

Code
of practice for employers
Promoting equality and non-discrimination
at work in Ukraine

Guiding principles



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Foreword

It is with great pleasure that the Confederation of Employers of Ukraine (ConfEU) presents this Code of practice, developed with the support of the International Labour Organization (ILO), to assist companies in promoting equality and preventing discrimination at work in Ukraine.

There is a growing consensus that a diverse workforce contributes to economic growth and development. To remain competitive in today's rapidly evolving environment, companies must find ways to adapt their policies, practices and culture to the changing profile of the workforce. Investing in diversity is critical for innovation, performance and reputation of business. Overall, gender responsive and non-discriminatory management practices is not only the right thing, but also the smart thing to do business.

Strict adherence to the principles of non-discrimination and equal opportunity is the key to developing a high quality and diverse workforce. Discrimination includes, any distinction exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as defined by ILO Discrimination (Employment and Occupation) Convention 111, which Ukraine ratified in 1961. Since then, Ukraine has ratified the most important international conventions on non-discrimination and equal opportunity, which have become an integral part of the national legislation.

In 2019, the Confederation of Employers of Ukraine became the first national employers' organisation in the world to join the Equal Pay International Coalition (EPIC), which is led by the International Labour Organization, UN Women and the OECD. Equal pay for work of equal value is an important part of ensuring non-discrimination and equal treatment in the workplace¹, and businesses in Ukraine can play a critical role in addressing gender pay gaps.

The practical implementation of national law and regulations on non-discrimination and equal opportunities can be challenging for employers, in particular those with insufficient human and financial resources. The lack of awareness, understanding and application of these laws and regulations can potentially lead to unforeseen costs and reputational risks.

This Code of practice aims to provide practical advice to employers on the application of the most typical and important aspects of national legislation aimed at developing and maintaining productive labor relations, established in compliance with the principles of non-discrimination and equal opportunities. This Code of practice addresses the labor aspects of gender non-discrimination, covering job seeking, employment, organizing a conducive working environment, remuneration and career advancement.

The Confederation of Employers of Ukraine wishes to express its gratitude to the International Labour Organization in Ukraine for the technical support in the development of this Code of practice, as well as to its members for their time and valuable contribution.

¹ILO Equal Remuneration Convention №100 https://zakon.rada.gov.ua/laws/show/993_002#Text

Purpose of the Code of Practice

The Code of Practice (hereinafter referred to as – the Code) formulates a set of guiding principles for employers on promoting the implementation of non-discrimination policies and equality at work. The Code was developed by the Confederation of Employers of Ukraine (ConfEU), with the technical support of the International Labour Organization, to assist ConfEU member companies, and all employers in general, in promoting equal opportunities and treatment, and in eliminating discrimination in their company policies and practices.

In Ukraine, employers have a legal obligation to ensure non-discrimination in the course of recruitment, hiring and employment. This Code does not replace the national legislation, but acts as a document that seeks to promote compliance with the law, and presents the international practices in ensuring equality at work.

Prevention and elimination of discrimination at work is a continuous process that cannot be reduced to the mechanical application of legal provisions. Naturally, the present-day array of legal provisions stipulates the basic principles and boundaries of a gender-responsive organisation that no company policy may trespass. The perceptions of discrimination and its manifestations in the workplace, or in the community where the company is located or among stakeholders, may vary so much that it is often difficult to determine to what extent certain actions of the employer and/or of the employees can be regarded as discriminatory. The gradual incorporation of the Code into the company's management practices that exceed the simple compliance with the law will provide over time certain benefits to the business. Those benefits include additional opportunities to attract talented and skilled workforce, ensure staff retention, a greater degree of employees' satisfaction with the work conditions and, as a result, reduce attrition rates.

Effective application of policies and practices of gender-responsive labour relations also reduces the risks of conflicts in the workplace. Besides, measures to promote diversity and equality may improve the business performance, open access to new market segments, and promote the company brand, image and good will as a socially responsible employer.

