

From Soviet Legacy to European Integration: Decent Work in Ukrainian Labor Reforms

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The article examines reforms of the labor legislation of Ukraine from the point of view of their compliance with international and constitutional norms, particularly the principles of the ILO and EU directives. A theory under consideration argues that decent work should serve as the foundation of social justice policy in a democratic state. The study emphasizes the importance of balancing the interests of employers and employees in the process of aligning Ukrainian labor legislation, particularly the draft Law “On Labor”, with EU standards. It also analyzes state regulation of employment and labor migration in order to clearly define the roles and funding sources of employment institutions. The article highlights the need to update the Law “On Employment of the Population”. Scrutiny is invited of legislative initiatives that could undermine Ukraine’s legal commitments and weaken both trade union institutions and democratic labor discourse.

Keywords: principles of humanism and social justice, labor rights, social dialogue, liberalization of labor law, cooperation among social partners

1 Introduction

The concept of decent work introduced by the International Labor Organization (ILO) has become central in global debates on labor policy, economic justice, and human rights (International Labour Office, 2008). It integrates elements of fair employment, equality, and human dignity and provides a normative framework for labor reforms worldwide. Recent

literature situates decent work at the intersection of welfare state development, post-socialist legal transition, and global economic restructuring (Bogg et al., 2015; Adamczyk & Surdykowska, 2024). However, the implementation of this concept varies significantly across jurisdictions. Countries of Central and Eastern Europe (CEE), such as Poland, Estonia, and Romania, have been studied as examples of post-authoritarian transitions, as they aligned their labor systems with the EU acquis (Publications Office of the European Union, 2010; Blanpain, 2012). By contrast, academic coverage of Ukraine's labor law reforms remains fragmented, despite the country's EU accession trajectory and unique wartime context. This article aims to bridge that gap by examining how the concept of decent work is integrated into recent Ukrainian labor reforms, focusing on international legal compliance, constitutional principles, and comparative perspectives.

By comparison, the countries of Central and Eastern Europe undertook significant reforms of their labor legislation following the collapse of communist regimes in order to align with European and international legal standards. One dimension of this transition has been the shift from a prescriptive model of labor management to a market-oriented system that seeks to balance social security with employment flexibility – a concept commonly referred to as “flexicurity”. Scholars argue that this approach is particularly well-suited to post-socialist economies, as it enhances competitiveness, while preserving the core principles of the European social model (Cazes & Nesporova, 2007). In this context, contemporary labor law doctrine is evolving to promote collective representation, legal pluralism, and the autonomy of the parties in labor relations (Bogg et al., 2015). Modern European labor law is founded on the principle of balancing fundamental rights of employees with labor market flexibility (Blanpain, 2012).

As a post-Soviet country pursuing European integration, Ukraine is undertaking labor law reforms aimed at aligning its legal framework with EU standards. Human dignity and social justice are fundamental ideals of the democratic, social, and legal state model enshrined in the Constitution of Ukraine (1996). Labor law reform in Ukraine has picked up pace since the country was granted EU candidate status in 2022. International commitments have been central to this progress. In particular, Ukraine's involvement in the ILO Decent Work Programme and its obligations under the EU Association Agreement (EU-Ukraine Association Agreement, 2014) have been the key drivers. These agreements set out a framework for gradually aligning Ukrainian standards with European norms in areas like employment, social protection, gender equality, and working conditions (International Labour Office, 2008; EU-Ukraine Association Agreement, 2014).

In September 2022, the Ministry of Economy of Ukraine presented a new Draft Law of Ukraine “On Labor” (2022), which aims to remove Soviet-era elements from the legal framework and modernize labor relations in accordance with European standards. According to the project note, the legislation aims to ensure gender equality, transparency in employment contracts, a balance between the interests of employers and employees, and the legal regulation of flexible and remote work arrangements (Explanatory Note to the Draft Law “On Labor”, 2022; Khomych, 2022). These provisions align with the fundamental principles of decent work, which include respect for workers' rights, fair remuneration, and employment accompanied by social protection.

Despite the growing body of literature on labor law reforms in Central and Eastern Europe, the case of Ukraine remains underexplored. Existing comparative studies have largely focused on Poland, Romania, and the Baltic states, while Ukraine's development trajectory has been discussed only fragmentarily, often limited to descriptive reports or narrow institutional analyses (Bafoil, 2009). This leaves a gap in understanding how the concept of decent work is being implemented in a country undergoing a post-socialist legal transition, rapid EU approximation, and governance under wartime conditions.

Ukraine represents a notable example of a state striving to harmonize its labor legislation with international obligations, while undertaking reforms under exceptional circumstances. Scientific benchmarking could greatly benefit from this experience, particularly for countries facing comparable development challenges. However, in-depth studies examining changes in Ukraine's labor legislation from a comparative and international legal perspective remain scarce in academic debates, despite noticeable progress. In this context, a key question arises regarding the extent to which Ukraine's recent labor law reforms, particularly the draft Law "On Labor", comply with the ILO's Decent Work framework and EU labor standards. What does this tell us about the challenges of implementing international labor standards in an EU candidate state affected by war? This article addresses this gap by systematically analyzing Ukraine's draft labor legislation and related reforms in the context of the ILO Decent Work Agenda and relevant EU directives. It also situates Ukraine's development trajectory within the broader comparative experience of post-socialist states. In contrast to previous studies, it provides a focused examination of how martial law, large-scale labor migration, and the weakening of trade union capacity influence the implementation of international labor standards.

This article's novelty lies in its systematic examination of Ukraine's labor law reform through an integrated framework comprising the ILO Decent Work Agenda, EU directives, and constitutional principles. Unlike prior works that provide descriptive or institutional overviews, this study combines doctrinal and comparative analyses to assess how wartime governance and EU approximation jointly shape the labor policy transformation. The findings extend the literature on post-socialist legal transitions by introducing Ukraine as a unique empirical case where labor modernization occurs under martial law and external integration pressures.

