



## Ukrainian-Austrian R&D Project

*Department Talk:*  
Legal Challenges and Solutions for  
Ukrainians at Home and Abroad  
during War

[Link to the Event  
Announcement](#)

[Zoom-Link](#)

20 June 2022, 5 pm–7 pm (Vienna local Time)



## Ukrainian Law Amid War

I Property Law Regulation under Martial Law in Ukraine (forcible seizure and alienation, compensation of damages); International Commercial Arbitration in Ukraine Today

II Ukrainian Judiciary and Litigation Amid War

III Enforcement of Judicial Decisions on the Occupied Territory in Ukraine

IV Labor Law Regulations (restrictions of rights and freedoms of citizens under the martial law)

V Tax legislation updates in Ukraine during martial law

Q&A



# **I Property Law Regulation under Martial Law in Ukraine (forcible seizure and alienation, compensation of damages).**

## **International Commercial Arbitration in Ukraine Today**

**Prof. Dr. Yurii Prytyka**

Head of the Civil Procedure Department at the Taras Shevchenko National University of Kyiv; Arbitrator at the International Commercial Arbitration Court (ICAC);  
ex-Deputy Minister of Justice of Ukraine



# Content

## I part

General legal principles that limit the right of ownership;

Forced alienation and seizure of property for the needs of the state;

Forcible seizure of property of the Russian Federation and its residents and give some examples

## II part

International Commercial Arbitration in Wartime



ПРЕЗИДЕНТ УКРАЇНИ | ВОЛОДИМИР ЗЕЛЕНСЬКИЙ  
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# УКАЗ ПРЕЗИДЕНТА УКРАЇНИ №64/2022

## Про введення воєнного стану в Україні

У зв'язку з військовою агресією Російської Федерації проти України, на підставі пропозиції Ради національної безпеки і оборони України, відповідно до пункту 1 статті 83 Конституції України, згідно з рішенням Верховної Ради України від 24 лютого 2022 року № 1201-IX, в Україні введено воєнний стан з 24 лютого 2022 року.

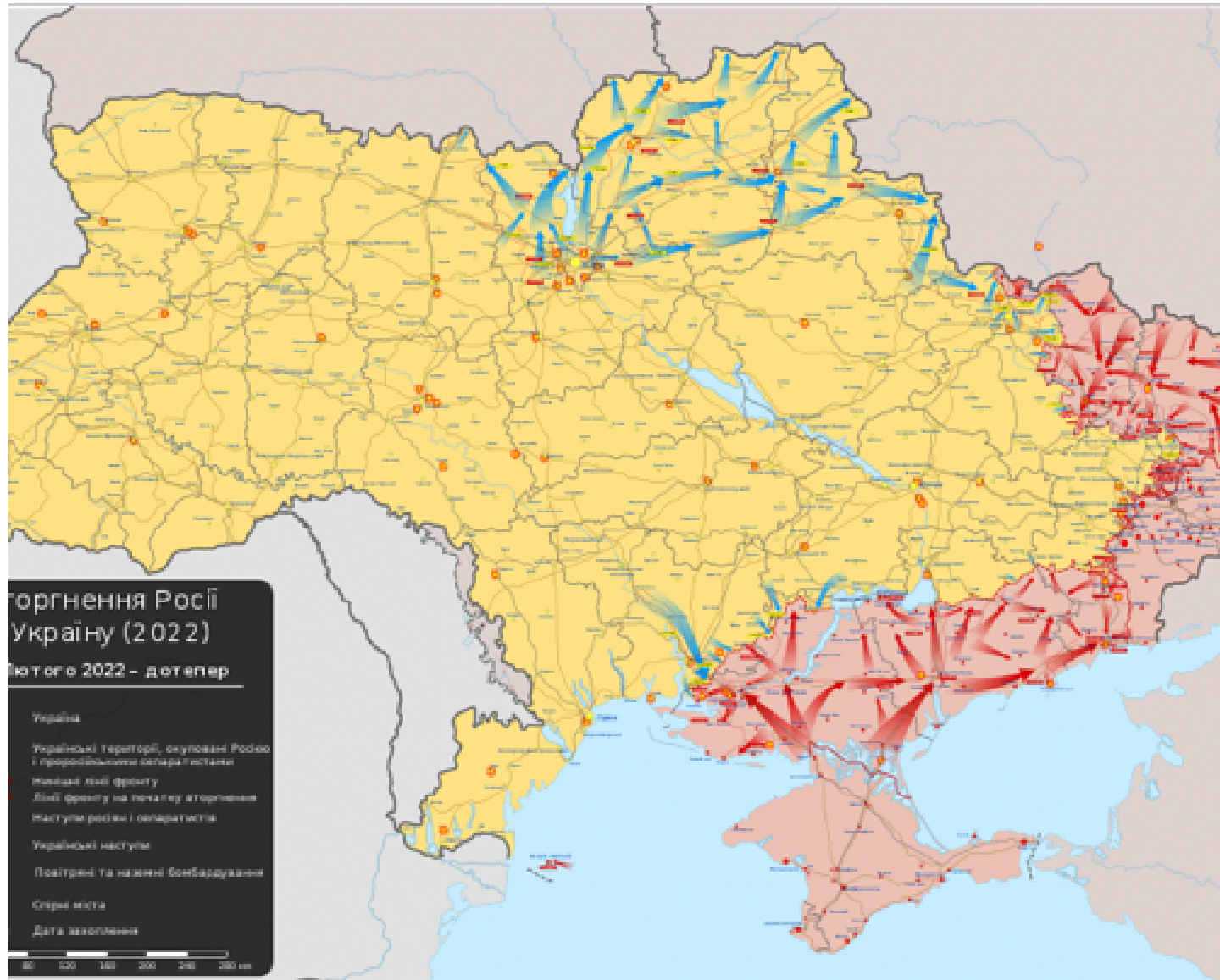
# Martial Law

24 February 2022 -

25 August 2022

Temporarily  
Occupied  
Territory

since 2014





# Forcible seizure and alienation of property under martial law

## PAID OR UNPAID?

What property:

1. Property in private or communal ownership
2. State property under economic control or operational management of state enterprises and state economic associations

In what way:

1. Only by forcible seizure subject to prior or subsequent compensation
2. By forcible seizure without compensation

Who can make a decision?

MILITARY COMMAND WITH APPROVAL OF:

1. local state (regional, district, Kyiv or Sevastopol) administrations;
2. executive bodies of the relevant local councils;
3. the Council of Ministers of the Autonomous Republic of Crimea.

In areas where hostilities are taking place, military command may make a relevant decision WITHOUT APPROVAL.