1. Scope of application and the terms used in the Code

1.1. Scope of application

The Code covers employment relationships with all employees of the enterprise, institution, or organisation, including full-time and part-time employees. The Code, inter alia, covers the following:

- Recruitment
- Remuneration
- Definition and division of labour responsibilities
- Access to vocational training, qualification upgrading and retraining
- Work conditions, including working hours, overtime, rest periods, days off and vacations, sick leaves, health and safety measures, etc.
- Social protection and benefits provided in connection with employment

- Dismissal and redundancy procedures
- Other relevant business activities

1.2. Terms used in the Code

Discrimination:

any distinction, exclusion or preference made on the basis of:

1. race
2. skin colour
3. language
4. political, religious and other convictions
5. gender and gender identity
6. sexual orientation
7. ethnic, social and foreign origin
8. age
9. health status, including real or perceived HIV positive status
10. disability
11. marital and property status
12. family responsibilities
13. place of residence
14. membership in a trade union or another public association
15. participation in a strike
16. appeal, or intention to appeal, to a court or other bodies seeking protection of their rights, or provision of support to other employees in protection of their rights
17. notification of possible facts of corruption or corruption-related offenses²;

Discrimination can be observed in a number of different ways, such as:

Structural (systemic) discrimination: the institutionalization of discrimination in social patterns, organizational structures and legal constructs. For example, differences in pay levels between women and men (the gender pay gap) do not emanate from exceptional stand-alone discriminatory payment practices of individual employers; they occur systematically throughout the labour market. The gender pay gap exists due to persistence of traditional ideas about women and men's gender roles, their work contribution and systemic undervaluation of jobs that are considered "women's work".

Direct discrimination: situations where unequal treatment of job applicants or employees is clearly undertaken in contravention of the grounds covered in law or the Convention. For example, job advertisements that specify the sex of candidates are directly discriminatory.

Indirect discrimination: arises when rules and practices appear neutral, but in practice lead to disadvantages primarily suffered by persons of one particular sex or ethnicity, for example.

² ILO Discrimination (Employment and Occupation) Convention (https://zakon.rada.gov.ua/laws/show/993_161#Text), Code of Laws on Labour (Article 2¹) (<https://zakon.rada.gov.ua/laws/show/322-08#Text>)

Job advertisements that set irrelevant height requirements that only male applicants are likely to meet constitute indirect discrimination.

Discrimination in law (de jure): a law or regulation treats different groups of workers in different ways. For example, in Ukraine women's employment in certain occupations or under certain working conditions - such as underground work, work at night or under conditions that are not safe for health – is still prohibited by the Law. Despite being protective measures, they, however, restrict women's free choice of employment.

Discrimination in practice (de facto): factual differences in opportunities and treatment of different groups in the labour market or in company human resources practices. For example, strong gender stereotypes and ideas about what jobs are suitable for women and men limit choice of employment for both women and men.

Equal opportunities for women and men (equal conditions for the realisation of equal rights for women and men)³:

- Equal opportunities and treatment at work shall mean that decisions made at an enterprise, institution, or organisation in connection with hiring, employment conditions, remuneration, career advancement, etc. are determined solely on the basis of knowledge, skills, experience, ability and suitability of a person for that position, without any discriminatory bias or assumptions;
- Equal opportunities for women and men mean equal opportunities to apply for a job, a specific position, participate in the management of the enterprise, gain education, have access to professional development or qualification upgrading.

Promoting equality and preventing discrimination in the workplace refers to measures to ensure that all employees have equal opportunities, are treated equally and without discrimination.

Equal remuneration for work of equal value (Equal pay):⁴

Equal remuneration for work of equal value applies to the amount of remuneration established without discrimination on any grounds. The term "remuneration" includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, such as benefits for years of service and bonuses, other material benefits arising from the employee's work at the enterprise, institution, organisation and paid by the employer to the employee directly or indirectly. The principle of equal remuneration for work of equal value applies to two aspects: equal pay for the same (similar) work and equal pay, which differs in nature, but has the same value for the enterprise, institution, organisation. The mechanism that determines the composition of jobs of equal value that are different in nature includes an analysis of job characteristics, such as skills, experience, effort, responsibility and work conditions.

³ Article 1 of Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

⁴ ILO Convention 100 on the Equal Remuneration of Men and Women for Work of Equal Value https://zakon.rada.gov.ua/laws/show/993_002#Text

Violence and harassment:

Violence and harassment refer to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment⁵.

A special place in the fight against those negative actions is taken by sexual harassment at work, which is defined as “acts of a sexual nature, expressed verbally (threats, intimidation, obscene remarks) or physically (touching, patting), that humiliate or insult persons who are in a relationship of labour, official, material or other subordination”⁶.

Harassment can be physical (such as patting, touching, or kissing), verbal (such as obscene jokes), or non-verbal (such as threatening behaviour, gestures, or abusive propositions).