2 Materials and Methods

This study uses a qualitative legal methodology with an emphasis on doctrinal analysis and comparative content analysis. The aim is to assess how Ukraine's labor law reform reflects the concept of decent work as articulated in international law, and how this reform process compares with analogous developments in selected post-socialist EU countries. The qualitative nature of the research demonstrates the normative and interpretive focus of legal inquiry, particularly in contexts involving international obligations, constitutional principles, and policy reform in transition economies. The first component of the methodology is doctrinal analysis, which involves a systematic interpretation of primary legal sources of Ukraine and relevant international instruments. These texts were examined for their substantive content, legal innovations, and alignment with the decent work agenda. This approach allows for

a systematic interpretation of Ukraine's legal framework with regard to binding obligations and international benchmarks.

The second component is a comparative qualitative content analysis. Within the framework of a comparative approach, Poland, Romania, and the Baltic states (Estonia, Lithuania, and Latvia) have been selected for the analysis as EU member states with post-socialist legal legacies. Georgia is included as a non-EU comparator with a similar transition trajectory. The selection of these cases is based on several factors. Poland, a key destination for Ukrainian labor migrants, demonstrates a gradual harmonization of its labor legislation with the EU acquis. Romania illustrates the risks associated with excessive liberalization and the institutional challenges of aligning national legislation with EU directives. The Baltic states serve as examples of rapid modernization of labor standards and the digitalization of labor relations, contributing to high levels of legal transparency. Although Georgia does not hold the EU candidate status, it has introduced reintegration policies. It has also developed mechanisms for engagement with its diaspora. These efforts offer a contrast to Ukraine's attempts to regulate labor migration and protect workers largely outside the EU legal framework. This selection of cases enables two types of comparison. First, a horizontal comparison among post-socialist EU member states. Second, a vertical comparison between the countries undergoing EU integration and those implementing reforms independently of it.

The coding was performed according to deductive categorical system based on the four pillars of the ILO Decent Work Agenda. The first category of job creation includes provisions regarding probationary terms, regulation of remote work, flexible contracts, and incentives to participate in the labor market. The second category, "labor rights and equality," covered provisions on non-discrimination, equal pay, safe conditions, and protection from unlawful dismissal. The third category, "social protection," included provisions on unemployment insurance, wage guarantees, pensions, and healthcare contributions. The fourth category, "social dialogue," concerned provisions on collective bargaining, trade union rights, and the functioning of tripartite councils. For each category, criteria of legal harmonization (degree of compliance with EU directives and ILO conventions), institutional capacity (existence and effectiveness of supervisory and enforcement bodies), and contextual adaptation (consideration of martial law, migration pressure, or digitalization) were applied. This approach enabled a structured comparison between Ukraine and selected jurisdictions, allowing for an assessment not only of the formal approximation of norms, but also of their viability in a specific political and socio-economic context.

In addition, an inductive coding strategy was employed to identify Ukraine-specific variables such as the impact of martial law on labor rights, the role of the diaspora, and the institutional weaknesses in trade union representation and enforcement mechanisms. The findings were subsequently integrated into the normative framework of decent work through a deductive synthesis. While the study does not include interviews or survey data, it incorporates a wide array of documentary sources, including parliamentary bills, explanatory notes, academic commentary, ILO and EU reports, and secondary literature on comparative labor law. These sources were selected based on their formal legal authority, academic credibility, and relevance to international benchmarking.

Finally, the research adheres to comparative legal methodology standards, emphasizing functional comparison and contextual interpretation. This enables a nuanced understanding of how Ukraine's reforms correlate with broader legal trends and contributes to scholarly discourse on labor transitions in post-socialist and EU candidate states. This dual method, combining doctrinal legal research with comparative policy analysis, provides both conceptual depth and empirical grounding to the study.

3 Results

3.1 Labor relations and prospects for their regulation in today's environment

Ukrainian labor legislation, based on the Labor Code, needs to be significantly updated, as it remains largely influenced by the methods of the Soviet era ([Labor Code of Ukraine, 1971](#)). The urgency of labor law reform in Ukraine has been significantly heightened by the country's EU candidate status and the ongoing disruptions to the labor market caused by the war. The Russian Federation's military aggression has resulted in profound shifts in employment patterns, job security, and working conditions. These developments underscore the necessity for a modern, adaptive, and rights-based labor law framework aligned with EU standards and ILO conventions ([Pham et al., 2023](#); [Klymenko & Chepak, 2024](#)).

In response, the Draft Law of Ukraine "On Labor" (2022) was submitted. The proposed legislation aims to replace outdated standards with modern regulatory mechanisms. Key innovations include mandatory written employment contracts, a limit on the probationary period to three months, clear provisions on working time and overtime, an increase in statutory annual leave (to the minimum of 28 days), and comprehensive regulations governing telework. These characteristics are similar to those observed in other post-socialist countries after joining the EU ([Bogg et al., 2015](#)).

While the draft law reflects modern EU-aligned norms, critical analysis shows that many of these principles, such as gender equality, fair wages, and transparency in contracts, were already recognized in Ukraine's earlier legislation, albeit inconsistently implemented. For instance, the current Labor Code of Ukraine includes basic guarantees of non-discrimination and working hours but lacked effective enforcement mechanisms, especially regarding informal employment and individualized contracts. The new draft strengthens these protections, although the effective enforcement of these rights through existing institutional infrastructures remains uncertain in practice. A comparative lesson from Romania's 2011 liberalization illustrates this challenge: legislative alignment with EU standards was insufficient without institutional reform and active engagement of social partners ([Trif, 2013](#)). Thus, while the legal provisions have improved, the reform's transformative impact depends on administrative capacity and sustained social dialogue.

The Ukrainian draft law attempts to formalize individual employment contracts as central legal instruments, reflecting EU standards. However, similar shifts in Poland and Romania were accompanied by effective institutional guarantees for dispute resolution, employee representation, and judicial enforcement ([Publications Office of the European Union, 2017a](#)).