# Legislative restrictions on companies owned by russian citizens or legal entities

## What companies are affected by nationalization?

The Law of Ukraine “On Basic Principles of Forced Expropriation of Property of the Russian Federation and Its Residents” No. 2116-IX

Mechanism for the nationalization of the property of the russian federation in Ukraine:

1) nationalization is carried out without compensation with the following stages:

- submission of a draft decision with a list of objects by the Cabinet of Ministers of Ukraine to the National Security and Defence Council;
- adoption of the decision by the National Security and Defence Council;
- its implementation by a decree of the President of Ukraine;

2) nationalization applies to the property of the russian federation and its residents (Ukrainian legal entities with direct or indirect participation of the Russian federation)



# Are the activities of the Ukrainian companies limited?

## Restrictions relevant to the Ukrainian legal entities:

Moratorium on fulfilment of obligations, before the Ukrainian legal entities with the rf, citizens of the rf, or legal entities established under the laws of the rf acting as ultimate beneficial owners or shareholders holding  $\geq 10\%$  of the charter capital (“Ukrainian legal entities related to the rf”)

Moratorium on the alienation (or actions that may result in the alienation) of real estate, securities, shares, vehicles, aircraft, and ships by the Ukrainian legal entities related to the rf or to such persons

Prohibition to conduct notarial actions at the request of the Ukrainian legal entities related to the rf

Prohibition of foreign exchange transactions with r and Belarusian rubles, with any individuals/legal entities residing/registered in the rf or the Republic of Belarus, for the fulfilment of the obligations before individuals/legal entities residing/registered in the rf or the Republic of Belarus





# Is it possible to change the ownership structure?

## NO, due to the moratorium on alienation

The Ministry of Justice has identified the limited list of allowed registration actions not including change of the shareholders or the beneficiaries (registration of charitable and public organizations and limited liability companies, change of the director and the address).

Thus, it is impossible to change the shareholders or beneficiaries.

Placement, turnover, and redemption of securities, as well as operations in the depository system, have been temporarily suspended (with some exceptions, in particular, for government securities). This means that the transfer of the title to the shares is also blocked



# ICAC – 30 years of best international standards of arbitrating disputes in Ukraine

The screenshot displays the ICAC website's 30th anniversary banner. At the top, the navigation menu includes 'ARBITRATION', 'ABOUT THE ICAC', and 'STATISTICS AND PRACTICE'. Below the menu, the 'LIST OF ARBITRATORS' link is visible. The main banner features the ICAC logo and the text '30 years of best international standards of arbitrating disputes'. A secondary banner above the main one provides contact information: 'Kyiv, 33, Velyka Zhytomyrska Street', phone numbers '+380 44 586-51-87' and '+380 67 239-56-77', and language options 'Ukr' and 'Eng'.



## Statistics of war cases consideration

From 1 January 2022, the ICAC received 71 lawsuits, of which 24 lawsuits were submitted from 18 March 2022.

In April 2022, a decision was made on 5 cases.

In May 2022, 9 arbitration hearings were held.

Suspended since 24 February 2022 till 18 March 2022.

Service of Documents

Hearings





# I Property Law Regulation under Martial Law in Ukraine; ICA in Ukraine Today Brief Conclusions

The armed aggression of the Russian Federation, affected all aspects of life in Ukraine, including the exercise of the ownership rights by individuals, legal entities, and non-residents.

The martial law is a special legal regime imposed in Ukraine, introduced by the Decree of the President of Ukraine, approved by the Parliament of Ukraine by adopting the relevant Law. For the period of martial law, the constitutional rights and freedoms of citizens are restricted temporarily. Though, the legal principles of forced alienation and seizure of property are followed - only as an exception for the reasons of public necessity, on the basis and in the manner prescribed by the law. Law of Ukraine on Legal Regime of Martial Law, Article 8 of which envisages the possibility of forced alienation of property for the needs of the state under the legal regime of martial law in the manner prescribed by the law.

The law stipulates that virtually any property (assets) that any property belonging to Russia or its residents may be subject to nationalization. As a result, Ukraine will become the owner of the property, specifically a specialized state-owned enterprise to be set up by the Cabinet.

Temporarily suspended activities of the ICAC and now the Court works properly.

Today, the main problem in arbitration, affecting prompt and effective settlement of the dispute, is forwarding documents during arbitration proceedings. To clearly address this issue, the ICAC is preparing amendments to its Rules of Procedure.



## II Tax legislation updates in Ukraine during martial law

Vira Savchenko

CEO, BDO in Ukraine; DBA Student Bled School of Management,  
Slovenia



## III Ukrainian Judiciary and Litigation Amid War

Prof. Dr. Iryna Izarova

Professor of Civil Procedure Law at the Taras Shevchenko National University of Kyiv; Guest Researcher at the Department of Legal Studies and International Relations of the University for Continuing Education Krems

Editor-in-Chief of the journal 'Access to Justice in Eastern Europe'





# Content

*The activity of courts  
has not been suspended,  
except in appropriate circumstances..*

## 1. Courts amid War

- 1.1 Territorial Jurisdiction
- 1.2 Courts Archives amid War
- 1.3 Judges and Court Staff

## 2. Litigation amid War

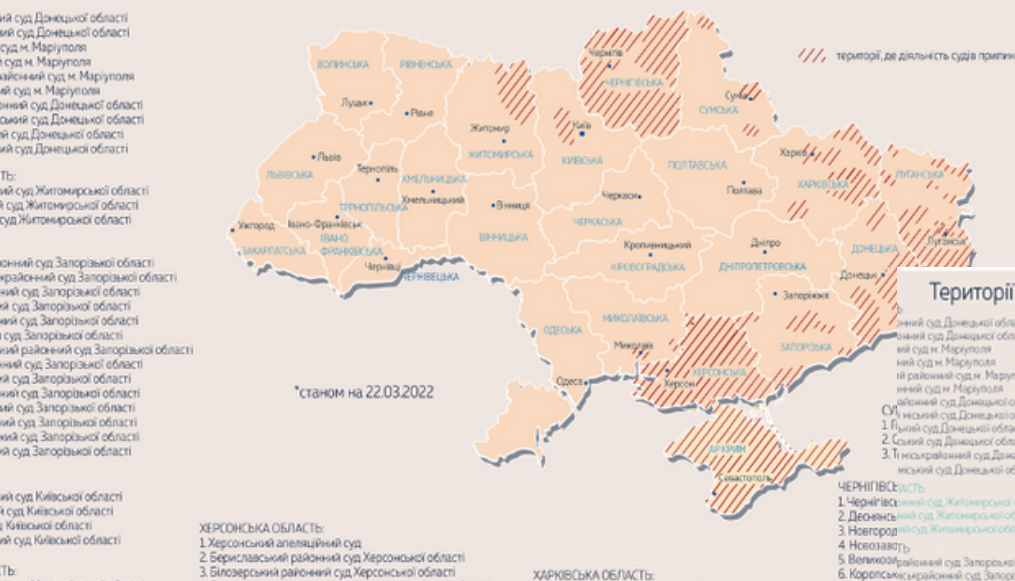
- 2.1. Trial, Summons and Notices
- 2.2. E-Justice
- 2.3. Legal Aid