Actions that are related to harassment include the following:

- Jokes, personal insults, persistent criticism and derogatory language.
- Unwanted physical contact.
- Unfair defining and assigning of work
- Threatening behaviour and gestures; and
- Behaviours that aim to alienate, undermine or ‘freezing out’ an individual

Inherent job requirements (professional characteristics):

Unalienable job requirements refer to the necessary, objective and proportionate qualifications that an applicant or employee must possess in order to adequately perform the primary job functions, duties and responsibilities. They are mostly related to certain skills and capabilities, but, in exceptional circumstances, may also include personal characteristics of applicants or employees, such as gender, religion or lack of specific disability, if those are regarded as essential for the proper job performance. Any distinction, exclusion or preference based on the specific requirements of this work shall not be considered discrimination.

Reasonable accommodation:

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, and which provides an applicant or employee with special needs, connected with, inter alia, health, disability, religion, family responsibilities, with opportunities for access, participation or promotion at work. The most common examples of reasonable accommodation are flexible work arrangements and/or provision of special equipment to an employee with a disability⁷.

⁵ ILO Convention № 190 On Eliminating Violence and Harassment at Work

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

⁶ Article 1 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men"

<https://zakon.rada.gov.ua/laws/show/2866-15#Text>

⁷ UN Convention on the Rights of Persons with Disabilities https://zakon.rada.gov.ua/laws/show/995_q71#n40

Special measures

- Special protection measures – refer to creating conditions for certain groups of workers who need special support, such as pregnant women, breastfeeding mothers, workers with disabilities or workers with family responsibilities. Special protection measures are not a form of discrimination against persons who need special support.
- Positive (affirmative) actions – measures that are taken to eliminate the effects of past discrimination in order to establish equal opportunities and restore justice. Those measures are targeted at certain groups of applicants or workers, in particular women, workers with disabilities or members of ethnic minorities who are disadvantaged in terms of employment or work conditions⁸.

2. Guiding principles to promote equal opportunity and treatment and prevent discrimination at work

2.1 Compliance with the law

Employers must comply with the Ukrainian legislation in the area of non-discrimination and equality in employment and occupation⁹.

2.2. Equal opportunities and treatment

Employers must ensure that all recruitment and employment decisions in their enterprise, institution or organisation are made solely based on professional merits (knowledge, skills, experience and abilities) of the applicant or employee, without any interference of discrimination or bias.

In order to prevent discrimination, it is necessary to establish and use objective criteria for all aspects of employment, including recruitment, remuneration, benefits, work conditions, access to vocational training and development, career advancement, and termination of employment relations.

2.3. Non-discrimination

Employers must ensure that all their recruitment and employment practices and policies are free from any form of discrimination listed in the par. 1.2.

3. Fair recruitment practices

3.1. Selection of applicants: job advertisements and job applications

The job advertisement should contain a description of the job and clearly indicate the selection criteria, which mainly refer to qualifications, skills, knowledge and experience. Criteria

⁸ Article 1 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men"
<https://zakon.rada.gov.ua/laws/show/2866-15#Text>

⁹See Annex

related to the personal characteristics of applicants, in particular those listed in par. 1.2. must not be included in job advertisements. Personal characteristics should only be referred to if they are inherent requirements of the job. An employer who is looking for candidates for a position that requires a certain personal characteristic that may be considered as discriminatory has to indicate the reason for that requirement in the advertisement (for example, in casting for a film production).

The job application forms should only ask job applicants to provide information that is relevant for determining the applicants' suitability for the job in question, such as information on qualifications, skills, knowledge, relevant experience, preparedness to accept certain responsibilities and willingness to accept particular working conditions. Unless objectively relevant to the nature of the job, the employers should not ask applicants to provide personal information related to their sex, race or ethnicity, colour, religious belief or creed, social origin or birth, language, national origin, political opinion, disability, HIV status, membership in a trade union or participation in union activities. Applicants should not be required to submit a photograph with their application, unless physical appearance can legitimately be considered as an inherent requirement of the job in question.

3.2. Job fitness tests

Tests¹⁰ that are used to select applicants should be specifically related to the requirements of respective job, and objectively measure the applicants' actual or potential ability to perform or be trained for the job.

3.3. Interviews

Interviewers should only ask questions that are relevant to assessing an applicant's suitability for the job in question and apply consistent criteria to assess each applicant's ability to meet the selection criteria. The panel of interviewers should include both men and women.

