



AFL-CIO

AMERICA'S UNIONS

**American Federation
of Labor and
Congress of Industrial
Organizations**

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August 19, 2022

The Honorable Antony J. Blinken
Secretary of State
2201 C Street, NW
Washington, DC 20520

Via email: EternoAR@state.gov
MoodySE@state.gov

Dear Mr. Secretary:

On behalf of the AFL-CIO, we write to express concerns regarding the worker rights situation in Ukraine and the proposal of new legislation that would negatively impact workers' rights, especially the right to bargain collectively. We are also concerned about the shortage of seafarers which is negatively impacting workers in Ukraine and important supply chains around the world.

Ukrainian workers and trade unions continue to support their country's wartime effort through delivery of humanitarian aid, housing for refugees, and essential services through their work in key sectors such as railways, utilities, health care, and public administration. The AFL-CIO and the global labor movement remain in full solidarity with Ukrainian unions and continue to assist them in their united effort to support their country's economic and humanitarian needs.

Despite unions' strong support for their government's unifying role in defending the country, there are two political issues of concern that have been brought to the attention of the AFL-CIO and the global labor movement. The first issue is the continued effort by the Ukrainian government to undermine workers' rights and freedom of association under the guise of martial law. Recent legislation proposes to nullify collective bargaining rights for thousands and increase the use of precarious and informal forms of work. For example, Draft Law 5371 which passed the parliament in late July, remains on the desk of President Volodymyr Zelensky. If signed, the law will permit employers with 250 employees or fewer to issue individual contracts with workers that supersede existing collective bargaining agreements. In effect, this egregious act would nullify collective bargaining rights for approximately 73% of the Ukrainian workforce. Legislation recently signed by President Zelensky allows all employers to hire up to 10% of their workforce on "casual" or "zero-hour" contracts for as little as 32 hours per month. These workers must be "on call" each day for all work assigned.

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Other draft laws seek to reduce pay for workers who have been called to serve in the country's armed services and allow the state to confiscate some union-owned properties. This legislative effort comes at a time when unions are prohibited by martial law statues from striking or organizing public protests. Despite some promises that these changes are only for the duration of the war, unions do not trust that this is the case. They successfully fended off similar laws in the years before the war.

A second issue to note regards the impact of martial law on Ukrainian seafarers. With men aged 18-60 prohibited from leaving the country, we are concerned that Ukrainian seafarers are unable to join ships to perform their vital duties of maritime navigation and transportation. It should be noted that Ukraine is the fourth largest global supplier of seafarers with over 30,000 men and women dedicated to the global market. While these restrictions have a major impact financially to the seafarers, it also impacts the Ukrainian economy and Ukraine's ability to move backlogs of agricultural products to the global market. We empathize with the dire situation in Ukraine and the need for Ukrainian people to support their country but ask for consideration for Ukrainian seafarers not called to national service, to continue their maritime service. Similar exemptions have been made for workers in the transport and railway sectors.

We have concerns that these two issues are punishing Ukrainian workers at a time when their work is vital to both the war effort and, in the case of seafarers, the health of the global economy. The ILO has warned that the proposed labor law reform efforts could contradict ILO Core Conventions ratified by Ukraine. Draft Law 5371 would clearly violate European Union Directives on labor relations standards, obstructing Ukraine's goal of integration with the European Union. Ukraine's restrictions on males leaving the country inadvertently hurts the country's overall effort to keep flows of agricultural products moving, particularly to developing countries.

Considering the Administration's substantial support for Ukraine's war effort, including humanitarian and economic assistance, the AFL-CIO requests that the State Department works with the EU and other allied governments to express strong concern over these issues which could undermine both domestic unity and the country's international standing. The support for a sovereign, democratic Ukraine must ensure strong protections for all workers. Thank you in advance for your assistance on this urgent matter.

Sincerely,



Elizabeth H. Shuler
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United Auto Workers

Thomas Conway
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