

CCC statement on the unprecedented suspension of labour rights in Ukraine

Clean Clothes Campaign has declared its solidarity with garment workers and all workers in Ukraine during the Russian invasion. We condemn the invasion of Ukraine by Russian forces, as we do any act of aggression, invasion and war. We support every serious genuine diplomatic and political initiative, institutional and grassroots, aimed at the withdrawal of Russian troops from the occupied territories and averting the escalation of the conflict which is already seriously impacting the working class and civilian populations in Europe and beyond.

We protest against the suspension of employees' protection and union rights which particularly affect garment factories as small and medium sized enterprises. Under conditions of harsh economic and social crisis, new laws undermine fundamental labour rights.

Clean Clothes Campaign has declared its solidarity with garment workers and all workers in Ukraine during Russian invasion (<https://cleanclothes.org/news/2022/statement-of-solidarity-with-garment-workers-in-ukraine>).

In 2020, research from the Clean Clothes Campaign revealed that approximately 200,000 Ukrainian garment workers earn a fifth part of basic costs of living (a base living wage), often not even the minimum net monthly wage of 126 EUR (2019). Many of these workers are intimidated and humiliated, forced to work overtime, faint in the summer and freeze in the winter – to name just the most widespread violations.

(<https://cleanclothes.org/file-repository/livingwage-europe-country-profiles-ukraine/view>; <https://cleanclothes.org/file-repository/exploitation-made.pdf/view> chapter 4) Precise figures on the number of garment workers were not available because of the high numbers of informal workers in the sector - 60 to 70% of garment workers are informal - as of 2020. This situation has worsened during the pandemic when wages and social insurance were not paid; many workers were sent on forced unpaid leave or fired.

In the spring of 2022, the CCC undertook informal research on brands sourcing from Ukraine, most of whom stated that they were still sourcing and factories were operating. The garment industry is concentrated in the Western part of the country and is therefore less affected by direct conflict. Clean Clothes Campaign has urged brands to exercise heightened due diligence and accountability for continued implementation of human rights at work.

Particularly during war and the subsequent economic and social crisis in Ukraine, workers need protection.

In 2020, Ukrainian trade unions and civil society successfully pushed back on attempts to water down labour rights and collective bargaining. However, in 2021 draft legislation was again proposed. Using the cover of Martial law following Russian invasion, the government adopted new laws which again seek to undermine freedom of association and labour rights. These laws were opposed by trade unions and labour-rights NGOs in Ukraine and internationally by the ILO, the ITUC and other Global Unions.

The laws provide for the extreme liberalisation of employment relationships particularly in small and medium sized companies of less than 250 employees (SMEs). **The vast majority of garment factories are SMEs.**

The new laws deprive workers of the possibility of legal protection and the protection by unions for labour abuses. They will dramatically increase the dependency of workers on their employers and include the following key provisions.

Law 2136 adopted 15.03.2022 include the following provisions:

- the possibility to extend standard working time per week from 40 to 60 hours;
- removing obstacles and extra benefits for work during public holidays, weekends and leave;
- the end to prohibition of women's work in physically strenuous jobs;
- the removal of the obligation for written employment contracts;
- excessive flexibility in fixed-term employment and probation periods;
- the possibility to transfer workers to other jobs and otherwise change employment contract terms without worker consent, to suspend or terminate the whole employment contract even during sick leave or vacation.

Law 2421 adopted 18.07.2022 includes the following provisions:

- the possibility for employers to hire at zero-hour contracts and thus create a flexibilised reserve at their disposal under any contractual provisions which workers will likely accept being desperate for income.

Law 2434 adopted 19.07.2022 includes the following provisions:

- dismissal at SMEs without providing legal reason, but with a tiny compensation for those who lose their jobs;
- expanding employers' ability to dismiss workers.

Martial Law has banned worker strikes and protests and as such is severely limiting the rights of worker organisations to resist the imposition and negative impacts of these new laws. Indeed, the laws have been used to retaliate against unionists who, for example, have had union properties expropriated. These laws undermine employees' rights in Ukraine.

Therefore, we urge brands to

1. ensure that they do not endorse or encourage a weakening of labour protections, in contravention of ILO standards; including proposals to increase the working hours and reduce labour rights of workers;
2. ensure that existing terms and conditions conforming to ILO standards and brand codes of conducts including contract terms, and working standards are kept, and working protections (including maximum working hours) are not reduced regardless of the rollback of labour rights in Ukraine.
3. ensure that workers involved in peaceful protests or freedom of association activities are protected against arbitrary detention under Martial Law.
4. ensure that wages reflect the increase in costs of living, particularly food and housing.
5. Commit to stable sourcing and long-term relationships with Ukrainian suppliers in order reduce the impact of short term purchasing practices

Further information:

- ITUC statement:
<https://www.ituc-csi.org/parliament-turns-against-Ukrainian-workers?lang=en>
- LabourStart campaign:
https://www.labourstartcampaigns.net/show_campaign.cgi?c=5149a

- Education International statement:
<https://www.ei-ie.org/en/item/26761:ukraine-trade-unions-strongly-oppose-new-law-that-undermines-labour-rights-collective-bargaining-and-democracy>
- SOCIAL MOVEMENT statement:
<https://rev.org.ua/statement-on-temporary-ban-of-some-ukrainian-parties/>
- <https://www.opendemocracy.net/en/odr/ukraine-suspends-labour-law-war-russia/>
- <https://www.opendemocracy.net/en/odr/ukraine-draft-law-5371-workers-rights-war-russia/>