



THE LAW OF UKRAINE

On the procedure for resolving collective labor disputes (conflicts)

(Information of the Verkhovna Rada of Ukraine (VVR), 1998, No. 34, Article 227)

{With changes introduced in accordance with Law
No. 1096-IV dated 10.07.2003 , VVR, 2004, No. 6, Article 38}

{For the official interpretation of the Law, see in the Decision of the Constitutional Court
No. 35-пн/2009 dated 12.24.2009 }

{With changes introduced in accordance with Laws
No. 4719-VI dated 17.05.2012 , VVR, 2013, No. 15, Article 97
No. 5026-VI dated 22.06.2012 , VVR, 2013, No. 22, Article 216
No. 5458-VI dated 10.16.2012 , VVR, 2013, No. 47, Article 659
No. 1089-IX dated 12.16.2020
No. 2689-IX dated 10.18.2022 }

This Law defines the legal and organizational principles of the functioning of the system of measures for the resolution of collective labor disputes (conflicts) and is aimed at implementing the interaction of the parties to social and labor relations in the process of settling collective labor disputes (conflicts) that have arisen between them.

Chapter I GENERAL PROVISIONS

Article 1. Scope of the Law

The norms established by this Law apply to employees and organizations formed by them in accordance with the legislation to represent and protect their interests, and to employers, employers' organizations and their associations.

{Part one of Article 1 as amended by Law No. 5026-VI dated 06/22/2012 }

An employee is a natural person who works under an employment contract at an enterprise, institution and organization, in their associations or with natural persons who use hired labor.

An employer is a legal entity (enterprise, institution, organization) or an individual who uses the labor of individuals within the framework of employment relations.

{Article 1 supplemented by part three in accordance with Law No. 5026-VI dated 06.22.2012 }

Article 2. Concept of collective labor dispute (conflict)

A collective labor dispute (conflict) is a disagreement that has arisen between parties to social and labor relations regarding:

- a) establishment of new or changes in existing socio-economic conditions of work and industrial life;
- b) concluding or changing a collective agreement, agreement;
- c) implementation of a collective agreement, agreement or individual provisions thereof;
- d) failure to comply with the requirements of labor legislation.

Article 3. Parties to a collective labor dispute (conflict)

The parties to the collective labor dispute (conflict) are:

{For changes to the first paragraph of the first part of Article 3, see in Law No. 5026-VI dated 22.06.2012 }

at the production level - salaried employees (separate categories of salaried employees) of the enterprise, institution, organization or their structural subdivisions or the primary trade union or other organization authorized by salaried employees and the employer. By proxy, the interests of the employer in a collective labor dispute (conflict) may be represented by another person, an organization of employers, an association of organizations of employers;

{The second paragraph of the first part of Article 3 as amended by Law No. 1096-IV dated 07.10.2003 }

{For changes to the second paragraph of the first part of Article 3, see in Law No. 5026-VI dated 22.06.2012 }

{The second paragraph of the first part of Article 3 as amended by Law No. 5458-VI dated 10.16.2012 }

at the sectoral and territorial levels - employees of enterprises, institutions, organizations of one or more branches (professions) or administrative-territorial units or trade unions, their associations or other bodies and organizations of employers authorized by these employees, their associations or

central bodies executive power, or local bodies of executive power operating on the territory of the corresponding administrative-territorial unit;

{For changes to the third paragraph of the first part of Article 3, see in Law No. 5026-VI dated 22.06.2012 }

{The third paragraph of the first part of Article 3 as amended by Law No. 5458-VI dated 10.16.2012 }

at the national level - employees of one or more branches (professions) or trade unions or their associations or other bodies authorized by employees and all-Ukrainian associations of employers' organizations or the Cabinet of Ministers of Ukraine.

{The fourth paragraph of the first part of Article 3 as amended by Law No. 5458-VI dated 10.16.2012 }

The body authorized by employees for representation is the only authorized representative of employees until the termination of such a dispute (conflict).

Article 4. Formation of demands of employees and trade unions

The requirements of employees at the production level are formed and approved by a general meeting (conference) of employees or are formed by collecting signatures and are considered valid if there are at least half of the signatures of the members of the labor team of the enterprise, institution, organization or their structural division. Together with the presentation of demands, the meeting (conference) of employees determines the body or person who will represent their interests.