# 1. Courts Amid War

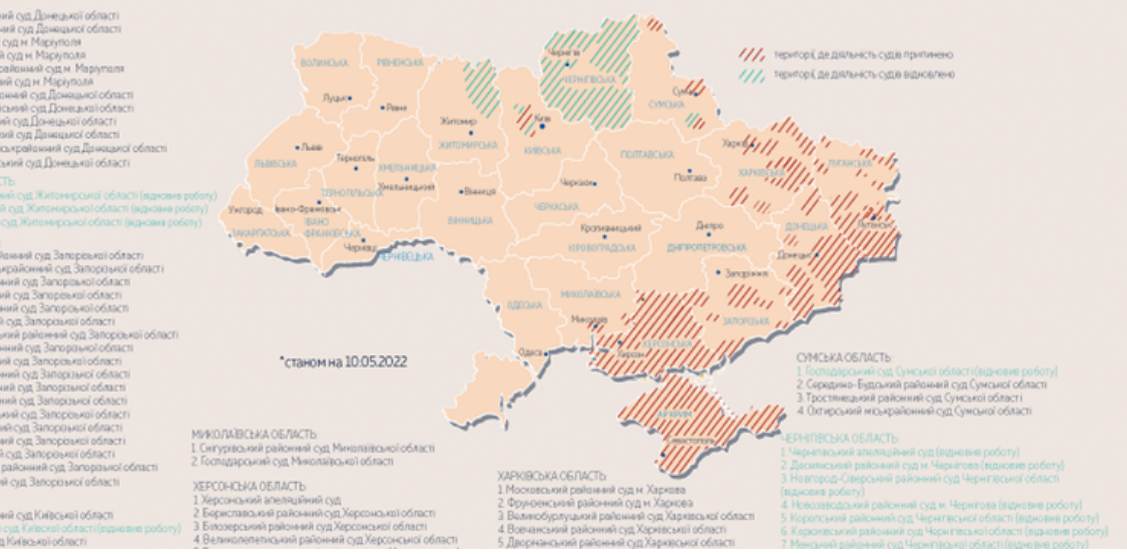
## 1.1 Territorial Jurisdiction: in total 630 courts - 21% terminated (32 courts restored)

Території України, де, у зв'язку з війною, не здійснюється правосуддя судами загальної юрисдикції\*



10/05/2022

Території України, де, у зв'язку з війною, не здійснюється правосуддя судами загальної юрисдикції\*



22/03/2022





# 1.Courts Amid War

## 1.2 Courts Archives amid War

Total number  
of cases per year

- 2021 – 3 975 000
- 2020 – 3 675 900
- 2019 – 3 938 700
- 2018 – 3 792 758
- 2017 – 3 413 000
- 2016 – 3 302 244

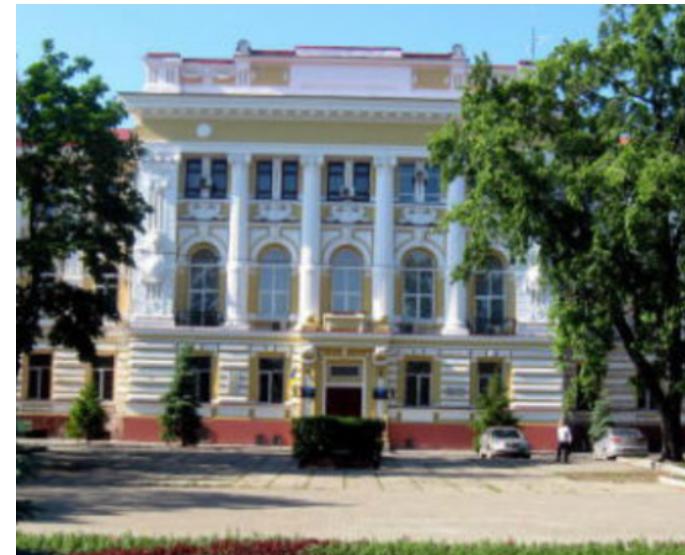
- 673 local and appellate courts
- 52 institutions in the justice system
- 7,201 judges
- 19,533 staff of courts and institutions
- 3,289 courtrooms
- 844 buildings



### Єдиний державний реєстр судових рішень

Для запобігання загрози життю та здоров'ю суддів та учасників судового процесу у період воєнного стану, доступ до Єдиного державного реєстру судових рішень та сервісу «Стан розгляду справ» тимчасово призупинено.

Суди здійснюють правосуддя в безперервному режимі в умовах відсутності загрози життю та здоров'ю учасників справи. Про дату та час судових засідань дізнавайтесь в оперативному порядку за телефонами суду чи з використанням інших засобів зв'язку.



7 березня 2022 року





# 1.Courts Amid War

## 1.3 Judges and Court Staff

At the end of 2021, there were

### 5,363 judges in Ukraine

in appeal courts – 1 439;  
in Supreme Court – 196

Отримуйте інформацію лише з офіційних джерел

Судовий Кодекс України, судової влади України 044 207-35-46

Люди з порушеннями зору



### Судова влада України

23 judges were mobilized  
12 judges joined the ranks of territorial defense



10 травня 2022, 09:01

Суддя ВС Іван Міщенко на псевдо "Дредд": "Критичних проблем в судовій системі я не бачу, вона не припиняла працювати"



41 588 354 population  
on 1 January 2021

## 2. Litigation amid War

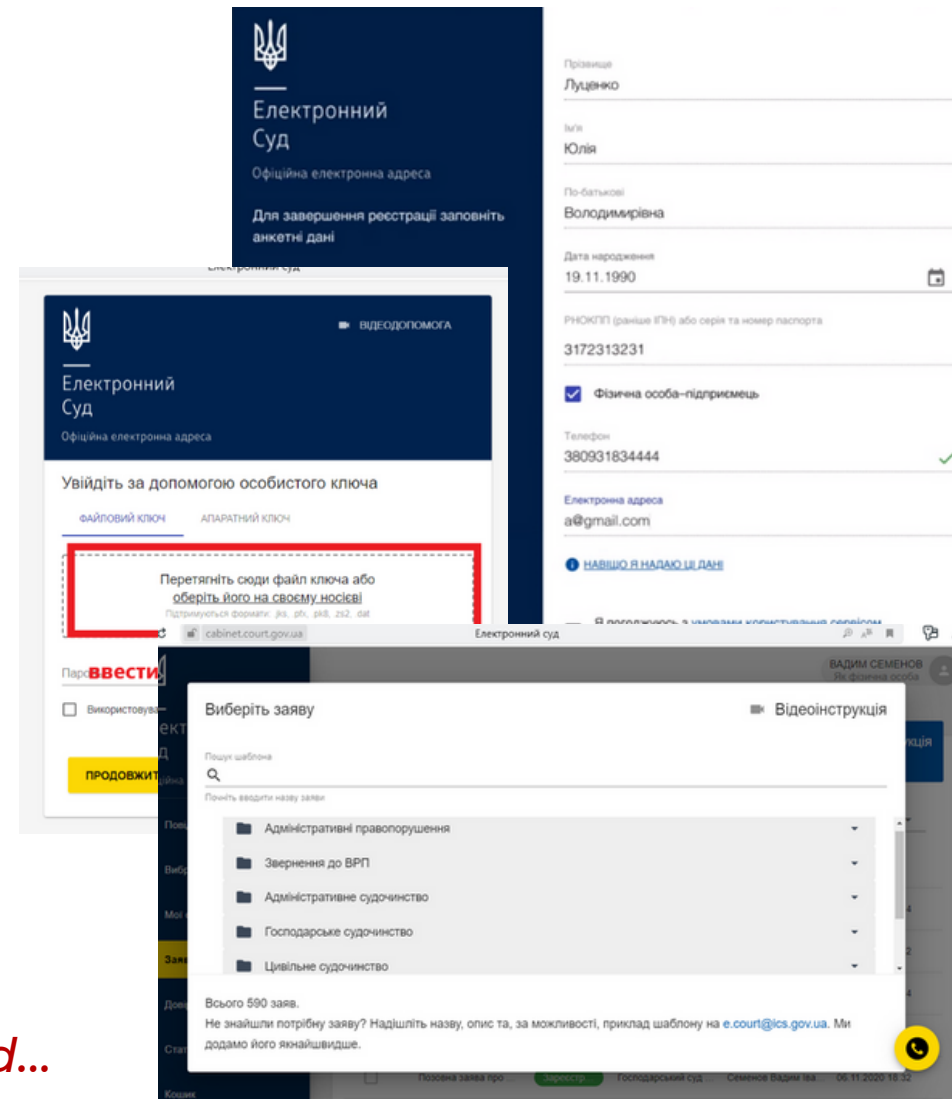
### 2.1.Trial

BUT

- Procedural deadlines should be in balance
- Notices should be made in a possible way
- Priority of Written procedure for non urgent Cases
- Videoconferences
- Evidences