In Ukraine, trade union capacity and labor inspections remain weak, especially in small and medium enterprises. Formal legal rights may prove insufficient without corresponding institutional investment to ensure their practical enforcement. Comparative experiences suggest that flexibility must be counterbalanced with real social protections, which may not yet be firmly established within Ukraine's institutional framework.

The Labor Code of the Republic of Poland was updated in 1996 and 2002, reflecting labor reforms that removed communist-era aspects and encouraged flexibility ([Office for Official Publications of the European Communities, 2006](#)). Current employment concepts were adopted through the Labor Code of Romania and its revisions in 2005 and 2011. However, trade unions reacted negatively to the 2011 liberalization, believing it would lead to a reduction in guarantees for employees ([Trif, 2013](#)). In the 1990s and 2000s, Estonia, Latvia, and Lithuania adopted new legislative frameworks that prioritized digitalization, reduced bureaucracy, and equality between employers and employees ([Publications Office of the European Union, 2010](#)). The Employment Contracts Act (2009) set the standard for an effective EU-compliant legislation.

These lessons are reflected in the Ukrainian draft law, which contains similar provisions. For example, it requires that written contracts contain the necessary conditions, which has already been present in the Estonian and Polish law. Such formalization guarantees transparency and contributes to reducing informal employment. In addition, it introduces confidentiality agreements, non-competition agreements, and individual conditions for the termination of employment contracts with legal force. Articles 12, 18, and 40 of the draft law address such contractual innovations, providing a balanced legal framework for addressing sensitive employment scenarios ([Furman et al., 2023](#)).

Article 55 aligns Ukraine with the EU Working Time Directive, regulating working hours and overtime. With the rise of teleworking, gig work, and flexible labor arrangements, which have been the trends driven by the war and the COVID-19 pandemic, it is essential to maintain an accurate record of work schedules and rest intervals. Compliance with the Directive has enabled economic flexibility while protecting employees from exploitation in countries such as Romania and Poland ([Publications Office of the European Union, 2017a](#)). Delays in the payment of wages are also covered by the legislation. By imposing penalties for delay in payment, Article 88 serves as a financial deterrent against non-compliance. To safeguard timely compensation as a fundamental labor right, penalties for delayed payment of wages are codified in EU countries, and this approach is similar to their wage protection mechanisms ([Aumayr-Pintar, 2015](#)).

Holiday policy receives similar attention. According to EU regulations, the proposal extends the basic annual leave to 28 calendar days (Article 64), exceeding the minimum of 20 days defined by the Working Time Directive. This level is already being reached or exceeded by countries such as Latvia and Lithuania. By defining unlawful refusal of leave as a serious breach of the law (Article 65), the proposal strengthens workers' rights to rest and further enhances the existing guarantees ([Draft Law of Ukraine "On Labour", 2019](#)). The 30-day annual limit on unpaid leave (Article 74) provides flexibility without risk of abuse. In addition to providing a framework for addressing extraordinary personal circumstances, the measure also addresses a legislative gap. Unpaid leave is similarly regulated in many EU countries to

achieve a balance between employees' autonomy and business stability ([International Labour Office, 2020a](#)).

Teleworking is another important area of innovation. The draft legislation legally regulates equipment obligations and telework arrangements. The Romanian Telework Act of 2018 and the amendments to the Labor Code of the Republic of Poland propose models to ensure the performance, safety, and compliance of telework with the law ([Publications Office of the European Union, 2022a](#)). Employers' responsibilities regarding teleworkers are clarified in Ukrainian labor legislation, which is an important development in the context of the ongoing conflict and population displacement ([Inshyn et al., 2023](#)).

In addition, the proposal provides more precise definitions of employment relationships, distinguishing them from freelance or civil law contracts. In post-socialist economies, labor rights have long been threatened by misclassification. Employment contracts are expressly required by Estonian law, which stipulates working conditions that include established working hours and subordination. Comparable standards are designed to protect employees' rights and prevent undeclared employment in Ukraine ([Publications Office of the European Union, 2017b](#)). The draft law explicitly includes provisions on non-discrimination and gender equality. Under the EU regulations such as Directive 2006/54/EC (2006), gender-based discrimination is prohibited and equal pay for equal work is mandated. This update aligns with Baltic customs, where labor law contains explicit non-discrimination provisions ([Publications Office of the European Union, 2022b](#)).

The role of collective bargaining and trade unions is a significant issue in Ukraine, as well as throughout Central and Eastern Europe. The emphasis on individual contracts in the draft raised concerns about the marginalization of trade unions. Similar problems arose during the changes introduced in Poland in 2002 and Romania in 2011, when greater flexibility was accompanied by a decrease in trade union power and coverage by collective agreements ([Trif, 2013](#); [Vysoky Zamok, 2020](#)). However, previous changes in Romania in 2005 balanced the interests of trade unions and employers, while reforms in Poland in 2002 were coordinated through a tripartite commission.

These incidents demonstrate the value of constructive social dialogue.

The project promotes economic recovery, job creation, and worker protection. The reform aims to promote employment by streamlining recruitment and dismissal procedures, ensuring flexibility in contracts, and clarifying probationary periods. This objective resembles the Romania's strategy to foster a more dynamic labor market in the context of EU accession and Poland's investment benefits following the reforms ([Cazes & Nesporova, 2007](#)). Administrative simplification is another fundamental idea. The proposal provides for fewer formalities, faster notification of redundancies, and digital record-keeping. Similar changes were implemented in Estonia and Romania, which strengthened employer participation and compliance. The simplified procedures are expected to reduce legal ambiguity and promote formal employment ([Aumayr-Pintar, 2015](#)).

The draft law is guided by the key principles including the recognition of the employment contract as the primary regulatory instrument; equality between employer and employee in the negotiation of terms and conditions of employment; clear demarcation of individual and collective labor relations; promotion of flexible and secure frameworks to stimulate job

creation; adherence to EU labor law and ILO standards; reduction of bureaucratic barriers; and assurance of non-discrimination and equitable remuneration. Comparative studies highlight these trends. In Poland, probationary periods are limited to three months, and employment contracts are mandatory. Early Romanian reforms placed a strong emphasis on EU compatibility, while later liberalization came under criticism. The Baltic States have achieved both flexibility and legal clarity by introducing completely new labor standards.