Interviewers should not ask applicants to provide personal information specified in par. 1.2.

If the position requires willingness to accept certain responsibilities and particular work conditions, interviewers should provide full information about the job requirements and ask applicants if they will be able to meet all of those.

3.4. Providing health data

Data on the applicants' health status, other than those required to perform the work, must not be requested. In particular:

- pregnancy tests must not be used as a condition for employment or continuation of employment, except in those limited situations when the law prohibits or restricts that specific work to be performed by pregnant women¹¹;
- provision of infectious disease test data must not be required as a precondition for employment or continuation of employment, except in cases where the professional requirements for the job have been stipulated by law;

¹⁰There is no prohibition in Ukrainian legislation to use such tests during selection procedures

¹¹Art. 22 of Labour Code of Ukraine ([Кодекс законів про працю Укр... | Від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

- HIV testing must not be required as a precondition for employment or continuation of employment, although in order to prevent the spread of the disease, it is recommended to take measures to encourage employees to take HIV test voluntarily.

Employers may ask job seekers to provide general medical exam data to assess their overall suitability for the job. The medical examination may not include testing for any specific disease or illness that does not have an immediate impact on a person's fitness to perform the job.

Employers must respect the confidentiality of the applicants' health status information and help maintain the confidentiality of any information provided.

3.5. Records of the results of interviews with applicants

Employers should keep records of the assessment made at each stage of the recruitment process by the reviewers on the applicant's ability to meet the selection criteria.

3.6. Shortlisting

Employers should use consistent selection criteria as the basis for shortlisting, matching these objective standards against the corresponding qualifications, skills, knowledge and experience of each applicant. Efforts to make the composition of the workforce more diverse may be a valid selection criterion.

3.7. Recruitment through employment agencies and employment services

If recruitment is carried out through a state or private employment agency or a state employment centre, the employer should notify the private employment agency or public employment centre of the availability of the Code and advise that it should be consulted with before the recruitment procedures begin.

4. Fair treatment at work

4.1. Job descriptions

Job descriptions have to specify the main tasks and responsibilities of the job, as well as the skills, knowledge, education and experience required for the performance of the main tasks and responsibilities.

4.2. Remuneration and supplementary benefits¹²

Employers have to pay remuneration for the employees' labour in accordance with the law and rules adopted by the enterprise, organization or entity. The grounds defined in par. 1.2 of this Code should not influence the salary.

Employers have to ensure an equal approach to the accrual and payment of supplementary benefits, such as bonuses, allowances, commissions, regardless of the criteria listed in par. 1.2. This also applies to long-service benefits, health benefits, maternity benefits, support of responsible parenthood, and any other form of cash benefits paid by the employer in accordance with the law and/or collective agreement.

Differences in remuneration for equivalent work may only be justified if they are connected with seniority or the objective need to attract specialists of the relevant profile to the enterprise, organisation or institution, with the need being urgent. Employers must ensure that performance evaluation systems used to determine the remuneration are free from discrimination and bias.

4.3. Work conditions¹³

Employers must make sure that all workers enjoy equal work conditions, including work hours, rest periods, holidays, occupational safety measures, access to equipment and tools, without any discrimination on the grounds covered by this Code.

4.4. Performance appraisals

Employers should approve performance appraisal systems based on fair, objective and measurable criteria free from any discriminatory bias.

4.5. Training and promotion¹⁴

Whenever opportunities for training and promotion arise, the relevant information should be communicated to all respective employees in order to ensure the fair participation of all those interested in applying for these opportunities. Employers must evaluate all interested applicants based on fair selection criteria.

Training and qualification upgrading have to be made accessible to employees of both sexes. Any special needs that employees may have, especially those connected with family responsibilities, must be taken into account in the course of preparation of training and qualification upgrading schedules.

¹²Chapter VII of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#)), art. 21 Law of Ukraine "On wages" ([Про оплату праці | від 24.03.1995 № 108/95-ВР \(rada.gov.ua\)](#))

¹³Articles 32, 88, 153 of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

¹⁴Chapter XIV of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#)), articles 4-10 of Law of Ukraine "On Professional Development of Employees" ([Про професійний розвиток пра... | від 12.01.2012 № 4312-VI \(rada.gov.ua\)](#))

4.6. Termination of employment

The decision to dismiss an employee must comply with the grounds listed in the law and must not be discriminatory. Employers may never dismiss, or threaten to dismiss, an employee on the grounds of pregnancy, marital status or temporary absence from work due to illness or injury. Where possible, employers must consider possibilities to apply reasonable accommodation as an alternative to dismissal. If reasonable accommodation cannot be applied, the possibility of transferring the employee to another position must be considered¹⁵.

