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Supervision and Control of Labor Law Compliance in Ukraine under Martial Law

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Abstract

This study examines the organizational and legal foundations of overseeing and regulating compliance with labor legislation in Ukraine under martial law. It highlights key labor law trends and the specific features of supervision and control mechanisms in the labor sector. One notable aspect is the legislative restriction of labor rights while maintaining oversight and enforcement as a safeguard for minimum labor standards. During martial law, state control operates under more lenient conditions for employers, allowing only unscheduled inspections, limiting the grounds for inspections, and exempting fines if labor inspectors' orders are followed. In addition, with the flexibility of labor relations, there is a stronger focus on monitoring undeclared employment through the widespread use of advisory and informational measures. Another notable trend is the modernization of occupational safety management based on proactive risk prevention, reinforcing the role of the employer in ensuring safe and appropriate working conditions. Finally, the digital transformation of supervision and control processes is emerging as a key strategy for increasing the efficiency of public administration.

Keywords: Oversight, Regulation, Labor legislation, Martial law, Workplace inspection, Ukraine

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Introduction

Ensuring effective legislative regulation of labor relations remains a critical challenge for Ukraine during martial law. The country must balance economic demands for national defense with the social consequences of the Russian-Ukrainian war, such as rising unemployment, shifts in labor migration, mismatches in workforce supply and demand, an increase in unregistered employment, and declining real wages.

The Russian Federation's military aggression has accelerated the need for long-overdue structural reforms aligned with European integration efforts, prompting increased legislative activity. In response, Ukraine adopted the law "On the De-Sovietization of the Law in Ukraine" on April 22, 2022, mandating the Cabinet of Ministers to draft a new labor code within a year. Reforming labor legislation is a key priority, as the labor sector directly impacts economic growth and the welfare of both workers and employers. Social stability plays a crucial role in maintaining overall peace, a principle reflected in the establishment of the International Labour Organization (ILO). The ILO's founding statute, approved during the 1919 Paris Peace Conference and incorporated into the Versailles treaty, emphasizes supporting governments in labor law development, administrative improvements, and labor inspections to safeguard workers' rights at both national and international levels.

According to Quincy Wright, a well-known American political scientist and author of *The Study of War*, peace is a balance of political, social, cultural, and technological forces, making social stability a fundamental aspect of overall peace. Given the



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ongoing full-scale invasion by the Russian Federation, Ukraine must persist in legal reforms and modernization of state institutions. Ukraine's recognition as an EU candidate country during the war reaffirms its commitment to European integration and the aspirations of its people.

In the field of labor regulation, legislative work on drafting a new Labor Code for Ukraine remains ongoing. At the same time, amendments continue to be introduced to the current Labor Code. Since the imposition of martial law on February 24, 2022, in response to the Russian Federation's military aggression, the Labor Code has undergone 14 rounds of revisions. Some of these changes align Ukrainian labor legislation with European standards, a process initiated before martial law was declared. Despite wartime conditions, work on legal reforms has not stopped, demonstrating the state's commitment to upholding labor protections. The updates address issues such as ensuring equal employment rights, preventing workplace discrimination and harassment (mobbing), and introducing non-fixed working hour contracts to increase flexibility amid evolving work arrangements and remote employment. Additionally, legislators have taken steps to simplify labor regulations for small and medium-sized businesses through a specialized framework for labor contracts.

Under martial law, constitutional rights, including labor rights outlined in articles 43 and 44 of the constitution of Ukraine, are subject to temporary restrictions. Such limitations are legally justified, targeted, and non-discriminatory, reflecting the state's relationship with individuals during emergency conditions. As stated by the Constitutional Court of Ukraine in its June 1, 2016, ruling (No. 2-rp/2016), any restrictions on rights must be balanced to achieve legitimate aims with minimal infringement on individual freedoms while preserving their fundamental essence.

The primary legal framework governing labor relations during martial law is the Law of Ukraine "On the Organization of Labor Relations in Martial Law" [1], adopted on March 15, 2022. This law takes precedence over general labor legislation for the duration of the special period, meaning specific labor law provisions are temporarily inapplicable. Consequently, labor law has seen significant innovations due to the introduction of martial law and the ongoing reform of legal and institutional frameworks governing employment.