The Ukrainian legislation requires institutional capacity, the continuous involvement of relevant stakeholders, and measures to ensure the successful implementation of the proposed law. However, enacting the legislation represents only the first step; effective enforcement measures are also necessary. Investment in judicial and inspection systems is crucial. Successful reform requires not only well-crafted laws but also appropriate training, monitoring, and adaptation, as demonstrated by the experiences of European countries (Table 1). If implemented fairly and with the participation of all stakeholders, the Ukrainian labor reform can promote economic integration, provide employees with more guarantees, and bring the country closer to EU social standards. The proposed legislation provides an opportunity to update labor relations, taking into account the achievements and shortcomings of neighboring countries. Its success will depend on maintaining flexibility while embedding equity, social partnership, and the rule of law into the foundation of the Ukrainian employment system.

Table 1. Comparative analysis of the Ukrainian labor law reforms in light of EU/ILO standards

Course	Previous law (Labor Code of 1971 and related) – key features	Draft Labor Law and recent reforms – trajectory of change	EU/ILO baseline – core requirements	Analytical conclusion on compliance/risks
Contracts and working hours	Predominance of permanent contracts, strict dismissal procedures; working hours and overtime regulated, but with many exceptions; little detail on flexible forms of labor	Expansion of fixed-term/flexible contracts, individualization of the conditions; more detail on remote/home working; simplification of termination in certain regimes	Directives 2003/88/EC (working time), 2019/1152 (transparent and predictable conditions) – transparency, minimum rights, restrictions on night work/overtime (Directive 2003/88/EC, 2003 ; Directive (EU) 2019/1152, 2019)	Approximation with the <i>acquis</i> in terms of the transparency and forms of contracts; risk of excessive flexibility without sufficient safeguards against abuse and “fixed-term chains”
Equality and non-discrimination	General guarantees, partly declarative; gaps in evidence procedures and remedies	Clarification of the grounds for discrimination, strengthening of procedural guarantees; progress in equal pay	Directive 2006/54/EC (gender equality), principle of “equal pay for equal/equivalent work,” reversed burden of proof (Directive 2006/54/EC, 2006)	Regulatory convergence exists, but practical application depends on supervisory/judicial mechanisms and methods for assessing “equivalent” work
Social protection	Traditional schemes (unemployment, sick leave, pensions) with fragmented coordination; protection	Clarification of guarantees, digitization of processes; separate anti-crisis/war instruments; steps	ILO standards on minimum protection; EU coordination rules (for migration within the EU)	Progress in access/administration, but risks of underfunding and payment delays;
	of payments is not always effective	towards integration with e-services		coordination challenges for migrant workers

Course	Previous law (Labor Code of 1971 and related) – key features	Draft Labor Law and recent reforms – trajectory of change	EU/ILO baseline – core requirements	Analytical conclusion on compliance/risks
Social dialogue and collective rights	Formally guaranteed, but low coverage density of collective agreements; weak inspection/mediation capacity	Partial simplification of procedures, digital consultation tools; restrictions on practices during wartime	ILO Conventions Nos. 87, 98, 144, 154; participation and consultation, protection from interference (Freedom of Association Convention (No. 87), 1948 ; Right to Organise and Collective Bargaining Convention (No. 98), 1949 ; Tripartite Consultation Convention (No. 144), 1976 ; Collective Bargaining Convention (No. 154), 1981)	Risk of de facto weakening of dialogue in conditions of war and fragmentation of trade unions; guarantees against reprisals and practical mediation mechanisms are needed
Atypical/remote work	Incomplete regulation until the 2020s; gaps in reimbursement of expenses/right to disconnect	Introduction of remote/home-based work arrangements, IT security rules, partial compensation; testing of flexible schedules	EU: transparency of conditions, occupational security in remote work; trend towards the “right to disconnect” (at the member state level)	Significant progress; gaps – systematic compensation, right to disconnect, equal access to career opportunities

The experience in implementing similar reforms in post-socialist countries demonstrates that formal approximation of standards does not guarantee their sustainability. In Poland, the expansion of fixed-term contracts led to the widespread practice of “chain fixed-term contracts”, which was only restrained after the EU intervention and the introduction of clear sanctions, with the increased transparency of conditions proving effective only in the presence of functioning labor inspections ([Kahancová, 2015](#)). In Romania, the 2011 liberalization reduced administrative costs for employers, but the lack of strengthening inspections, violations of working hours and undeclared employment increased significantly, which subsequently forced the government to partially revise its approach ([Trif, 2013](#)). In contrast, the Baltic states were able to combine regulatory innovations with institutional tools. Digital labor relations registries and unified online channels for complaints allowed for a rapid detection of abuses, while the regulation of remote work through cost compensation and occupational security guarantees reduced conflict. Georgia’s experience highlights other risks, e.g. rapid liberalization without sufficient institutional safeguards led to the fragmentation of collective rights and low-quality social dialogue, while progress only came after the gradual strengthening of supervisory bodies and negotiation procedures ([Adamczyk & Surdykowska, 2024](#)).

These comparisons are indicative for Ukraine. The labor inspectorate requires restoration of its personnel and technical capacity, as there is a risk of formal “paper” control without actual visits and digital tracking. The judicial system is overloaded, which negates substantive legal guarantees, so it is reasonable to expand administrative and mediation procedures with defined deadlines for consideration ([Kortukova et al., 2023](#)). Trade unions

remain fragmented and weakened, and martial law conditions limit their participation in negotiations, creating a risk of marginalization of social dialogue (Lelyk et al., 2022). At the same time, digital tools, e.g. electronic work time logs, online registers of employment contracts, and complaint submission systems, have the potential to multiply compliance with rights without excessive financial costs.

