



To President von der Leyen
President Michel
President Metsola
High Representative Borrell
Commissioner Várhelyi

Brussels, 9 August 2022

Dear President von der Leyen,
Dear President Michel,
Dear President Metsola,
Dear High Representative Borrell,
Dear Commissioner Várhelyi,

Attacks on trade Unions in Ukraine

On behalf of the European Transport Workers' Federation and the International Transport Workers' Federation, representing 5 million transport workers in Europe and 20 million worldwide, we are writing regarding our concern with the recent attacks on the trade union movement in Ukraine.

While both the ETF and the ITF welcome the recent decision to grant Ukraine a status of an EU Candidate Country, we were appalled by the recent legislative developments in Ukraine in the field of labour relations.

For example, the law "*About the organisation of labour relation under martial law*" adopted on 15 March 2022 gives employers the right to suspend collective agreements and deprives the workers of the right of trade union representation and protection when dismissed. It is to be noted that trade unions were one of the first responders to the humanitarian crisis triggered by the Russian invasion of Ukraine and, with the financial support of ITF and ETF, transport trade unions in Ukraine continue to provide material aid to those most affected by the ongoing war of aggression.

Most worryingly, we understand that Verkhovna Rada has adopted a draft law no. 5371 2 "*On amendments to certain legislative acts regarding simplification of the regulation of labour relations for small and medium enterprises*". If adopted, this law would discriminate against workers at employers with less than 250 employees and deprive them of labour protections including collective labour rights. The draft includes – among other proposals - unacceptable practices such as different wages for work of a similar value, termination of an employment contract without





grounds and disregarding the official procedure, etc. This view is shared by the experts of the International Labour Organisations (ILO) who already issued a negative opinion on the draft law before the war. Such limitations are also in contradiction of the European Social Charter that was ratified by Ukraine in 2006.

As you know, The Charter of Fundamental Rights of the European Union, now Part II of the Treaty establishing a Constitution for Europe, includes a number of fundamental trade union rights, such as freedom of association (Article 12) and rights to collective bargaining and the right to take collective action (Article 28). These laws represent an undermining of these fundamental rights for workers regarding their association with trade unions, and therefore contravenes the candidature of Ukraine to the EU. It is the role of all member states, and the European Commission in particular, to do their utmost to protect fundamental trade union rights at all stages throughout the union and in candidate countries.

Finally, we would like to reiterate our appeal on the importance of social dialogue and the involvement of social partners in the post-war reconstruction expressed in our [letter to EU Transport Ministers](#) dated 20 April 2022. Together with the ETF and ITF, our affiliates [Marine Transport Workers' Trade Union of Ukraine](#) and [Trade Union of Railway Workers and Transport Constructors of Ukraine](#) are ready to be involved in constructive discussions on the recovery, both at European level as well as at the national level in Ukraine.

On the basis of the above, we would like to call upon the European Commission to compel Ukraine to recall the laws depriving Ukrainian workers of their collective rights and social protections. We also call upon the Commission to emphasize the importance of social dialogue during the accession negotiations with Ukraine.

We are looking forward to hearing from you in the near future.

Sincerely,

Livia SPERA
ETF General Secretary

Stephen COTTON
ITF General Secretary