This study aims to analyze the organizational and legal foundations of labor law supervision and compliance control during martial law. The research focuses on evaluating legislative measures introduced in this exceptional period, considering legal doctrines regarding the social role of oversight mechanisms, and assessing their future development amid labor law reforms and closer alignment with international and European standards.

To achieve this objective, the study sets out the following tasks:

Examine labor rights restrictions and the guarantees in place to uphold them during martial law in Ukraine.

Identify key trends in labor law regulation and the specifics of organizational and legal oversight mechanisms.

Assess the prospects of labor supervision and control within the broader context of labor law reforms.

Literature review

Gryshina and Chanysheva [2] examined the evolution of labor law during martial law, particularly focusing on strengthening employee rights and ensuring their enforcement. Research by Panasiuk *et al.* [3] explored the conditions and justifications for restricting constitutional rights in wartime. Prytyka *et al.* [4] analyzed the severe labor market crisis in Ukraine, triggered by the Russian Federation's military aggression, and emphasized the importance of stabilization measures such as business relocation assistance, financial aid for affected individuals, employer compensation for internally displaced persons, tax relief for businesses, and legal amendments to enhance worker protections. Slipachyk [5] investigated new labor law provisions introduced during martial law, including the "suspension of the employment contract" and the role of the State Labor Service of Ukraine in handling disputes regarding its legality.

Despite these contributions, there has been no standalone research dedicated to the legal framework governing oversight and enforcement of labor legislation in Ukraine under martial law, highlighting the need for this study.

Materials and Methods

This research relies on legislative acts enacted during martial law that define the procedures for labor law supervision and enforcement. It also examines International Labour Organization (ILO) conventions and documents, court decisions, data from the State Labor Service, reports from various organizations and institutions, and academic contributions from Ukrainian and international scholars.

The choice of research methods aligns with the study's objectives [6]. The dialectical method facilitated a comprehensive and dynamic understanding of the normative, organizational, and value-based principles of labor law supervision and enforcement. Analysis and synthesis techniques helped identify broad trends in labor law development and specific aspects of legal oversight under martial law. Empirical methods, including sociological and statistical approaches, were applied to assess the practical implementation and effectiveness of state labor policies. The hermeneutic method was used to interpret legal provisions, shedding light on the rationale for conducting unplanned state inspections under wartime conditions. Lastly, the

prognostic method helped outline potential future developments in labor law oversight, ensuring its continued relevance in the post-war period [7, 8].

Results and Discussion

The law of Ukraine “On the organization of labor relations in martial law,” adopted on March 15, 2022, introduced temporary restrictions on labor rights and freedoms outlined in articles 43 and 44 of the Ukrainian constitution. It set specific regulations for employment relationships during wartime, including provisions on hiring, suspension, and termination of employment contracts, modifications in working conditions, defining work and rest periods, and determining the engagement of certain employee groups in specific tasks [1]. The responsibility for ensuring basic labor rights was assigned to trade unions, which were granted authority to monitor compliance. Initially, the law did not incorporate mechanisms for direct state oversight and enforcement. Additionally, a resolution issued by the Cabinet of Ministers of Ukraine (No. 303, March 13, 2022) put a halt to planned and unplanned labor inspections, including those conducted by the State Labor Service (Decree of the Cabinet of Ministers of Ukraine No. 303, 2022).

On April 27, 2022, the national trade union representative body addressed a formal request to the Cabinet of Ministers, arguing that government supervision was necessary to uphold labor law standards during wartime [9]. Meanwhile, the State Labor Service received a large volume of worker complaints regarding wage non-payment, job terminations, and forced unpaid leave. However, these problems were not always due to employer misconduct. In many instances, they resulted from challenges related to ongoing military operations, such as occupation, active conflict zones, unsafe working environments, missile attacks, lack of shelter in workplaces, or financial hardship faced by enterprises.