Urgent cases

*...the work of courts cannot be suspended...*




## 2. Litigation amid War

### 2.2. E-Justice

 <p>110,000 legal entities and individuals</p> <p>who sent more than 400,000 procedural documents to the court</p>	 <p>Video</p> <p>more than 250 thousand video conferencing sessions</p>
 <p>40,000 users</p> <p>judges, their assistants and court staff</p>	 <p>140,000 users</p> <p>public authorities – managers of funds, lawyers, notaries, arbitrators, etc</p>

<https://plan2.diiia.gov.ua>

12 MLN PEOPLE

 **Дія**

**Цифрова держава**

72 SERVICES ON THE PORTAL  
9 IN THE APPLICATION,  
15 DIGITAL DOCUMENTS

Отримуйте інформацію лише з офіційних джерел  
Єдиний Контакт-центр судової влади України 044

 **Судова влада України**

УДОСКОНАЛЕНО Google

СУДОВА ВЛАДА | ПРЕС-ЦЕНТР | СПРАВИ | РЕЄСТРИ ТА СИСТЕМИ | ГРОМАДЯНАМ | ІНШЕ

[Головна](#) · [Громадянам](#)

### Проект "Зручний суд"

Проект «Зручний суд» спрямований на підвищення інформаційної доступності судів на виконання рішення Ради суддів України. В рамках проекту було розроблено низку інформаційних матеріалів щодо організації роботи суду, наявні судові послуги та інші важливі питання, пов'язані із здійсненням правосуддя. Проект «Зручний суд» було реалізовано громадською організацією «Центр демократії та верховенства права» у трьох пілотних судах (Святошинський, Голосіївський та Деснянський районні суди міста Києва) за підтримки американського народу, наданої через Агентство США з міжнародного розвитку USAID. У 2020 році Радою суддів України було рекомендовано використовувати розроблені макети інформаційних матеріалів для друку та розміщення на інформаційних стендах у приміщеннях судів і веб-сайтах судів.

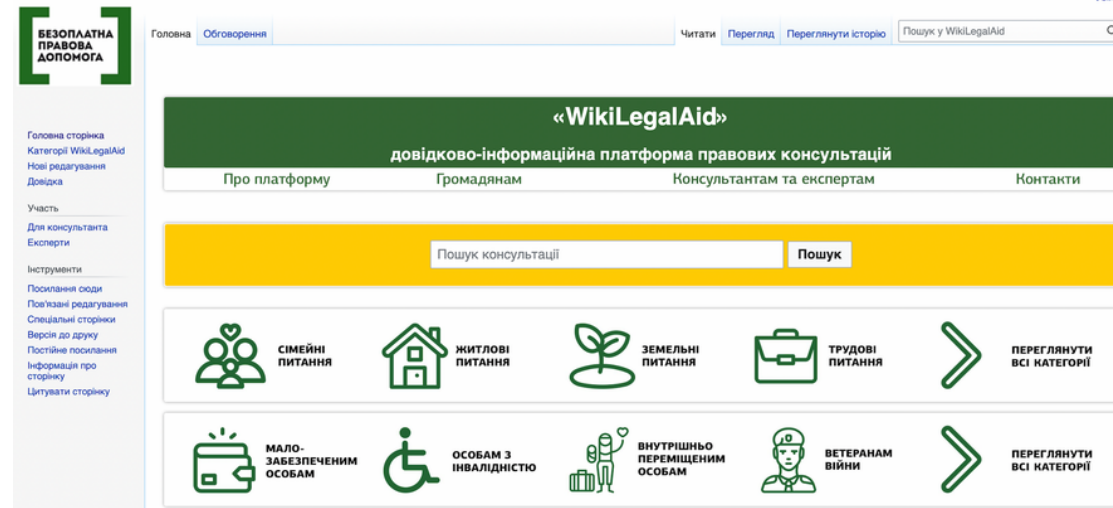
**Корисна інформація:**

Особи, звільнені від сплати судового збору  
Відстрочення та розстрочення сплати судового збору, зменшення його розміру або звільнення від його сплати  
Інформація для врахування при внесенні та поверненні застави  
Інформація для врахування при підготовці заяви про усунення недоліків  
Інформація для врахування при підготовці позовної заяви  
Таблиця визначення територіальної підсудності цивільних справ  
Таблиця визначення територіальної підсудності адміністративних справ  
Інформація для врахування при підготовці апеляційної скарги (у цивільній справі)

## 2. Litigation amid War

### 2.3. Legal Aid

№ 1798-VIII від 21.12.2016  
№ 2153-IX від 24.03.2022  
№ 2238-IX від 03.05.2022



The screenshot shows the homepage of the WikiLegalAid platform. At the top, there is a navigation bar with links for 'Головна', 'Обговорення', 'Читати', 'Перегляд', 'Переглянути історію', and a search box for 'Пошук у WikiLegalAid'. The main header features the title '«WikiLegalAid»' and the subtitle 'довідково-інформаційна платформа правових консультацій'. Below this, there are four main navigation buttons: 'Про платформу', 'Громадянам', 'Консультантам та експертам', and 'Контакти'. A prominent yellow search bar contains the text 'Пошук консультації' and a 'Пошук' button. The content area is organized into two rows of category icons. The first row includes 'СІМЕЙНІ ПИТАННЯ' (Family Issues), 'ЖИТЛОВІ ПИТАННЯ' (Housing Issues), 'ЗЕМЕЛЬНІ ПИТАННЯ' (Land Issues), 'ТРУДОВІ ПИТАННЯ' (Labor Issues), and a 'ПЕРЕГЛЯНУТИ ВСІ КАТЕГОРІЇ' (View All Categories) button. The second row includes 'МАЛО-ЗАБЕЗПЕЧЕНИМ ОСОБАМ' (For Vulnerable Persons), 'ОСОБАМ З ІНВАЛІДНІСТЮ' (For Persons with Disabilities), 'ВНУТРІШНЬО ПЕРЕМІЩЕНИМ ОСОБАМ' (For Internally Displaced Persons), 'ВЕТЕРАНАМ ВІЙНИ' (For War Veterans), and another 'ПЕРЕГЛЯНУТИ ВСІ КАТЕГОРІЇ' button. A sidebar on the left contains a 'БЕЗОПЛАТНА ПРАВОВА ДОПОМОГА' (Free Legal Aid) logo and a list of links: 'Головна сторінка', 'Категорії WikiLegalAid', 'Нові редагування', 'Довідка', 'Участь', 'Для консультанта', 'Експерти', 'Інструменти', 'Посилання суди', 'Пов'язані редагування', 'Спеціальні сторінки', 'Версія до друку', 'Постійне посилання', 'Інформація про сторінку', and 'Цитувати сторінку'.