Requirements of employees at the sectoral, territorial or national levels are formed and approved:

in cases where the interests of employees are represented by a trade union, trade union association - by a decision of the elected body of the relevant trade union, trade union association;

in cases where the interests of employees are represented by other organizations (bodies) authorized by them - by a conference of representatives of enterprises, institutions, organizations elected by meetings (conference) of employees of enterprises, institutions, organizations that are in a state of labor dispute (conflict).

The demands of employees, a trade union or an association of trade unions are formalized in the appropriate protocol and sent to the employer or a person authorized by him, an employer's organization, an association of employers' organizations.

{Part three of Article 4 as amended by Law No. 5458-VI dated 10/16/2012 }

Article 5. The procedure and deadlines for considering the demands of employees or trade unions

An employer or a person authorized by him, an organization of employers, an association of organizations of employers are obliged to consider the demands of employees, categories of employees, a collective of employees or a trade union and notify their representatives of their decision within three days from the day of receiving the demands.

{Part one of Article 5 as amended by Laws No. 5026-VI dated 22.06.2012 , No. 5458-VI dated 16.10.2012 }

If the satisfaction of requirements is beyond the competence of the employer or a person authorized by him, the organization of employers, the association of organizations of employers, they are obliged to send them within three days from the date of receipt of the requirements to the owner or to the relevant higher management body that has the right to make a decision. At the same time, the term of consideration of the demands of hired workers by each instance should not exceed three days.

{Part two of Article 5 as amended in accordance with Laws No. 5026-VI dated 22.06.2012 , No. 5458-VI dated 16.10.2012 }

The total term for considering claims and making a decision (taking into account the time of forwarding) should not exceed thirty days from the date of receipt of these claims by the employer or a person authorized by him, the organization of employers, the union of organizations of employers until the moment when employees or a trade union receive a notice from the employer authorized by him individuals, employers' organizations, associations of employers' organizations, the owner, the corresponding superior management body about the decision made.

{Part three of Article 5 as amended by Law No. 5026-VI dated 22.06.2012 ; as amended by Law No. 5458-VI dated 16.10.2012 }

The decision of the employer, the person authorized by him, the organization of employers, the association of organizations of employers, the owner, the corresponding superior management body is set out in writing and sent no later than the next day to the authorized representative body of the other party to the collective labor dispute (conflict) together with the socio-economic rationale.

{For changes to the fourth part of Article 5, see in Law No. 5026-VI dated 22.06.2012 }

{Part four of Article 5 as amended by Law No. 5458-VI dated 10/16/2012 }

Article 6. The moment of occurrence of a collective labor dispute (conflict)

A collective labor dispute (conflict) arises from the moment when the authorized representative body of salaried employees, category of salaried employees, collective of employees or trade union receives from the employer, a person authorized by him, an organization of employers, an association of organizations of employers, a notification of full or partial refusal to satisfy collective demands requirements and made a decision on disagreement with the decision of the employer, a person authorized by him, an organization of employers, an association of employers' organizations, or when the terms for consideration of claims provided for by this Law have expired, and the answers from an employer, a person authorized by him, an organization of employers, an association of organizations no employers were received.

{Part one of Article 6 as amended by Law No. 5458-VI of 10/16/2012 }

About the occurrence of a collective labor dispute (conflict), the body representing the interests of employees or a trade union is obliged to inform the employer, the local executive body, the local self-government body at the location of the enterprise and the National Mediation and Conciliation Service in writing within three days.

{Part two of Article 6 as amended by Law No. 5458-VI dated 10/16/2012 }

{For changes to Article 6, see in Law No. 5026-VI dated 22.06.2012 }

Chapter II

RESOLUTION OF A COLLECTIVE LABOR DISPUTE (CONFLICT)

Article 7. Sequence of consideration and resolution of a collective labor dispute (conflict)

Consideration of a collective labor dispute (conflict) is carried out on issues provided for:

points "a" and "b" of Article 2 of this Law, - by the conciliation commission, and in case of non-acceptance of a decision within the terms established by Article 9 of this Law, - by labor arbitration;

points "c" and "d" of Article 2 of this Law, - labor arbitration.

Article 8. Conciliation Commission

A conciliation commission is a body appointed to make a decision that can satisfy the parties to a collective labor dispute (conflict), and which consists of representatives of the parties.