Possible gaps in compliance with the standards primarily concern fixed-term contracts, which can be used for hidden permanent employment; working hours, where the lack of electronic recording creates opportunities for abuse; equal pay, which requires methods for assessing “equal work” and transparency in salary ranges; social protection for migrant workers, where there is a lack of coordination and guarantees of timely payments; and social dialogue, which risks remaining formal. Although regulated, remote work requires clarification of compensation and the establishment of the employee’s right to “disconnect.” To remove these gaps, it is reasonable to apply tools that have been tested in neighboring countries, in particular setting limits on the extension of fixed-term contracts, introducing electronic recording of working hours, developing methods for evaluating work to ensure equal pay, and institutionalizing mediation and arbitration in labor disputes.

Thus, Ukraine is at a stage where legal approximation to EU and ILO standards is already incorporated into the draft new labor legislation, but its effectiveness will be determined not only by the quality of the legal wording, but also by the institutional capacity to ensure its implementation. The experience of Poland, Romania, the Baltic states, and Georgia shows that without real oversight mechanisms, quick dispute resolution procedures, and inclusive social dialogue, even the most progressive norms risk remaining declarative.

In summary, while the draft law incorporates key principles from the EU labor directives, it also reproduces tensions seen in other CEE countries during legal harmonization, particularly the risk of weakening collective bargaining and over-relying on individual contracts. A clear gap remains in building institutional infrastructure and participatory frameworks to ensure that formal rights translate into workplace realities. A comparison with Estonia and Lithuania, where digital labor management, active labor market policies, and a functional tripartite dialogue complement legal reforms, underscores the gaps currently present in Ukraine. Addressing these gaps is crucial for Ukraine to implement both the letter and the spirit of decent work standards.

3.2 Legal foundations and problems of state regulation of labor migration in Ukraine

Labor migration is one of the key factors determining the state of the Ukrainian labor market. According to estimates by the ILO (International Labour Office, 2020b), between 2.2 and 2.7 million Ukrainians were working abroad in 2022, accounting for 13–16% of the workforce. The highest concentration was observed in Poland, which accepted more than one million Ukrainian workers annually between 2018 and 2021 (Duszczuk & Kaczmarczyk, 2022). According to the European Commission and briefing of the European Parliament, in May 2025, there were about 5.6 million Ukrainians abroad, a significant portion of whom were economically active and integrated into the labor markets of EU member states. For example,

in Poland, more than 50% of working-age Ukrainian refugees were already employed in 2023, contributing to a 2.7% increase in Poland's GDP in 2024 (Mentzelopoulou & Orav, 2025; Publications Office of the European Union, 2022c). These figures show that migration has become not only a social challenge for Ukraine, but also a significant economic resource for neighboring countries.

Sharp wage differences and enhanced opportunities abroad were the primary reasons for this significant outflow; for example, in 2018, the average monthly wage in Ukraine was less than 25% of that in Poland, prompting many people to seek work abroad (International Labour Office, 2020b). These problems have only been aggravated by the conflict that began in 2022. Due to the conflict, it is estimated that approximately 5.6 million Ukrainians were living abroad as of May 2025 (Mentzelopoulou & Orav, 2025; Publications Office of the European Union, 2022c). The conflict has exacerbated existing pressure on labor migration in Ukraine, as evidenced by the fact that many of these Ukrainians who were forced to leave their homes due to the war are now working in international labor markets, particularly in Europe (Neal, 2023).

Ukraine has a basic regulatory framework in the field of labor migration represented by the Law of Ukraine "On Employment of Population" (No. 5067-VI) (2013) and the Law of Ukraine "On External Labor Migration" (No. 761-VIII) (2015). These laws define the administrative basis for protecting the rights of labor migrants and provide social protection mechanisms for their families. However, these instruments remain fragmented and largely declarative. In practice, only a small proportion of labor migrants participate in voluntary social insurance while abroad, which limits the possibilities for providing them with insurance payments upon their return. The system for financing reintegration measures is currently implemented mainly through the Compulsory State Social Insurance Fund for Unemployment, i.e., funds paid by domestic employers and employees, while no special state programs or separate funds for migrants have been created. This raises questions about the fairness and sustainability of such financing. Without reforming financing mechanisms and interagency collaboration, Ukraine risks institutional overload and failing to protect both migrant and domestic workers.

Currently, general unemployment and employment insurance programs in Ukraine provide most of the funding for reintegration support (such as training or employment services). This leads to a political dilemma: payments that returning migrant workers and non-contributory workers can benefit from while abroad are financed by payments from domestic companies. The viability and fairness of this system have been questioned by analysts and policymakers, who argue that efforts to reintegrate returnees should be funded through special government programs or diaspora assistance, rather than by burdening an insurance fund designed for local workers (Semenets-Orlova et al., 2022).

Meanwhile, the reintegration of returnees and the Ukrainian diaspora has become more visible, especially during the conflict. The Ukrainian diaspora, comprising approximately 20 million members worldwide, is vast and encompasses both contemporary labor migrants and historical emigrants. Since 2022, this diaspora has demonstrated its potential as a partner in Ukraine's growth, providing vital support to Ukraine through humanitarian aid, fundraising, campaigns for Ukraine abroad, etc. Ukrainian politicians began actively courting the diaspora.

For example, in 2023–2024 the administration proposed granting Ukrainians living outside the country dual citizenship to strengthen their ties with their country (Koinova, 2024).

According to President Zelenskyi, the “millionth diaspora” are unofficial ambassadors and defenders of Ukraine’s interests around the world. One of the current priorities for Ukraine’s reconstruction is the reintegration of members of the diaspora and recent refugees who have decided to return. The State Migration Policy Strategy specifically encourages voluntary return and connections with the diaspora, calling for the strengthening of social and cultural relations with the Ukrainians living abroad, the creation of incentives for the return of displaced citizens, and collaboration with foreign partners to manage migration flows. In addition, tangible measures are beginning to take shape. For example, in several EU cities, including Berlin, “Unity Centers” were established to assist individuals intending to return and provide information on housing and employment prospects in Ukraine (Action Plan for the State Migration Policy of Ukraine, 2024).