- The Free Legal Aid app, download via Google Play or App Store <https://bit.ly/3hwwgqR>,
- App "Your rights" at <https://bit.ly/3iorbkE>;
- Telegram <http://legalaid.gov.ua/telegram.html>
- Viber <http://legalaid.gov.ua/viber.html>;
- Client's office on website <https://cabinet.legalaid.gov.ua/>;
- WikiLegalAid Help and Information Platform at [www.wiki.legalaid.gov.ua](http://www.wiki.legalaid.gov.ua)
- 0 800 213 103



## II Ukrainian Judiciary and Litigation Amid War

### Brief Conclusions

Access to justice is an integral element of a contemporary rule-of-law democratic state. Though the idea of balance of state power provides less possibility to implement the right to a fair trial properly amid war and pandemic, some of the current challenges make the proper administration of justice amid these obstacles almost impossible.

Nevertheless, challenges of access to justice cannot replace the very idea of human rights protection. Therefore, the idea of a more flexible approach and wider discretion of judicial power should give us grounds for changes and full human rights protection.

The very idea of a fair trial is crucial not only for parties in procedure, but for the professional judges, who take care about the performance of justice every day. It makes sense to give more power to the self-regulated judges organisations as well as judiciary heads to organise properly administration of justice in times of war or other challenges in future.



## **III Enforcement of Judicial Decisions on the Occupied Territory in Ukraine**

**Assoc. Prof. Dr. Liubov Maliarchuk**

Associate Professor at the Law School of Taras Shevchenko  
National University of Kyiv



# I Amendments with regard to enforcement of decisions in martial law

1. System and state of enforcement of decisions in Ukraine.
2. Obstacles impeding commencement and continuing of enforcement proceedings in the temporarily occupied territories.
3. Optimization of the rules for presenting enforcement documents.
4. Problem of termination of enforcement proceeding and cancellation of coercive measures taken against debtor.
5. Distribution of pending enforcement proceedings and basic remuneration between executors.







## II Introduction of other restrictive measures with regard to decisions enforcement

1. Restrictions on the amount and types of the debtor`s funds to be seized and recovered.
2. Moratoriums on decisions enforcement with regard to certain categories of debtors.
3. Prohibition of execution of certain types of enforcement documents.





## III Threat of existence of private enforcement system at the level of the state

1. Control and influence of the regulator over the activity of private executors.
2. Repeal of resolutions of private executors by authorized persons of the Ministry of Justice of Ukraine.
3. Suspension of the activity of a private executors by authorized persons of the Ministry of Justice of Ukraine.
4. Prospects for reducing the number of enforcement documents and scope of work of executors..
5. Extension of powers of private executors as opposed to downtime.



АПВУ



Асоціація  
приватних  
виконавців  
України





# Duel System



the Ministry of Justice of  
Ukraine

Department of the  
State Executive Services

Bodies of the State Executive Service

4411  
state executors

300  
private executors

subjects of independent  
professional activity

02.06.2016

- Law of Ukraine "On Enforcement proceedings"
- Law of Ukraine "On bodies and persons who carry out enforcement of court decisions and decisions of other bodies"



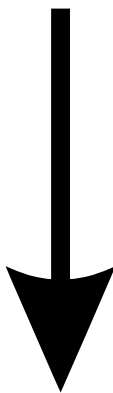
## Private executors cannot enforce :

- decisions under which the state is the collector or debt
- decisions of administrative courts
- decisions the European Court of Human Rights
- decisions on confiscation of property
- certain types of decisions of non-property nature

Private executor  
UAH 19.5 million/per year

5 times more effective

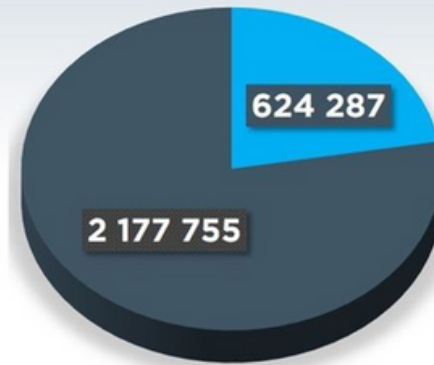
State executor  
UAH 3.7 million/per year



**АПВУ**  
Асоціація приватних виконавців України

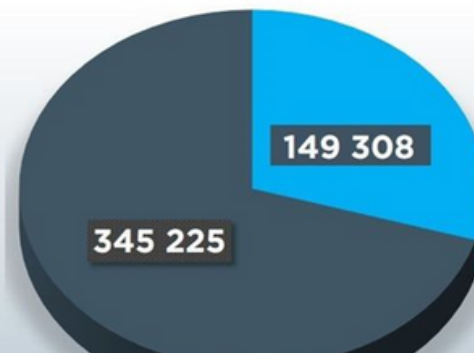
**НА 1 СІЧНЯ 2022**

ВИКОНАВЧІ ПРОВАДЖЕННЯ НА ВИКОНАННІ



- У приватних виконавців (22 %)
- В органах ДВС (78 %)

ПІДЛЯГАЛО СТЯГНЕННЮ НА СУМУ (млн. грн)



- Приватними виконавцями (30%)
- Органами ДВС (70%)

## 2. Obstacles impeding commencement and continuing of enforcement proceedings in the temporarily occupied territories

After the annexation in 2014 of the Autonomous Republic of Crimea, parts of Luhansk and Donetsk regions, where more than 23 departments of the state executive service were located, enforcement of decisions began to be carried out by state enforcement services in Kherson region

no department of SES operates in the territories temporarily out of Ukraine's control

50 % of private executors have no ability to work

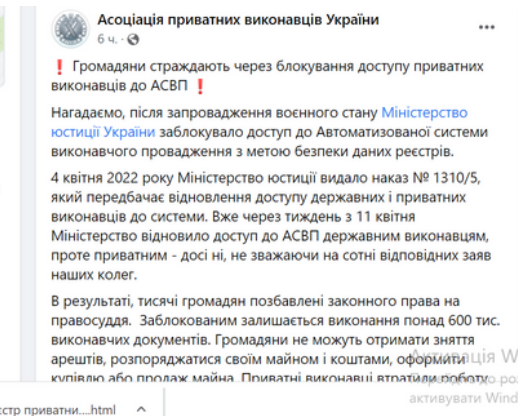
125 000 unexecuted enforcement documents



from 24 February 2022, it was prohibited to initiate enforcement proceedings and take measures to enforce decisions in the territory, being temporarily occupied due to military aggression



- 3. Optimization of the rules for presenting enforcement documents
- 4. Problem of termination of enforcement proceeding and cancellation of coercive measures taken against debtor



the Automated System of Enforcement Proceedings was blocked



- executors can't work
- debtors can't execute the decision
- collectors can't meet their claims



Due to the lack of access to the Automated System of Enforcement Proceedings (ASEP) and their offices (SES), executors cannot today:

- continue to enforce decisions, namely to identify certain types of property, seize it and transfer for sale and conduct such sale;
- terminate enforcement proceeding in case of independent execution of the decision by the debtor with removal of the restrictive measures that have been previously taken against him/her (exclude data on him/her from the Unified Register of Debtors, lift seizures of property, lift temporary restrictions on the right to travel abroad);
- return the enforcement documents (including for re-presentation to another exucuter in the unoccupied territory);
- interact with various bodies through ASEP.