A conciliation commission is formed at the initiative of one of the parties at the production level - within three days, at the branch or territorial level - within five days, at the national level - within ten days from the moment of the collective labor dispute (conflict) with the same number of representatives of the parties.

The procedure for determining representatives to the conciliation commission is determined by each of the parties to a collective labor dispute (conflict) independently.

During negotiations and preparation of the decision of the conciliation commission, its members are given time off from work.

If necessary, the conciliation commission:

involves an independent intermediary;

consults with the parties to a collective labor dispute (conflict), central and local executive bodies, local self-government bodies and other interested bodies.

Organizational and logistical support for the work of the conciliation commission is carried out by agreement of the parties, and if the parties have not reached an agreement - in equal shares.

Article 9. The procedure for resolving a collective labor dispute (conflict) by a conciliation commission

The parties to a collective labor dispute (conflict) are obliged to provide the conciliation commission with the information necessary for conducting negotiations.

The members of the conciliation commission do not have the right to disclose information that is a state or other secret protected by law.

Collective labor disputes (conflicts) are considered by the industrial conciliation commission within five days, by branch and territorial conciliation commissions within ten days, and by the conciliation commission at the national level within fifteen days from the moment of formation of the commissions. By agreement of the parties, these terms can be extended.

The decision of the conciliation commission is drawn up in a protocol and has binding force for the parties and is executed in the order and terms established by this decision.

After making a decision to resolve a collective labor dispute (conflict), the conciliation commission shall cease its work.

Article 10. Independent intermediary

An independent mediator is a person determined by the parties' joint choice, who facilitates the establishment of interaction between the parties, conducts negotiations, participates in the development of a mutually acceptable decision by the conciliation commission.

Article 11. Labor arbitration

Labor arbitration is a body consisting of specialists, experts and other persons involved by the parties and makes a decision on the merits of a labor dispute (conflict).

Labor arbitration is established at the initiative of one of the parties or an independent mediator within a three-day period in the event of:

non-acceptance by the conciliation commission of an agreed decision regarding the resolution of a collective labor dispute (conflict) on the issues provided for in clauses "a" and "b" of Article 2 of this Law;

the occurrence of a collective labor dispute (conflict) on the issues provided for in clauses "c" and "d" of Article 2 of this Law.

The quantitative and personal composition of the labor arbitration is determined by agreement of the parties. The chairman of the labor arbitration is elected from among its members.

People's deputies of Ukraine, representatives of state authorities, local self-government bodies and other persons may also be part of the labor arbitration.

Organizational and logistical support of the work of labor arbitration is carried out by agreement of the parties, and if the parties have not reached an agreement - in equal shares.

Article 12. The procedure for resolving a collective labor dispute (conflict) by labor arbitration

A collective labor dispute (conflict) is considered by labor arbitration with the mandatory participation of representatives of the parties and, if necessary, representatives of other interested bodies and organizations.

The labor arbitration must make a decision within ten days from the date of its creation. According to the decision of the majority of members of the labor arbitration, this term can be extended up to twenty days.

The decision of the labor arbitration is adopted by a majority vote of its members, drawn up in minutes and signed by all its members.

Members of the labor arbitration have no right to disclose information that is a state secret or other secret protected by law.

The decision of the labor arbitration on the resolution of a collective labor dispute (conflict) is binding if the parties have previously agreed on it.

Article 13. Duties and rights of the parties to a collective labor dispute (conflict)

None of the parties to a collective labor dispute (conflict) can evade participation in the conciliation procedure.

The parties to a collective labor dispute (conflict), the conciliation commission and labor arbitration are obliged to use all possibilities not prohibited by law to settle the collective labor dispute (conflict).

If the conciliation bodies were unable to settle the differences between the parties, the reasons for the differences with the justification of the parties' positions in writing are brought to the attention of each of the parties to the collective labor dispute (conflict). In this case, employees or a body authorized by them or a trade union have the right to use all the means permitted by law in order to fulfill the demands.

Article 14. Guarantees for independent mediators, members of conciliation commissions and labor arbitrations

Independent mediators, members of conciliation commissions and labor arbitrations during their work in conciliation bodies established in accordance with this Law are guaranteed the preservation of their place of work (position) and average salary, and they are also covered by the guarantees provided for by the Code of Labor Laws of Ukraine for elected trade union employees, members of councils (boards) of enterprises and councils of labor collectives.