Ukraine can learn a lot from regional comparisons of approaches to migration management. Poland introduced an open labor market strategy, which made it a leading destination for Ukrainian labor migration. For years, Poland has focused on allowing foreigners to enter its labor market, even in the absence of a single comprehensive migration policy instrument. Between 2018 and 2021, Ukrainians accounted for 88% of simplified employment declarations in Poland and more than 70% of work permits, making Poland the largest issuer of work permits in the EU until the end of the 2010s (Duszczuk & Kaczmarczyk, 2022). Poland quickly allowed persons fleeing Ukraine access to the labor market when the war caused an influx of refugees. By 2023, more than half of working-age Ukrainian refugees in Poland had secured employment, contributing to an eight-percentage point increase in the overall employment rate in Ukraine, from 61% to 69%, in just one year. Their economic impact has been significant; in 2024, Ukrainian workers, including war refugees, were projected to contribute approximately 2.7% more to Poland’s GDP (Mentzelopoulou & Orav, 2025; Publications Office of the European Union, 2022c).

On the other hand, countries such as Moldova and Georgia, which are major countries of origin for migrants, have focused on engaging with their diasporas and facilitating repatriation. With one of the highest levels of emigration in Europe, Moldova has created powerful diaspora initiatives to transform “migration from a problem to an opportunity”. Moldova’s efforts to cooperate with its diaspora through Hometown Associations and district development initiatives have been a notable success. Community development initiatives were proposed to be co-financed and led by migrants from Moldovan towns and villages. Between 2015 and 2018, some 38 pilot communities organized 40,000 migrants to participate in local projects, which provided a significant amount of funds for internal infrastructure and services (United Nations Development Programme, 2019). Additionally, authorities in Moldova set up employment reintegration services for returnees.

Another comparable example, particularly in terms of structured reintegration, is provided by Georgia. Returnees can receive temporary housing, professional training, and help in opening a small business within the framework of the State Program for the Reintegration of Returnee Migrants (Parliament of Georgia, 2025). In 2025, Georgian officials announced that a new policy document and e-administration system would be integrated into this reintegration

program. The return of Georgians home is seen by Georgian politicians as critical in their diaspora strategy ([Parliament of Georgia, 2025](#)).

In conclusion, Ukraine is at a turning point in its labor migration strategy. The scale of emigration, which is exacerbated by the conflict, necessitates that policies have a tangible impact and extend beyond the mere replication of legal standards. This involves addressing the labor drain and protecting workers by implementing data-based policies, as recommended by the EU and the ILO. It also entails learning from international experiences, particularly by examining Moldova's and Georgia's approaches to diaspora engagement and the facilitation of repatriation, as well as utilizing aspects of Poland's integration into the open labor market to more effectively support Ukrainians living abroad.

These demands are now recognized in Ukraine's policy documents, which place a strong emphasis on reintegration assistance, cooperation with destination countries, and diaspora participation. In the future, it will be essential to align the legal structure with adequate support. Ukraine can turn the "insurmountable problem" of labor migration into a growth opportunity by adopting a more comprehensive approach, safeguarding the rights of individuals working abroad, and facilitating their eventual return.

However, Ukraine's strategy remains primarily declarative, with limited evidence of systemic results. EU and ILO guidance emphasize the need for data-driven reintegration strategies, including labor market matching, skills recognition, and benefit portability ([Hacker, 2023](#); [Rovelli, 2024](#)). Without robust administrative support and accountability frameworks, voluntary return programs may fail to meet expectations. For example, Georgia's digital monitoring tools allow real-time tracking of returnee outcomes – a mechanism currently absent in Ukraine ([Parliament of Georgia, 2025](#)). Moving forward, Ukraine must align its migration law with practical economic instruments and lessons from successful diaspora governance models, or risk continuing labor loss and ineffective reintegration.

4 Discussion

Laws and regulations in Ukraine legally recognize social dialogue, i.e. the cooperation of employees, employers, and the government, as a fundamental principle of social policy. The commitment to tripartite dialogue is reflected in the Constitution of Ukraine (1996) and the Law of Ukraine "On the Principles of Domestic and Foreign Policy" (No. 2411-VI) (2010), which defines civil solidarity and social partnership as integral components of domestic policy. Ukraine has established an institutional framework for social dialogue, comprising a National Tripartite Socio-Economic Council and a hierarchy of collective agreements at the national, sectoral, regional, and entrepreneurial levels ([International Labour Office, 2020a](#)). In addition, Ukraine has formally committed to international norms by ratifying key ILO conventions on social dialogue and labor rights, such as Tripartite Consultation Convention (No. 144) (1976) and Collective Bargaining Convention (No. 154) (1981).

However, in reality, social discussion in Ukraine was often unbalanced or insufficient, especially in earlier rounds of the reforms. During the turbulent economic shifts and reform movements of previous decades, policy changes were usually implemented with little involvement from employers' organizations or trade unions. Tripartite organizations existed, but they

were not always successful. For example, only a small number of major tripartite institutions have recently begun functioning, and even these have done so rarely. For this reason, the collective bargaining process – from the national “General Agreement” to workplace-level agreements – has captured most employer-employee negotiations ([Freedom of Association Convention \(No. 87\), 1948](#)). As a result of this arrangement, a system of social protection for workers has been introduced in part. However, this also means that more extensive policy changes have sometimes been implemented without a strong tripartite agreement. Employers often had an advantage in labor relations due to an imbalance of power over time and the limited ability of unions to govern ([Kuzio & Jajeczyk-Kelman, 2023](#)). Rapid privatization and the closure of large state-owned enterprises have exacerbated these trends, undermining the traditional foundations of trade union power ([Inshyn et al., 2012](#); [Inshyn & Shcherbyna, 2016](#)).