# KHARKIV – 13 private executers

# АПВУ

## Реєстр приватних виконавців України



помилка

# 404

Вибачте, сторінка не знайдена, ви можете повернутись на головну сторінку. Або написати нам у месенджер.



## KYIV – 99 private executers

### KYIV REGION - 6




### CHERNIGIV REGION - 6

### KHERSON REGION - 3

### DNIPRO REGION - 22

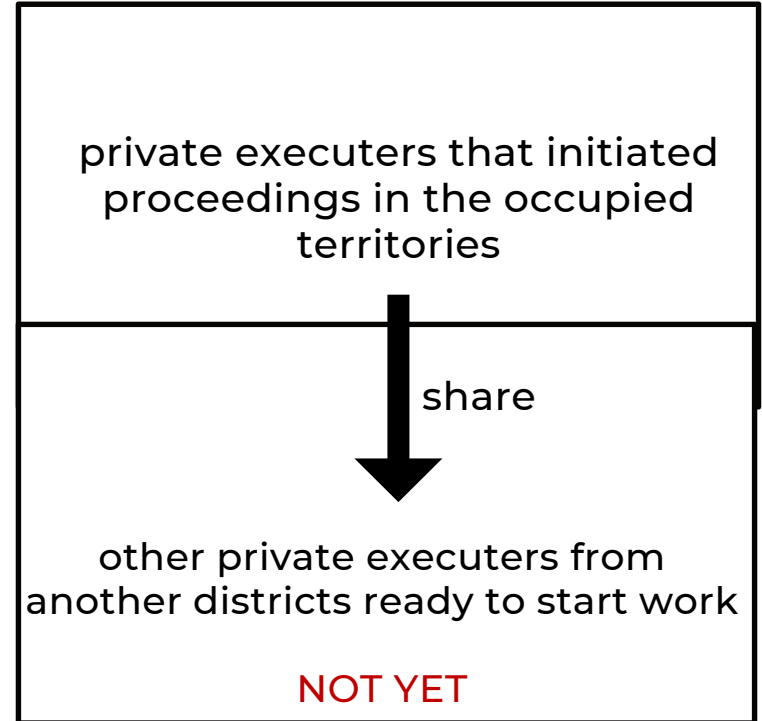
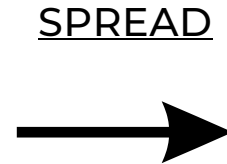
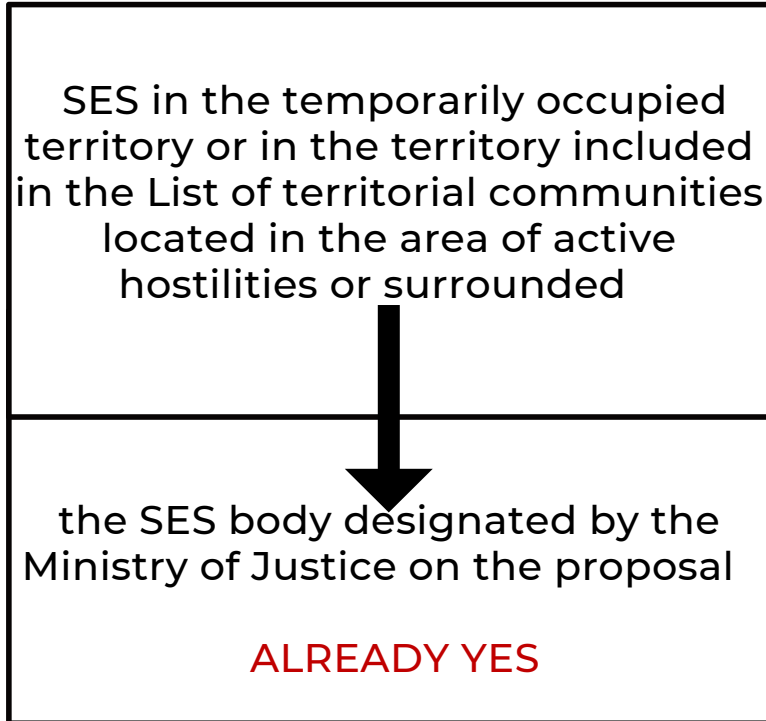
Реєстр приватних виконавців України

Виконавчий округ міста Києва

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5. Distribution of pending enforcement proceedings and remuneration between executors



Decisions can be enforced either by the SES body and private executors whose competence extends to such territory if it/he/she changes its location, which does not fall under the above List



## II Introduction of other restrictive measures with regard to decisions enforcement

### 1. Restrictions on the amount and types of the debtor`s funds to be seized and recovered

*From 26 March 2022:*



- Individuals may carry out expenditure transactions from sized accounts without taking into account its seizure if the enforcement document for such a person does not exceed 100 thousand hryvnias;
- Legal entities - debtors may carry out such transactions exclusively for payment of wages in the amount of not more than 5 minimum wages per month per employee, as well as payment of taxes, fees and a single contribution to the obligatory state social insurance;
- Application of recovery on wages, pensions, scholarships and other income of the debtor shall be terminated (except for decisions on with regard to recovery of alimony and decisions, the debtors within which are the citizens of the russian federation).

## 2. Moratoriums on decisions enforcement with regard to certain categories of debtors

Law of Ukraine No.7317 of 12.05.2022 envisaged a ban enforcement of decisions on certain critical areas such as

- defence industry, military administration, connections, military units, higher military educational institutions, military educational subdivisions of higher education institutions, establishments and organizations, being the part of the Armed Forces of Ukraine, railway transport enterprises.
- decisions with regard to recovery of debts from individuals for housing and communal services.



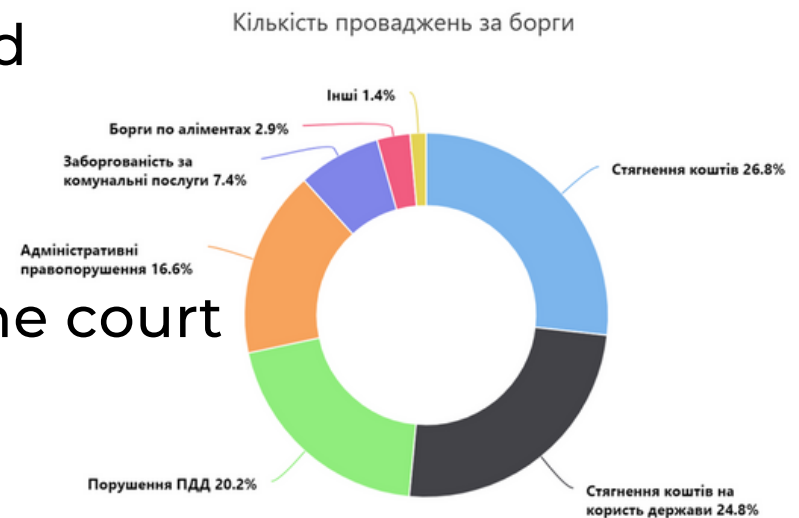
### 3. Prohibition of execution of certain types of enforcement documents

prohibiting execution of writs of execution-  
notarial deeds that have a dual legal character  
and are also enforcement documents

- today the number of non-executed writs of execution of notaries is 652 652
- today the quantity of appeals to the court has decreased by 90%



the quantity of enforcement documents will also decrease



### III Threat of existence of private enforcement system at the level of the state

#### 5. Extension of powers of private exucuters

Alternative ways to generate income, in particular by extending powers and to make them equal with state executers, proposing to add such activities as:

- imposition of fines in favour of the state,
- collection of fines,
- establishment of facts, first of all, of damage or destruction of property as a result of military aggression of the russian federation and determination of the scope of damages.