An independent mediator, a member of the conciliation commission and labor arbitration shall be paid for work in the amount of at least the average monthly salary and reimbursement of expenses related to participation in the conciliation procedure shall be carried out at the expense of the parties to the collective labor dispute (conflict) as agreed, and if the parties have not reached an agreement - in equal shares.

Article 15. National Mediation and Conciliation Service

In order to promote the improvement of labor relations and prevent the emergence of collective labor disputes (conflicts), their forecasting and promotion of their timely resolution, mediation for the resolution of such disputes (conflicts), the President of Ukraine established the National Mediation and Conciliation Service.

The National Mediation and Conciliation Service consists of highly qualified specialists and experts in the resolution of collective labor disputes (conflicts) and has its branches in the Autonomous Republic of Crimea and regions.

Decisions of the National Mediation and Conciliation Service are advisory in nature and must be considered by the parties to a collective labor dispute (conflict) and the relevant central or local bodies of executive power, local self-government bodies.

The National Mediation and Conciliation Service is financed from the State Budget of Ukraine.

The Regulation on the National Mediation and Conciliation Service is approved by the President of Ukraine.

The competence of the National Mediation and Conciliation Service includes:

registration of demands put forward by employees and collective labor disputes (conflicts);

analysis of requirements, identification and generalization of the causes of collective labor disputes (conflicts), preparation of proposals for their elimination;

training of mediators and arbitrators who specialize in resolving collective labor disputes (conflicts);

formation of lists of arbitrators and mediators;

verification, if necessary, of the powers of representatives of the parties to a collective labor dispute (conflict);

mediation in the resolution of a collective labor dispute (conflict);

involving people's deputies of Ukraine, representatives of the state authorities, and local self-government bodies in the reconciliation procedures.

The National Mediation and Conciliation Service and its branches carry out an assessment of compliance with the criteria of representativeness, confirmation of the representativeness of trade unions, their organizations and associations, employers' organizations and their associations for participation in collective negotiations on the conclusion of general, sectoral (inter-sectoral), territorial agreements, elections (delegation) of representatives to tripartite or bilateral bodies of social dialogue, participation in international events.

{Article 15 is supplemented by part seven in accordance with Law No. 4719-VI dated 05/17/2012

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The procedure for assessing compliance with the representativeness criteria and confirming the representativeness of the subjects of trade union parties and employers is approved by the National Mediation and Reconciliation Service after agreement by the parties to the social dialogue at the national level.

{Article 15 is supplemented by part eight in accordance with Law No. 4719-VI dated 05/17/2012 }

In order to fulfill the tasks stipulated by the Law of Ukraine "On Social Dialogue in Ukraine", the National Mediation and Reconciliation Service and its branches address requests to the justice, statistics, other executive and local self-government bodies and obtain the necessary information free of charge in accordance with the procedure established by law.

{Article 15 is supplemented by part nine in accordance with Law No. 4719-VI dated 05/17/2012 }

The National Mediation and Conciliation Service and its branch, based on the results of the assessment of compliance with the criteria of representativeness and confirmation of representativeness, make relevant decisions in accordance with the Law of Ukraine "On Social Dialogue in Ukraine" and maintain a register of subjects on the trade union side and on the employer side.

{Article 15 is supplemented by part ten in accordance with Law No. 4719-VI dated 05.17.2012 }

Article 16. Interaction of the National Mediation and Conciliation Service with parties to a collective labor dispute (conflict)

The National Mediation and Conciliation Service, at the request of the parties to a collective labor dispute (conflict), offers candidacies of independent mediators, members of labor arbitration, coordinates the work of labor arbitration, sends its specialists and experts to participate in the work of conciliation bodies.

Representatives of the National Mediation and Conciliation Service can participate in the resolution of a collective labor dispute (conflict) at all its stages.

The parties to a collective labor dispute (conflict) after complying with the conciliation procedure provided for by this Law, have the right to apply for assistance in resolving this dispute (conflict) to the National Mediation and Conciliation Service, which considers all materials and sends its recommendations to the parties within ten days.

