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## Ukraine has de-regulated some key aspects of labour relations for the duration of martial law

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On 15 March 2022, the Ukrainian Parliament adopted a new law de-regulating some of the key aspects of labour relations for the duration of martial law.

The key amendments introduced by the new law are as follows:

### 1. Engagement and transfer

- Fixed-term employment agreements can be concluded with new employees for the period of martial law or for the period of replacing a temporarily absent employee.
- An employee can be transferred to another job for the period of martial law without his or her consent and without two months' prior notice (except for a transfer to an area of active military conflict, which is prohibited) if such transfer is required to prevent or eliminate the consequences of hostile actions or other health or life-threatening circumstances.

### 2. Work time and vacation

- The standard maximum working hours are increased during martial law up to 60 hours per week (instead of 40 hours that normally apply). The start and end time of daily work is established by the employer.
- The articles regarding public holidays and non-working days are suspended for the duration of martial law.
- An employer can refuse to grant any leave to an employee, except for maternity and child care leave, if such employee is involved in work at critical infrastructure sites.
- An employee can be granted, at his or her request, unpaid leave for a longer duration than the standard maximum of 15 calendar days per year.

### 3. Remuneration

- If remuneration cannot be paid on time due to active military conflict, the payment of remuneration may be suspended until the company resumes its core business activity.

### 4. Termination and suspension

- An employee can be dismissed in the event of the physical liquidation of the company, if all of its production, organisational and technical capacities or assets are destroyed.
- An employee can be dismissed during his or her temporary disability or leave, except for maternity or child care leave.

- An employee who is working in an area of active military conflict can terminate his or her employment on his or her own initiative without the standard two weeks' notice period (except for employees engaged in community service or at critical infrastructure sites).
- A new mechanism of suspending the employment agreement is introduced: temporary termination by the parties to provide and perform of work, which does not entail the termination of the employment agreement. In this case, the unpaid remuneration due to the employee will be reimbursed by the aggressor state (however, the mechanics of such reimbursement remain unclear at this stage).

Among other things, the new law also allows employers to suspend certain provisions of collective agreements for the duration of martial law, to engage women in certain cases to work in heavy work and work in harmful or dangerous working conditions. Among other important provisions, during martial law the management of HR documents and their archival storage is maintained at the employer's discretion.

The new law will be officially published after it has been signed by the President of Ukraine.

This note is based on the text of the draft law as it is available on the Parliamentary website, which may differ from the final version.

Source: draft Law of Ukraine On Regulation of the Labour Relations during Martial Law No. 7160.

For more details on the topic, please contact our experts:



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