# III Enforcement of Judicial Decisions on the Occupied Territory in Ukraine

## Brief Conclusions

For the period of introduction of martial law from 24 February 2022, it was prohibited to initiate enforcement proceedings and take measures to enforce decisions in the territory of administrative and territorial units, being temporarily occupied due to military aggression. Therefore, in order to enable executors from these territories to carry out their activity, as well as to meet the claims of debt collectors against debtors residing or registered in these territories, it is necessary to simplify the rules for presenting enforcement documents all over the country.

Due to the lack of access to the Automated System of Enforcement Proceedings (ASEP) and their offices, private executors as well as state executors from the occupied territories also cannot today:

- continue to enforce decisions,
- terminate enforcement proceeding in case of independent execution of the decision by the debtor with removal of the restrictive measures;
- return the enforcement documents.

Settling this problem may be possible after connecting private executors to the ASEP and by distributing pending enforcement proceedings between private executors, allowing to transfer open enforcement proceedings in the occupied territories to private executors from other executive districts ready to start working. It is also necessary to envisage the right of private executors from the occupied territories to change location of the office and executive district in a simplified manner as it already allowed for State Executive Service bodies.

Due to the prospect for introduction of a moratorium on enforcement of some decisions, a ban on execution of notaries' writs of execution, and as a result forecasts of a decrease in the number of , enforcement documents the issue of extending powers of private executors is also relevant for resolution



## **IV Labor Law Regulations (Restrictions of Rights and Freedoms of Citizens Under the Martial Law)**

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Associate Professor of Civil Procedure at the Taras Shevchenko  
National University of Kyiv



# Content

1. Conclusion of an employment contract in Martial law
2. Transfer and change of significant working conditions in Martial law
3. Termination of the employment contract at the initiative of the employee
4. Involvement of certain categories of workers
5. Establishment and accounting of working time and rest time. Leaves.
6. Salaries





## Difficulties faced by Ukraine due to Martial law in the field of labor relations

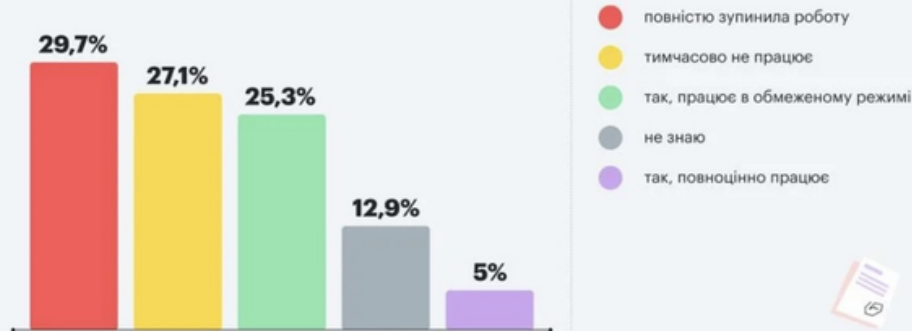
- According to the International Labor Organization, Ukraine has lost 4.8 millions job places since the beginning of the war, and the continuation of hostilities could increase this number to 7 millions.
- According to the State Employment Service, in April the competition for one place was almost 12 people for a vacancy.
- According to the survey, the number of victims of reduced business activity and unemployment in Ukraine reaches 52% of respondents. In fact, every 2nd Ukrainian either lost his job or was left partially or completely without his monthly income.
- 5.6 millions people went abroad, another 8 millions are internally displaced persons.
- According to a survey of employers, almost 29% of companies are temporarily out of work or have stopped working. At the same time, slightly more than 61.5% of businesses continue to operate in their cities, and almost 10% evacuated businesses to safer regions.



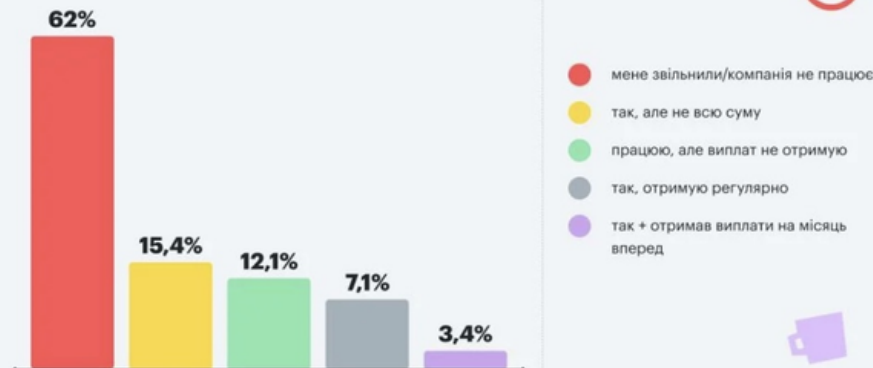


### Чи працює зараз ваша компанія

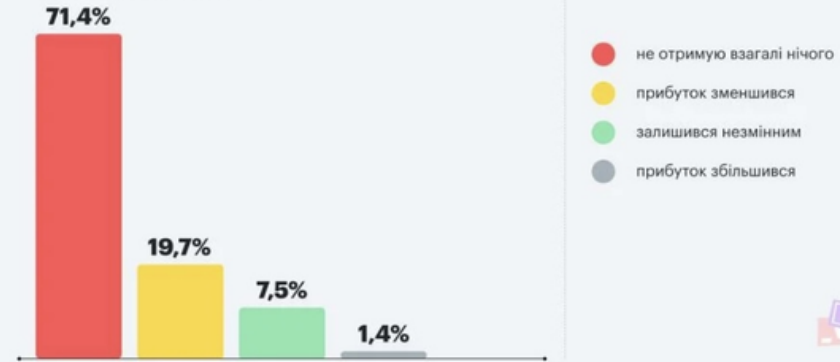
(або компанія, яка була останнім місцем роботи)?



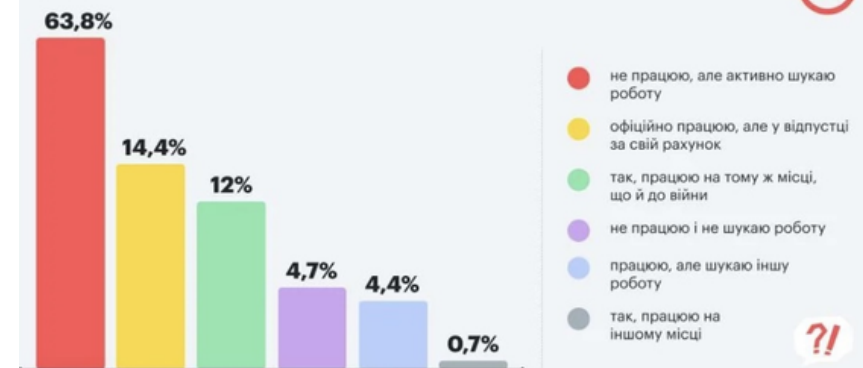
### Чи отримуєте ви заробітну плату зараз?