In the event of a large-scale dismissal or other collective redundancy, those must be carried out in accordance with the law, ensuring that such dismissal does not affect only one or several categories of employees who may be defined based on one or more of the grounds listed in par.1.2.¹⁶

Employers have to use similar approaches when employees retire. Employers should allow women who have reached the retirement age to continue to work applying to them equal conditions with men if they wish so.

5. Ensuring a productive working environment

5.1 Harassment and violence

Employers must ensure that the workplaces are free from any manifestations of harassment. Any form of violence, harassment, or intimidation, whether physical, sexual, verbal, or nonverbal, is prohibited. Employers are encouraged to adopt a zero-tolerance policy towards harassment and violence at work and communicate it to all employees, partners and other stakeholders¹⁷.

5.2. Protection of maternity and parenthood

Employers should promote maternity protection, provide reasonable accommodation for pregnant women and mothers of new-born infants, including flexible work arrangements, provision of breaks and other opportunities for breastfeeding¹⁸.

If the work environment of a pregnant or breastfeeding woman includes risks such as physical exertion or exposure to harmful substances, the woman's health must be protected by eliminating these risks, adapting the workplace and/or, if adaptation is not possible, offering temporary transfer to another position.

Employers must not take decisions on work time logging, extension or termination of employment, which negatively affects the employment status of a pregnant woman, solely based on her pregnancy¹⁹.

¹⁵Articles 36, 38, 40,41,43,43¹ of Chapter XIV of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

¹⁶Article 492 of Chapter XIV of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

¹⁷Article 1 of Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" (<https://zakon.rada.gov.ua/laws/show/2866-15#Text>)

¹⁸Article 179 of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

¹⁹Article 184 of LabourCodeofUkraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](#))

Where possible and when consistent with the needs of the enterprise, institution or organization, employers could assist working parents in implementing the principles of responsible parenthood by granting them, at their request, maternity leave, childcare leave or sick leave in accordance with the law.

5.3. Work-family balance

Employers should take into account the needs of employees who have family responsibilities. Where possible, a balance between work and family responsibilities should be promoted by applying, inter alia, flexible working time arrangements, supporting childcare facilities or enabling employees to leave the child in specially adapted rooms at the premises of the enterprise, institution, organisation, under the supervision of authorised employees²⁰.

5.4. Application of reasonable accommodation measures

Where possible, employers must take reasonable accommodation measures to adapt the workplace to the needs of workers who have special needs connected with health, disability, religion, family responsibilities, or on any other grounds. These reasonable accommodation measures may include the provision of flexible working hours, special equipment, rest breaks, visiting a doctor, alignment of vacation time for employees who share family responsibilities and work at different enterprises, etc.²¹

6. Equality in the business practice of the company

Employers must promote equality and non-discrimination throughout their business practices and within the scope of control and influence of the enterprise, institution or organisation. Employers should ensure fair and non-discriminatory treatment of their customers, subcontractors, suppliers or other business partners and stakeholders.

7. Possible ways to use the Code

Employers can put the Code into practice in a number of different ways. Some ways that have been used around the world and proved their effectiveness are described below. The list is not exhaustive, and failure to apply any particular method should not be considered as evidence of the impossibility to promote equality of opportunity, treatment or compliance with legal obligations.

7.1. Commitment, responsibility and consultations

²⁰Article 60 184 of Labour Code of Ukraine ([Кодекс законів про працю Ук... | від 10.12.1971 № 322-VIII \(rada.gov.ua\)](https://zakon.rada.gov.ua/laws/show/322-VIII))

²¹UN Convention "On the Rights of Persons with Disabilities" (https://zakon.rada.gov.ua/laws/show/995_q71#n40)