These historical deficits in social dialogue highlight a broader issue, namely the gap between formal institutional structures and their operational effectiveness. While Ukraine has ratified key ILO conventions and established tripartite councils, the practical functionality of these bodies remains limited. Comparative experience from Estonia and Lithuania demonstrates that effective collective bargaining depends not only on legal recognition, but also on political will, stable funding, and professionalized union leadership. Ukraine’s reliance on national-level general agreements, without sufficient sectoral or workplace bargaining frameworks, limits adaptability and undermines local-level labor representation ([Aumayr-Pintar, 2015](#)). Unless institutional reforms strengthen their autonomy and negotiating power, unions are likely to face further marginalization as privatization continues, especially in conflict-affected regions.

Despite obstacles, a significant portion of the workforce in Ukraine remains represented by trade unions. The percentage of employees who are members of trade unions, or the density of trade union membership, was approximately 36–37% in the early 2020s, which is relatively high by global standards ([International Labour Office, 2020a](#)). However, this number has decreased sharply compared to the previous decade; during the 2010s, union density decreased by almost 20 percentage points ([Burke, 2023](#)), reflecting the membership losses caused by industrial restructuring and the growth of the unorganized sector ([Mulaska et al., 2022](#)).

As of January 2024, about 1.9 million of the 2.7 million members of the Federation of Trade Unions of Ukraine, the largest trade union confederation, were active workers. As of 2022, the Confederation of Free Trade Unions of Ukraine, the second-largest trade union organization in Ukraine, had approximately 159,500 members. These figures show a continuing widespread presence of organized labor, but also show a sharp decline since the 1990s, when almost all jobs were unionized. The percentage of workers covered by a collective agreement, or the coverage of collective bargaining is also declining. As of 2023, more than 40% of Ukrainian workers were covered by collective agreements, which was lower than in previous years, but still relatively high for this region ([Burke, 2023](#)).

The practice of social discussions often proved controversial during significant waves of reform in recent Ukrainian history. The administration occasionally carried out labor and social policy reforms unilaterally, which strained the discussion process and caused resistance from trade unions. For example, without prior interaction with trade unions, the administration published a comprehensive draft law on labor code liberalization at the end of 2019. By limiting the position of trade unions and reducing guarantees for workers, the draft

law No. 2708 ([Draft Law of Ukraine “On Labour”, 2019](#)) fundamentally bypassed the existing processes of social dialogue.

Ukrainian trade unions strongly opposed this strategy and staged demonstrations, accusing the government of violating the norms of social partnership. International trade union organizations also took this into account; in support of Ukrainian trade unions, a high-ranking delegation of the International Trade Union Confederation and the European Trade Union Confederation arrived in Kyiv in February 2020. The authorities changed their strategy in response to growing domestic and international pressure. To consider any changes to labor law, the administration decided to halt unilateral reform and organize a working group comprising employers, trade union leaders, and independent experts. During the reform process, the country’s leadership publicly undertook to adhere to the labor standards of the European Union and the recommendations of the ILO.

To ensure that the proposed amendments to labor law align with international standards, the EU and the ILO have commissioned their thorough review. The episode serves as an example of how social interaction was initially avoided but was eventually corrected due to active union campaigning and criticism worldwide. The changes were delayed and revised with a more participative procedure. It is noteworthy that the policy change was caused by the very threat of non-compliance with ILO conventions and labor provisions of the EU–Ukraine Association Agreement (2014). It also showed that even with reduced membership, Ukrainian trade unions had the latent ability to attract support and influence policy when fundamental labor rights were considered to be at risk.

Another notable example is the draft law No. 2681, which specifically targeted trade union activities ([Draft Law on Amendments to Certain Legislative Acts of Ukraine \(No. 2681\), 2019](#)). In addition to other provisions that would significantly limit collective labor rights, this bill introduced strict restrictions on unions, including limiting the number of major unions per enterprise and establishing minimum membership requirements for union registration. Since it violated ILO Conventions Nos. 87 and 98 on Freedom of Association and Collective Bargaining, the bill was heavily criticized for being contrary to international standards. The plan was condemned by ILO supervisory authorities and international trade union federations as an attack on autonomous trade unions and a violation of Ukraine’s obligations under the EU–Ukraine Association Agreement (2014) and Employment Service Convention (No. 88) (1948).

Trade unions in Ukraine objected, arguing that by undermining their ability to represent workers, such actions would essentially destroy aspects of social discourse. After the attempt at unilateral reform, open social discussion (and respect for ILO norms) had to be confirmed, as can be seen from the amendments made to draft law No. 2681 in response to pressure from both local and foreign sources. A recurring theme of these reforms has been that social discourse has often acted more reactively than proactively. True discourse tended to emerge only after the conflict erupted, rather than being a fundamental component of policy-making from the outset. Although in Ukraine national agreements were periodically concluded, and tripartite agreements existed on paper for a large part of the 1990s and 2000s, there were few real negotiations. In the past, observers noted that major trade union organizations were sometimes too close to government or employers, leading to “dialogue” that was symbolic rather than essential ([Greskovits, 2002](#)).

However, as additional waves of liberalization reforms were implemented (for example, under President Yanukovich around 2010 and later, after 2014, as part of Ukraine's EU membership program), the unions found that they were more opposed to these changes. As a result, reforms were often delayed or stopped. Significant socially sensitive changes, such as raising the retirement age and limiting wages for the public sector under IMF programs, were implemented between 2015 and 2017 with little union involvement. This caused considerable dissatisfaction, but did not stop these measures. On the other hand, it was more challenging to introduce substantial amendments to labor legislation without their consent. Thus, the lack of trust between groups of employees and the government was often found in previous cycles of the reform. Instead of being carried out through cooperation, the reforms have turned into a struggle of wills, with government officials sometimes seeing unions as obstacles to "modernizing the economy", and unions using international alliances and protests to prove their position.