### Чи змінився рівень вашого прибутку з початку війни?



### Чи працюєте ви зараз?





## Restrictions on the Constitution

- Restrictions on the constitutional rights and freedoms of citizens in the field of labor relations are introduced for the period of martial law. In particular: Art. 43 and Art. 44
- Basis: Law of Ukraine "On Organizing Labor Relations under Martial Law" (was adopted on March 15, 2022) clarifies relevant restrictions of the constitutional rights and freedoms and sets out special rules applicable to labor relations to replace "normal" rules of the Labor Code of Ukraine.
- During the period of martial law, the norms of labor legislation shall not apply in the part of relations regulated by this law.



## Conclusion of an employment contract in Martial law

- Probation can be set for all employees.
- Employers may enter into fixed-term employment agreements with new employees for the duration of martial law or the period of replacement of the temporarily absent employee.





## Transfer and change of significant working conditions in Martial law

- During martial law the employer has the right to transfer the employee to another job not stipulated in the employment contract, without his consent (except for transfer to another location where active hostilities continue), if such work is not contraindicated for the employee's health, only to prevent or eliminate the consequences of hostilities, as well as other circumstances that threaten or may threaten the lives or normal living conditions of people, with wages for work performed not lower than the average salary for previous work.
- Labor laws on notification of an employee about a change in significant working conditions do not apply.



# Termination of the employment contract at the initiative of the employee

In connection with hostilities in the area of the employer`s location, employee may terminate employment agreements on their own without two-week notice period.





## Termination of the employment contract at the initiative of the employer

- Dismissal at the initiative of the employer during the period of his temporary incapacity for work, as well as during the period of the employee's leave is allowed.
- Trade union`s consent to dismissal of employees – only for dismissal of members of the trade union`s elective bodies (rather than for all trade union members).



## Involvement of certain categories of workers

Categories of employees enjoying certain restrictions in peacetime may be involved in certain types of work. It is allowed to use women's labor (except for pregnant women and women with a child under one year of age) with their consent in heavy work and work with harmful or dangerous working conditions, as well as underground work.



## Establishment and accounting of working time and rest time. Leaves.

- Normal working hours 60 hours per week and 50 hours per week for employees with reduced working hours. The beginning and the end of daily work (shift) shall be determined by the employer only (used to be 40 and 36 hours).
- The basic paid leave is granted for 24 calendar days for all categories of employees (for ex. for pedagogical workers used to be 56 days).
- Employers may refuse to grant leave to critical infrastructure employees.
- It is allowed to grant unpaid leave for the entire wartime (used to be 15 days of unpaid leave per year).





# Salary

Salary shall be paid on the terms of employment agreement, though such payment may be delayed if the employer is unable to pay salary due to hostilities.





## Suspension of the employment agreement

- Suspension of an employment agreement is a temporary termination by the employer of providing the employee with work and a temporary termination of the employee's performance of work under the concluded employment contract.
- The employment contract may be suspended due to military aggression against Ukraine, which excludes the possibility of providing and performing work.
- Termination of the employment contract does not entail termination of employment.



## What does the state do to guarantee the protection of the rights in labor sphere?

- Relocation of business (400 companies have been relocated, 216 of them have already resumed work, 500 companies have been selected for relocation and started the process).
- One-time payment to all citizens affected by hostilities, monthly payments to internally displaced persons, compensatory payments to persons receiving internally displaced persons.
- Reducing the tax burden on business.
- Compensation payments to entrepreneurs who hire internally displaced persons.
- Changes to the legislation in accordance with the requirements of the time.



# IV Labor Law Regulations (Restrictions of Rights and Freedoms of Citizens Under the Martial Law)

## Brief Conclusions

Russia's military aggression against Ukraine has caused significant changes and restrictions of labor rights and guarantees.

Thus, the Law of Ukraine of 15.03.2022 "On the organization of labor relations in martial law" introduces restrictions on the constitutional rights and freedoms of man and citizen under Art. 43-44 of the Constitution of Ukraine. In particular, such restrictions concerned the conclusion of employment contracts (employer may enter into fixed-term employment contracts with new employees for the period of martial law or for the period of replacement of a temporarily absent employee), transfer and change of significant working conditions (employer also has the right to transfer the employee to another job without his consent; the possibility of using women's labor with their consent in heavy work and work with harmful or dangerous working conditions, as well as underground work), termination of employment contracts (employee may terminate the employment contract on its own initiative without two weeks' notice), establishment and accounting of working hours and rest time (an increase in working hours to 60 hours per week (50 hours per week with reduced duration); reduction of annual paid leave to 24 calendar days for all categories of workers; employer is released from liability for violation of the terms of payment of wages, if it happened as a result of hostilities, wages) and other issues.

A novelty for the current labor legislation was the possibility of suspending the employment contract. It should be noted that suspension of the employment contract does not entail the termination of employment. The current labor legislation provides labor guarantees for persons drafted into the Armed Forces of Ukraine, as well as for persons who have joined the ranks of territorial defense.



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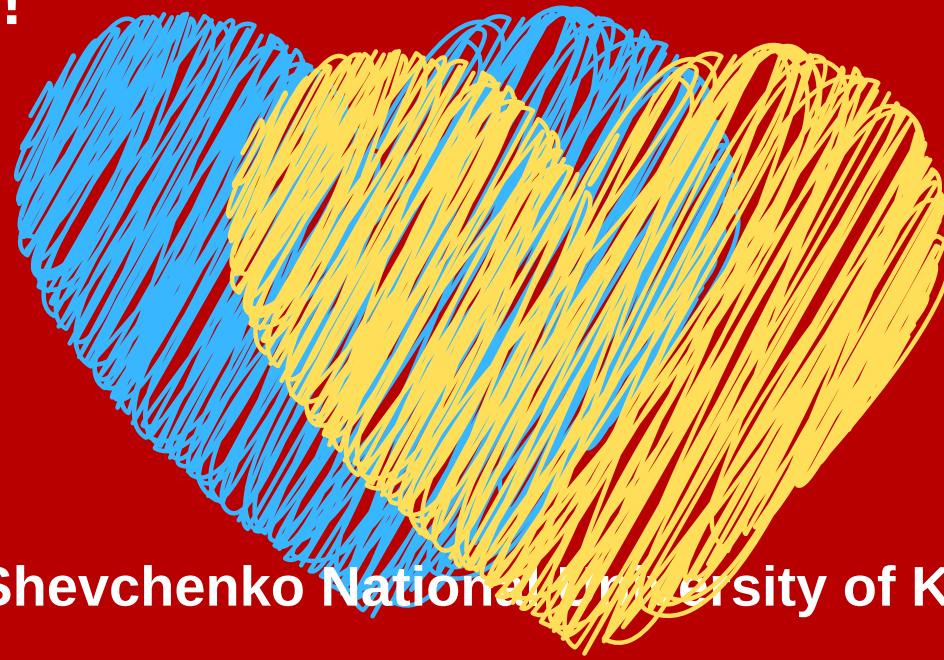
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**Thank you!**



**Taras Shevchenko National University of Kyiv, 2022**