If the demands of employees or a trade union contain issues, the solution of which, in accordance with the legislation, is assigned to the competence of central or local executive bodies, local self-government bodies, the National Mediation and Conciliation Service sends its recommendations together with relevant materials to the heads of these bodies, who must consider them in a seven-day period and inform the parties of the collective labor dispute (conflict) and the National Mediation and Conciliation Service about their decisions.

Chapter III STRIKE

Article 17. Strike

A strike is a temporary collective voluntary stoppage of work by employees (absence from work, failure to fulfill their work duties) of an enterprise, institution, organization (structural unit) for the purpose of resolving a collective labor dispute (conflict).

A strike is used as a last resort (when all other possibilities have been exhausted) to resolve a collective labor dispute (conflict) in connection with the refusal of the employer or a person authorized by him, an organization of employers, an association of organizations of employers to satisfy the demands of employees or a body authorized by them, a trade union, association of trade unions or a body authorized by it (them).

{Part two of Article 17 as amended by Law No. 5458-VI dated 10/16/2012 }

{Article 17 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 18. The right to strike

According to Article 44 of the Constitution of Ukraine, those who work have the right to strike to protect their economic and social interests.

The procedure for exercising the right to strike is established by this Law.

A strike may be initiated if the conciliation procedures did not lead to the resolution of the collective labor dispute (conflict) or the employer or a person authorized by him, the employers' organization, the association of employers' organizations evades the conciliation procedures or does not fulfill the agreement reached during the resolution of the collective labor dispute (conflict).

{Part three of Article 18 as amended by Law No. 5458-VI dated 10/16/2012 }

{Amendments to Article 18 see in Law No. 5026-VI dated 22.06.2012 }

Article 19. Decision on announcing a strike

The decision to declare a strike at the enterprise is made at the request of the elected body of the primary trade union organization (trade union representative) or other organization of employees authorized in accordance with Article 3 of this Law to represent the interests of employees, by a general meeting (conference) of employees by voting and is considered adopted if he was voted for by the majority of employees or two-thirds of the conference delegates. The decision to announce a strike is formalized in a protocol.

{Part one of Article 19, as amended by Law No. 1096-IV dated July 10, 2003 }

Recommendations regarding the declaration or non-declaration of a sectoral or territorial strike are adopted at the sectoral or territorial levels at a conference, meeting, plenum or other elected body of representatives of employees and/or trade unions and are sent to the relevant labor collectives or trade unions.

Employees of enterprises of the industry or administrative-territorial units independently decide whether or not to declare a strike at their enterprise.

A strike is considered sectoral or territorial, if the number of workers in the enterprises at which the strike has been announced is more than half of the total number of workers in the relevant sector or territory.

No one can be forced to participate or not to participate in a strike.

The body (person) leading the strike is obliged to give a written warning to the employer or a person authorized by him, the organization of employers, the union of employers' organizations no later than seven days before the start of the strike, and in the case of a decision on a strike in continuously operating production - in fifteen days.

{Part six of Article 19 as amended by Law No. 5458-VI dated 10/16/2012 }

The employer or a person authorized by him, the organization of employers, the association of organizations of employers are obliged to warn suppliers and consumers, transport organizations, as well as other interested enterprises, institutions, organizations about the decision of employees to announce a strike as soon as possible.

{Part seven of Article 19 as amended by Law No. 5458-VI dated 10/16/2012 }

The place of residence during the strike of the workers participating in it is determined by the body (person) managing the strike, in agreement with the employer.

In case of holding meetings, rallies, pickets outside the enterprise, the body (person) leading the strike must notify the local executive body or local self-government body of the planned event no later than three days in advance.

{Article 19 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 20. Management of the strike

A strike at an enterprise is headed by a body (person), which is determined by a general meeting (conference) of employees upon making a decision to declare a strike.

A sectoral or territorial strike is headed (coordinated) by a body (person) determined by a conference, assembly, plenum or other elected body of representatives of employees, trade unions or other organizations of employees authorized to represent the relevant labor collectives.

The body (person) leading the strike acts during the strike within the limits of the rights provided for by this Law, informs the employees about the progress of the resolution of the collective labor dispute (conflict).

The powers of the body (person) as the leader of the strike are terminated if the parties have signed an agreement on the settlement of a collective labor dispute (conflict), as well as in the event of a decision to cancel or terminate the strike.

Article 21. Conclusion of an agreement on the resolution of a collective labor dispute (conflict), control over its implementation

During a strike, the parties to a collective labor dispute (conflict) are obliged to continue searching for ways to resolve it, using all available opportunities.