Compliance with ILO requirements and the effectiveness of social dialogue: International organizations studied the uneven experience of reform in Ukraine in the field of social dialogue. Ukraine has pledged to adhere to European labor standards through the Association Agreement with the EU. However, shortcomings in compliance have been highlighted on several occasions. The ILO Committee of Experts and other supervisory organizations recommended that Ukraine harmonize its labor legislation with its obligations under Convention No. 154, particularly regarding the rights to collective bargaining and consultations ([Collective Bargaining Convention \(No. 154\), 1981](#)). For example, remarks reminding Ukraine of its responsibilities to ensure trade union freedom under Convention No. 87 were provoked by controversial plans to restrict trade union activity (such as draft law 2681) ([Freedom of Association Convention \(No. 87\), 1948](#)).

Both the European Union and the ILO intervened to assess whether the draft changes met international criteria in the 2020 labor law incident, and they warned that moving forward without changes would be a violation of Ukraine's obligations. These episodes reflect recurring tensions between liberalization efforts and the protection of collective rights. The framing of unions as political obstacles, rather than social partners, undermines efforts to institutionalize decent work. As documented in EU accession states, trade unions can act as stabilizers in labor transitions if empowered through genuine consultation frameworks. Ukraine's tendency to adopt reforms under external pressure, rather than through negotiated consensus, limits policy sustainability ([Mukiur, 2024](#)). Future reforms must be based on co-determined policy cycles, where trade unions are not reactionary actors but proactive stakeholders in shaping the direction of labor legislation.

This type of external assessment emphasizes that Ukraine's shortcomings in social discourse are both a global and an internal problem. Additionally, Ukraine has recently received low ratings for labor rights from international trade union groups. Ukraine is often ranked among the lowest when it comes to the protection of workers' rights according to the Global Index of Rights of the International Trade Union Confederation; in 2023, Ukraine received the rating of 5 (on a scale from 1 to 5+, where five is one of the worst rankings) for systematic violations of labor rights ([International Trade Union Confederation, 2023](#)). Ukraine belongs to the countries whose basic labor standards are under serious threat. This judgment is influ-

enced by several factors, including incidents involving union violations, restrictions on strikes, and the incomplete implementation of collective agreements. These problems are typically exacerbated during periods of rapid transformation or, more recently, during the periods of martial law ([Draft Law on Amendments to Certain Legislative Acts of Ukraine \(No. 2681\), 2019](#)).

It should be noted that the social discourse has been further deteriorated by the continuous conflict (which has been ongoing since 2022). During martial law, the government introduced emergency labor measures. For example, Law No. 2136 relaxed dismissal rules and allowed employers to suspend specific provisions of collective agreements without conducting normal union negotiations (Kuzio & Jajecznyk-Kelman, 2023). The unions viewed these actions as erasing the rights that workers had acquired, even though the authorities protected them as necessary for economic survival during the conflict. Formal social dialogue organizations, such as the National Tripartite Council, were largely inactive during the martial law, and civil liberties, including the right to strike or hold large-scale demonstrations, were severely limited. This aggravated the decline of social discourse, as despite their assistance in defense and humanitarian efforts, unions struggled to advocate for employees' rights in the political sphere. As employee representatives exert limited influence over policy decisions, there is a democratic deficit in labor relations, raising concerns that the ideals of social partnership may be neglected in post-war reconstruction and reform.

In summary, Ukraine's experience illustrates the fragility of social dialogue under conditions of economic disruption and conflict. While ILO and EU commitments provide normative benchmarks, enforcement is weakened by under-resourced institutions, declining union density, and political marginalization. Comparative data from Poland and Romania show that even under economic stress, structured tripartite frameworks can mitigate reform backlash and improve compliance. To embed decent work as an implementation of legal provision, Ukraine must reform its industrial relations system, invest in institutional trust-building, and ensure that social dialogue is embedded not just in legislation, but in everyday practice.

5 Conclusions

This study analyzed the reform of Ukrainian labor legislation through the lens of international labor standards, with particular emphasis on the ILO's decent work agenda, constitutional principles, and comparative legal experiences in post-socialist and EU-integrated states. An analysis based on the ILO's four pillars showed that in certain areas, such as transparency of employment contracts, definition of equality guarantees, and regulation of remote work, Ukraine has already come close to the EU *acquis* and international standards. At the same time, significant gaps remain in the areas of social protection, effective enforcement of equal pay, and social dialogue, where war restrictions and institutional instability of trade unions reduce the practical effectiveness of the regulations.

Critically, the reforms in Ukraine reflect an attempt to shift from the Soviet-era regulatory legacy toward the European model that values contractual autonomy, procedural clarity, and labor market flexibility. However, this transition is incomplete. As shown by the comparative analysis with Poland, Romania, and the Baltic States, legal harmonization is necessary, but not sufficient for effective labor governance. Institutional mechanisms, such as functioning

labor inspectorates, tripartite consultation bodies, and social protection financing schemes, must be embedded in the legal architecture to operationalize decent work standards.

While reforms often emphasize flexibility, they risk reproducing inequality unless complemented by inclusive policy tools and mechanisms for voicing and representation. The case of Ukraine demonstrates that adopting EU-compatible labor laws does not automatically result in equitable labor outcomes without strong stakeholder engagement.

In the short term, the priorities should be the introduction of electronic tools for monitoring labor relations and working hours, development of methodologies for assessing equivalent work to ensure “equal pay for equal work”, and creation of effective procedures for administrative resolution of labor disputes. In the long term, the strategic objectives include creating a special fund for reintegration of labor migrants, and expanding bilateral agreements on mutual recognition of insurance periods.

The study is not without limitations. It is based primarily on legal and documentary sources without empirical fieldwork, which constrains the analysis of the enforcement practices and worker-level outcomes. Future research should therefore complement the doctrinal and comparative findings with sociological or policy evaluation methods in order to assess how the reforms function in practice once implementation has advanced.

Data availability statement

Data will be available on request.

Coauthor contributions

Victor Shcherbyna: Data curation, Writing – review & editing

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Oleh Vitruk: Project administration, Visualization, Formal analysis

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