, for each employee in respect of whom the violation was committed, and to legal entities and natural persons - entrepreneurs who use hired labor and are payers of the single tax of the first - third groups;

preventing an inspection of compliance with the labor legislation, creating obstacles in its implementation - in the amount of three times the minimum wage established by law at the time of detection of the violation;

taking the actions provided for in paragraph seven of this part, when conducting an inspection to detect violations specified in paragraph two of this part - in the amount of sixteen times the minimum wage established by law at the time of detection of the violation;

exceeding the permissible number of employment contracts with unfixed working hours established by Article 21[1] of this Code or keeping inaccurate records of working hours of an employee who works under an employment contract with unfixed working hours, in relation to the work actually performed by him - in the amount of three times the minimum wage established by law on the moment of detection of the violation, for each employee in respect of whom the violation was committed;

violation of other requirements of the labor legislation, except for those provided by paragraphs two to nine of this part, in the amount of the minimum wage for each such violation;

committing the violation provided for in the tenth paragraph of this part, repeatedly within a year from the date of detection of the violation - in the amount of twice the minimum wage for each such violation.

Fines, the imposition of which is provided for in the second part of this article, are financial sanctions and do not belong to the administrative and economic sanctions defined by Chapter 27 of the Economic Code of Ukraine.

The fines specified in the second part of this article are imposed by the central body of the executive power, which implements the state policy on issues of supervision and control over compliance with the labor legislation, in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

In the event that a legal entity or an individual - an entrepreneur who uses hired labor pays 50 percent of the amount of the fine within 10 banking days from the date of delivery of the resolution on the imposition of a fine for violating the requirements of the labor legislation provided for in this article, such a resolution is considered fulfilled.

In case of implementation of the order of the central body of executive power, which implements the state policy on matters of supervision and control of compliance with the labor legislation, and elimination of the identified violations, provided for in paragraphs four - six , ten of the second part of

this article, within the time limits specified by the order, measures to bring to responsibility do not apply.

Measures to prosecute for the violation provided for in the second , third , seventh , eighth , ninth , eleventh part of the second paragraph of this article are applied simultaneously with the issuing of the order, regardless of the fact of eliminating the violations discovered during the inspection.

The fines specified in the second paragraph of the second part of this article may be imposed by the central executive body specified in the fourth part of this article, without the implementation of a measure of state supervision (control) on the basis of a court decision on the registration of labor relations with an employee who performed work without a contract employment contract, and establishing the period of such work or work under part-time working conditions or under an employment contract with non-fixed working hours in case of actual performance of work during the entire working time established at the enterprise, institution, organization.

Implementation of the resolution of the central executive body, which implements the state policy on issues of supervision and control over compliance with labor legislation, is entrusted to the bodies of the state executive service.

Payment of a fine does not exempt from the elimination of labor law violations.

The conclusion of a gig contract in the manner and under the conditions provided for by the Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine" is not considered actual admission to work without the execution of an employment contract (contract) and does not incur liability in the form of a fine provided for by this Code .

{Article 265 as amended by Law No. 3694-12 dated 12.15.93 ; as amended by Law No. 77-VIII dated 12.28.2014 ; as amended in accordance with Laws No. 734-VIII dated 03.11.2015 , No. 1404-VIII dated 02.06.2016 , No. 1774-VIII dated 06.12.2016 , No. 378-IX dated 12.12.2019 , No. 1667-IX dated 15.07. 2021 , No. 2421-IX dated July 18, 2022 }

Chapter XIX
FINAL PROVISIONS

1. During the quarantine established by the Cabinet of Ministers of Ukraine for the purpose of preventing the spread of the coronavirus disease (COVID-19), the terms specified in Article 233 of this Code shall be extended for the duration of such quarantine.

2. During the period of martial law introduced in accordance with the Law of Ukraine "On the Legal Regime of Martial Law", the restrictions and features of the organization of labor relations established by the Law of Ukraine "On the Organization of Labor Relations in the Conditions of Martial Law" apply.

{Chapter XIX was supplemented by clause 2 in accordance with Law No. 2136-IX dated 03/15/2022 }

{The Code was supplemented by Chapter XIX in accordance with Law No. 540-IX dated March 30, 2020 }

Публікації документа

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