The agreement on the resolution of a collective labor dispute (conflict) is signed by the manager or another authorized representative of the body leading the strike, and by the employer or a person authorized by him, the head of the employers' organization, the association of employers' organizations.

{Part two of Article 21 as amended by Law No. 5458-VI dated 10.16.2012 }

Control over the fulfillment of the terms of this agreement is carried out by the parties to a collective labor dispute (conflict) or by bodies (persons) authorized by them.

{Article 21 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 22. Recognition of strikes as illegal

Strikes are recognized as illegal:

a) announced with demands to change the constitutional system, state borders and administrative-territorial system of Ukraine, as well as with demands that violate human rights;

b) declared non-compliance by employees, a trade union, an association of trade unions or their authorized bodies with the provisions of articles 2 , 4 , 6 , parts one and five of article 12, parts one , three and six of article 19 of this Law;

c) started in violation of the requirements of Article 20 , parts two and three of Article 24 of this Law by employees, a trade union, an association of trade unions or bodies authorized by them ;

d) which are announced and/or conducted during the conciliation procedures provided for by this Law.

Article 23. The decision to declare the strike illegal

The application of an employer or a person authorized by him, an organization of employers, an association of organizations of employers to recognize a strike as illegal shall be considered in court.

{Part one of Article 23 as amended by Law No. 5458-VI dated 10/16/2012 }

The case regarding this application must be considered by the court, including the terms of preparing the case for trial, no later than within seven days.

The court's decision declaring the strike illegal obliges the strike participants to make a decision to terminate or cancel the announced strike, and the workers to start work no later than the next day after the day of delivery of a copy of the court's decision to the body (person) leading the strike.

{Article 23 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 24. Cases in which a strike is prohibited

It is forbidden to hold a strike if the termination of work by employees poses a threat to national security, life and health of people, the environment or prevents the prevention of natural disasters, accidents, catastrophes, epidemics and epizootics or the elimination of their consequences.

{Part one of Article 24 as amended by Law No. 2689-IX dated 18.10.2022 }

A strike by employees (except for technical and service personnel) of the prosecutor's office, the court, the Armed Forces of Ukraine, state authorities, security and law enforcement agencies is prohibited.

Personnel of the provider of electronic communication services are prohibited from participating in strikes, if such actions lead to the termination of the functioning of electronic communication networks or the provision of electronic communication services, which creates obstacles to ensuring national security, health protection, human rights and freedoms.

{Article 24 was supplemented by a new part in accordance with Law No. 1089-IX dated 16.12.2020 }

In the event of a state of emergency, strikes may be prohibited. Strikes are prohibited under martial law.

{Part four of Article 24 as amended by Law No. 2689-IX dated October 18, 2022 }

Article 25. Resolution of a labor dispute (conflict) in cases of prohibition of a strike

In the cases provided for in Article 24 of this Law and when the recommendations of the National Mediation and Conciliation Service regarding the resolution of a collective labor dispute (conflict) are not taken into account by the parties, the National Mediation and Conciliation Service applies for the resolution of a collective labor dispute (conflict) in accordance with the Supreme Court of the Autonomous Republic Crimea, regional, Kyiv and Sevastopol city courts.

Article 26. Ensuring the viability of the enterprise during a strike

The employer, the local executive body or the local self-government body and the body (person) leading the strike are obliged to take the necessary measures to ensure during the strike the viability of the enterprise, the preservation of property, the observance of law and public order, and the prevention of threats to life and health people, the surrounding natural environment.

{Article 26 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 27. Guarantees for workers during a strike

The participation of workers in a strike, with the exception of strikes recognized by the court as illegal, is not considered a violation of labor discipline and cannot be grounds for disciplinary action.

By decision of the employees or the trade union, a strike fund can be formed from voluntary contributions and donations.

For employees who did not take part in the strike, but due to its conduct did not have the opportunity to perform their work duties, wages are retained in amounts not lower than those established by the legislation and the collective agreement concluded at this enterprise, as for the time downtime not due to the fault of the employee. Registration of such employees is the responsibility of the employer.

{Article 27 as amended by Law No. 5026-VI dated 06/22/2012 }

Article 28. Consequences of workers' participation in a strike

Organizing a strike, recognized by the court as illegal, or participating in it is a violation of labor discipline.