- Employers should follow the principles set out in the Code and formally endorse them at the highest management level as generally accepted good practices. The Code should be integrated into the principal policies and practices of the enterprise, institution, or organisation, including the human resources management policies that are currently in effect. Responsibility for the implementation of the Code could be vested in one of the Deputy Heads of the enterprise, institution, and organisation²².
- The issue of non-discrimination should be properly reflected in the collective agreement (if concluded). In this case, the collective agreement should, in particular, provide for:
 - definition of the authorized person of the enterprise, institution or organization on gender issues (preferably at the level of one of the deputy heads);
 - promotion and career advancement of employees with respect to gender balance;
 - elimination of inequality, if any, in the remuneration of women and men for work of equal value²³.
- Employers should apply the principles, set out in the Code, in human resource management, in business operations and, as far as possible, among partners, subcontractors and service providers.
- For the purpose of proper implementation of the Code, authorised representatives of enterprises, institutions or organisations, should conduct consultations with representatives of workers or trade unions, following the procedures specified in the collective agreement or, in its absence, following the procedures stipulated by Ukrainian legislation on social dialogue²⁴.

7.2. Human resources management policy and practice

Employers should follow the instructions set out in the Code in the course of taking any decisions on staff recruitment, and employment at the enterprise, institution or organisation, and coordinate their effective human resources management policies and practices with the Code.

7.3. Information, awareness raising and capacity building

The Code should be publicly displayed in the specified premises of the enterprise, institution, organisation, and information about it should be communicated to the employees.

The employer should take steps to raise awareness on the Code among all employees. Employees must be informed about what is and what is not acceptable behaviour or practice at work.

Employers should conduct training for managers, supervisors, and other relevant personnel, concerning their role in implementation of the Code. They should be provided with practical information on how to apply the instructions set out in the Code in the human resource

²²Article 27 of Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men"

(<https://zakon.rada.gov.ua/laws/show/2866-15#Text>)

²³Article 7 of Law of Ukraine "On Collective Bargaining" ([Про колективні договори і у... | від 01.07.1993 № 3356-XII \(rada.gov.ua\)](https://zakon.rada.gov.ua/laws/show/3356-XII))

²⁴In particular, the Law of Ukraine "On Social Dialogue in Ukraine" defines the procedure to hold the consultations

(<https://zakon.rada.gov.ua/laws/show/2862-17#Text>)

management and business practices of the enterprise, institution or organisation.

8. Monitoring compliance with the Code and amendments

The effectiveness of implementation of the Code at the enterprise, institution, or organisation should be regularly reviewed. When the provisions in the Code are found to be inconsistent due to changes in legislation or other objective factors, measures should be taken to make the respective amendments in the Code.

9. Consideration of grievances

Employees should have access to confidential means to report cases of non-compliance with the Code. Measures should be taken to ensure that employees do not suffer from any disciplinary sanctions for reporting violations of the Code. Employers should develop procedures for recording and processing such reports and ensure proper feedback.

10. Transparency and dialogue

Implementation measures should include periodic communication with stakeholders about performance and progress related to the Code.

11. Application to suppliers and subcontractors

Compliance with the Code should be a condition of business and integrated into contracts with suppliers, subcontractors and relevant business partners such as employment agencies. Employers should make compliance with the Code a condition of evaluation, selection and maintenance as a supplier.

List of key legislative instruments related to gender equality and non-discrimination

LAWS OF UKRAINE

- Constitution of Ukraine (1996)
- Code of labour (1971)
- Law of Ukraine “On Ratification of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States” (№ 1678-VII, 2014)
- Law of Ukraine “On Prevention and Counteraction to Domestic Violence” (№ 2229-VIII, 2017)
- Law of Ukraine "On Amendments to the Criminal Code and the Criminal Procedure Codes of Ukraine to implement the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" (№ 2227-VIII, 2017)
- Law of Ukraine “On Amendments to Certain Laws of Ukraine Concerning Ensuring Equal Rights and Opportunities for Women and Men During Military Service in the Armed Forces of Ukraine and other Military Formations” (№ 2523-VIII, 2018).
- Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (№ 2866-IV, 2018)
- The Law of Ukraine on Prevention of Illnesses caused by HIV, Legal and Social Protection of People Living with HIV (1972-XIIІ 2012)

CONVENTIONS OF THE INTERNATIONAL LABOUR ORGANISATION, RATIFIED BY UKRAINE:

- Equal Remuneration Convention, 1951, (No. 100) (ratified in 1956)
- Discrimination (Employment and Occupation) Convention, 1958, (No. 111), (ratified in 1961)
- Workers with Family Responsibilities Convention, 1981, (No. 156), (ratified in 1999).
- United Nations Convention on the Elimination of All Forms of Discrimination against Women (ratified in 1981)
- International Labour Organization Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

DECREES OF THE PRESIDENT OF UKRAINE

- On approval of the National Strategy in the area of human rights (№ 501/2015)

- On approval of the Annual National Programme under the auspices of the NATO-Ukraine Commission for 2018 (№ 89/2018)
- On approval of the Annual National Programme under the auspices of the NATO-Ukraine Commission for 2019 (№ 117/2019)

RESOLUTIONS AND ORDERS OF THE CABINET OF MINISTERS OF UKRAINE:

- Regulations of the Cabinet of Ministers of Ukraine № 950, 2007, (as amended)
- On approval of the Action Plan for the implementation of the National Strategy in the area of human rights until 2020 (№ 1393-r, 2015)
- The approval of the Strategy to overcome poverty (№ 161-p 2016) and Action Plans for its implementation for years 2016-2017, (№ 573-r, 2016), for 2018 (№ 99-r, 2018), for 2019, (№ 86-r, 2019), for 2020 (№ 202, 2020)
- On approval of the Public Administration Reform Strategy of Ukraine until 2021 (№ 474, 2016)
- On approval of the Concept of the State Target Programme for Recovery and Peacebuilding in the Eastern Regions of Ukraine (№ 892-r, 2016)
- On approval of the Procedure for holding contests to fill positions in civil service (№ 246, 2016)
- On approval of the Strategy for reform in the public financial management system for 2017-2020 (№ 142-r, 2017), and the Action Plan for its implementation (№ 415-r, 2017)
- On approval of the Strategy for the development of small and medium enterprises in Ukraine until 2020 (№ 504-r, 2017)
- On approval of the State social program to ensure equal rights and opportunities for women and men until 2021 (№ 273-2018-n, 2018)
- On approval of the Action Plan for the implementation of the Concept of the state system of occupational guidance for the population (№ 469-r, 2018)
- National Action Plan to implement the recommendations set out in the concluding remarks of the UN Committee on the Elimination of Discrimination against Women to the Eighth Periodic Report of Ukraine on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (№ 634-2018-r, 2018)
- On approval of the Strategy of state policy on healthy and active longevity until 2022 (№ 10-r, 2018) and the Action Plan for its implementation (№ 688-r, 2018)
- On approval of the Strategy for integration of internally displaced persons and implementation of long-term solution to internal displacement until 2020 (№909-r, 2017), and the Action Plan for its implementation (944-r, 2018)
- National Action Plan for the implementation of UN Security Council Resolution 1325 "Women, Peace, Security" until 2020 (№ 113-2016-r, 2018, as amended in accordance with the Order of the Cabinet of Ministers № 637-r of 05.09.2018)
- Matters of gender legal examinations (№ 997-2018-n, 2018) 12. On approval of the Standard Regulations on the mobile team of social and psychological assistance to victims of domestic violence and/or gender-based violence (№ 654-2018-n, 2018)
- On approval of the Standard Regulations on Asylum for Victims of Domestic Violence and/or Gender-Based Violence (№ 655-2018-n, 2018)

- On approval of the Procedure for interaction of entities implementing measures in the area of prevention and counteraction to domestic violence and gender-based violence (№ 658-2018-n, 2018)
- On approval of the Concept of the State Social Programme for Prevention and Counteraction to Domestic and Gender-Based Violence until 2023 (№ 728-2018-r, 2018)
- On amendments to certain Resolutions of the Cabinet of Ministers of Ukraine (№ 43-2019-n, 2019)
- On approval of the Strategy for the development of the system of the Ministry of Internal Affairs until 2020 (№ 1023-r, 2017) and the Action Plan for its implementation (№ 693-r, 2019)
- On approval of the Regulations on the system of professional training of civil servants, heads of local state administrations, their first deputies and deputies, officials at bodies of local self-government and deputies to local councils (№ 106, 2019)
- On amendments to the Action Plan for the implementation of the Concept of reforming the system of professional training of civil servants, heads of local state administrations, their first deputies and deputies, officials at bodies of local self-government and deputies to local councils (№ 137-r, 2019)
- Matters of Ukrainian Orthography (№ 437, 2019)
- On adoption of the National Strategy to Address HIV and AIDS, TB and viral hepatitis by 2030 (№ 1415-p, 2019). On approval of the Procedure for formation, maintenance and access to the Unified State Register of Cases of Domestic Violence and Gender-Based Violence (№ 234-20)
- On approval of the Action Plan for 2020-2027 on the implementation of the Concept for the implementation of the state policy in the area of vocational (technical) education "Modern vocational (technical) education" until 2027 (№ 508-r, 2020)
- On approval of the Action Plan for the implementation of the Concept of implementation of state policy in the area of promoting socially responsible business in Ukraine until 2030 (№ 853-r, 2020)
- On approval of the National Strategy for Reforming the Justice System for Children until 2023 (№ 1027-r, 2018) and its implementation plan (№1335-r, 2019)
- On approval of the Communication Strategy in the area of European integration for 2018-2021 (№ 779-r, 2017) and Action Plans for its implementation for 2018 (№ 272-r, 2018), for 2019 (№ 83-r, 2019), for 2020 (№ 776-r, 2020)