The workers who participate in the strike are not paid for their strike time.

The time of the employee's participation in the strike, which is recognized by the court as illegal, is not included in the total and continuous work experience.

Chapter IV

RESPONSIBILITY FOR VIOLATIONS OF THE LEGISLATION ON COLLECTIVE LABOR DISPUTES (CONFLICTS)

Article 29. Liability for violation of legislation on collective labor disputes (conflicts)

Persons guilty of violating the legislation on collective labor disputes (conflicts) shall bear disciplinary, administrative, civil or criminal liability in accordance with the legislation.

Article 30. Liability of employees for participation in a strike declared illegal by the court

Workers who take part in a strike declared illegal by a court are liable according to the law.

Article 31. Liability for violation of labor legislation, terms of collective labor agreements (agreements), which led to the emergence of a collective labor dispute (conflict)

Persons who are responsible for the emergence of collective labor disputes (conflicts) or who delay the implementation of decisions of conciliation bodies established in accordance with this Law, as well as decisions of executive authorities, local self-government bodies or their officials, shall bear disciplinary, civil, criminal or administrative liability according to law.

Persons who represent the interests of the parties and who violated the provisions of Articles 5 , 6 , parts one , three , four and five of Article 9, part five of Article 12, part one of Article 13, parts three and four of Article 16, parts n the fifth , eighth , ninth Article 19, part three of Article 23, as well as officials who violated the provisions of part two of Article 5, part four of Article 16 of this Law shall be subject to disciplinary or administrative liability in accordance with the legislation.

Article 32. Responsibility for organizing a strike declared illegal by the court, failure to comply with the decision to declare the strike illegal

Persons who are organizers of a strike recognized by the court as illegal, or who do not comply with the decision to declare a strike illegal, as well as persons who prevent the termination of an illegal strike, shall be subject to disciplinary or administrative liability in accordance with the law. The procedures and guarantees provided for in Articles 43 and 252 of the Labor Code of Ukraine do not apply to the specified persons.

Article 33. Liability for forcing participation in a strike or preventing participation in a strike

Persons who force workers to participate in a strike or prevent participation in a strike by violence or threat of violence, or by other illegal actions punishable by law, shall be held criminally liable in accordance with law.

Article 34. Compensation for damages caused by a strike

Damages caused as a result of the strike to other enterprises, institutions, organizations or citizens shall be compensated by a court decision in accordance with the law.

Damages caused to the employer by the strike, which was recognized by the court as illegal, shall be compensated by the body authorized by the employees to conduct the strike, in the amount determined by the court (within the funds and property belonging to it).

An employer who violated the laws of Ukraine, as a result of which the conditions for a strike were created, and the strike ended with full or partial satisfaction of the demands of employees, compensates the strike participants in the amount determined by the court (within the funds and property belonging to him).

{Article 34 as amended by Law No. 5026-VI dated 06.22.2012 }

Chapter V FINAL PROVISIONS

1. This Law enters into force on the day of its publication.

2. When resolving collective labor disputes (conflicts) that arose before the entry into force of this Law, the norms of legislation that were in effect at the time such a dispute (conflict) arose shall be applied.

3. To establish that until the legislation is brought into line with the Law of Ukraine "On the procedure for resolving collective labor disputes (conflicts)", laws and other normative legal acts shall be applied to the extent that does not contradict this Law.

4. Within three months, the Cabinet of Ministers of Ukraine shall submit proposals to the Verkhovna Rada of Ukraine on bringing legislative acts of Ukraine into compliance with this Law.

5. During 1998, to establish the National Mediation and Reconciliation Service.

President of Ukraine

L. Kuchma

**Kyiv,
March 3, 1998
No. 137/98-VR**



On the procedure for resolving collective labor disputes (conflicts)

Law of Ukraine dated 03.03.1998 No. 137/98-BP

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The legislation of Ukraine is valid
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Publications of the document

- **Voice of Ukraine** from March 31, 1998
- **Government courier** dated 04/02/1998
- **Official Gazette of Ukraine** dated April 9, 1998 — 1998, No. 12, p. 12, article 435, act code 5066/1998
- **Information of the Verkhovna Rada of Ukraine** dated September 4, 1998 — 1998, No. 34, Article 227