DEPARTMENTAL ORDERS

- Joint Order of the Ministry of Social Policy and the Ministry of Internal Affairs "On Approval of the Procedure for Assessing the Risks of Domestic Violence" of March 13, 2019 № 369/180, registered with the Ministry of Justice of Ukraine on April 2, 2019 №333/33304

Orders of the Ministry of Social Policy of Ukraine:

- On approval of the Standard program for offenders, of 01.10.2018 № 1434, registered with the Ministry of Justice of Ukraine on 29.10.2018 №1222/32674

- On the establishment of the State Institution “Call Centre of the Ministry of Social Policy of Ukraine for Combating Trafficking in Human Beings, Prevention and Counteraction to Domestic Violence, Gender-Based Violence and Violence against Children”, of 11.12.2018 № 1852, registered with the Ministry of Justice of Ukraine on 22.12.2018 №1458/32910

Orders of the system of the Ministry of Internal Affairs of Ukraine:

- Plan of measures of the Ministry of Internal Affairs of Ukraine on the implementation of the National Action Plan for the implementation of UN Security Council Resolution 1325 "Women, Peace, Security" until 2020; Methodical recommendations to the Action Plan of the Ministry of Internal Affairs of Ukraine on the implementation of the National Action Plan for the implementation of UN Security Council Resolution 1325 "Women, Peace, Security" until 2020; Monitoring and evaluation system of the Action Plan of the Ministry of Internal Affairs of Ukraine on the implementation of the National Action Plan for the implementation of UN Security Council Resolution 1325 "Women, Peace, Security" until 2020, of 12.12.2017 №1019
- On amendments to the Order of the Ministry of Internal Affairs of August 21, 1998 № 622 of 04.05.2018 № 372, registered with the Ministry of Justice of Ukraine on 10.05.2018 on № 576/32028
- On the procedure for conducting official investigations in the National Guard of Ukraine, of March 13, 2018 № 188
- Order of the Commander of the National Guard of Ukraine "On approval of the Instruction on measures to control citizens' appeals that contain information on discrimination on the grounds of sex and sexual harassment in the National Guard of Ukraine", of 27.12.2017, № 911

Orders of the Ministry of Education and Science of Ukraine:

- Provisions on psychological service, of 22.05.2018 № 509, registered with the Ministry of Justice of Ukraine on 31.07.2018 №885/32337
- Methodology recommendations for the detection of, and response to cases of domestic violence and interaction of pedagogical staffs with other bodies and services, of 02.10.2018 № 1047

Orders of the Ministry of Health of Ukraine:

- On approval of the Procedure for conducting and documenting the results of medical examination of victims of domestic violence or persons who are likely to have suffered from domestic violence, and providing them with healthcare services, of 01.02.2019 №о 278, registered with the Ministry of Justice of Ukraine on 14.03.2019 № 262/33233;28
- On invalidating the Order of the Ministry of Health of Ukraine of December 29, 1993 №256, of 13.10.2017 №1254, registered with the Ministry of Justice of Ukraine on 14.12.2017 on № 1508/31376

Orders of the Ministry of Finance of Ukraine:

- On approval of the Methodology Recommendations for the implementation and application of a gender-responsive approach in the budget process, of 02.01.2019 № 1Orders of the Coordination Centre for Free Legal Aid of the Ministry of Justice of Ukraine
- On approval of the Gender Strategy Equal Partners of the free legal aid system, of 22.11.2018 № 95
- On approval of the Methodology Recommendations on the Identification of Cases of Gender Discrimination and the Mechanism for Providing Legal Aid, of March 12, 2019, № 33