A March 2022 survey by the European Business Association (EBA) assessed the financial resilience of its member companies. Findings showed that only 17% had reserves to sustain operations for a year or longer, 28% could manage for six months, 43% had financial security for just a few months, and 6% had already depleted their funds. The economic struggles of small and medium-sized businesses in Ukraine between March and May 2022, including wage payments and layoffs, are detailed in **Table 1**.

Table 1. Wage payments and employee dismissals in Ukrainian SMEs under martial law (March-May 2022) [10]

Employer actions	March 2022	April 2022	May 2022
Full salary payments made	27%	25%	23%
Salaries partially reduced	19%	27%	32%
No wages paid	21%	22%	21%
Employees dismissed	8%	9%	12%

Table 1 presents the financial situation of small and medium-sized enterprises (SMEs) in Ukraine amid martial law. It highlights the gradual decline in full wage payments, an increasing trend of salary reductions, and a stable yet concerning percentage of businesses unable to pay wages. Employee dismissals also rose steadily during this period.

Legislative adjustments and labor market supervision during wartime

To reinforce employment legalization and uphold labor rights amid martial law, Ukraine introduced the law on amendments to certain legislative acts on optimizing labor relations [11] on July 1, 2022. This legislation reinstated oversight by the State Labor Service and its regional branches through unscheduled inspections. These inspections primarily focus on enforcing the provisions outlined in Law No. 2136-IX [1], identifying informal employment, and verifying lawful termination of labor contracts.

The implementation of labor oversight under wartime conditions carries distinct characteristics, shaped both by national legislative provisions for the special period and by the practical execution of the State Labor Service’s functions, supported by the International Labour Organization (ILO) and international partners.

Despite the constraints of martial law, labor inspections continue to serve as a critical mechanism for ensuring fundamental workplace rights. However, these inspections have been adapted to accommodate the economic challenges facing businesses and employers. The ongoing war has triggered Ukraine’s most severe labor market crisis since gaining independence, significantly disrupting the workforce structure, a phenomenon described by Langille [12]. Before the war, job listings averaged 100,000 per month. However, in March 2022, this figure plummeted to just a fraction of its pre-war level—falling 15 times—before recovering to approximately half by early 2023 [13]. In this context, aligning the interests of all labor market participants remains crucial, both in regulatory frameworks and enforcement actions.

ILO Convention No. 81 on labor inspection, adopted by Ukraine on September 8, 2004, establishes three core responsibilities for labor inspectors: (1) ensuring compliance with legal labor standards, (2) offering guidance to both employers and employees regarding legal requirements, and (3) reporting violations and weaknesses to relevant authorities [14]. These duties are interconnected and essential for the effective enforcement of national labor laws [15].

Under martial law, labor inspections are conducted exclusively as unscheduled inspections, while regular, pre-planned inspections remain suspended. Additionally, the criteria for initiating unscheduled inspections have been narrowed, as reflected in the data in **Table 2**.

Table 2. Conditions for conducting unscheduled state supervision (control) actions

General grounds for unscheduled inspections (part 1, article 6 of the law “on basic principles of state supervision (control) in economic activity”)	Reasons for unscheduled inspections under martial law (part 3 of article 16 of the law “on labor relations in martial law conditions”)
A business entity submits a written request to the relevant state supervision body to carry out an inspection.	When data inconsistencies are detected and confirmed in the mandatory reporting documents submitted by the business entity (unless otherwise stated in the law).
A business entity's compliance with instructions, orders, or other official documents aimed at rectifying legal violations is verified.	When a business entity fails to comply with orders to correct violations of legal requirements issued after May 1, 2022.
A complaint is filed by an individual (or individuals) regarding a violation that impacts their rights, health, safety, the environment, or national security.	Failure by the business entity to submit required reporting documents for two consecutive periods without a valid excuse or written explanation.
A written statement is made by a business entity about its failure to meet state regulations in a required report.	The prime minister of Ukraine issues an order to inspect business entities in a sector due to detected systemic violations or significant adverse impacts on rights, health, or security.
The occurrence of an accident, a fatality, or occupational disease related to the operations of the business entity.	Request from local government officials concerning violations by a business entity, in cases where this petition right is specified by law.
A local or regional military administration (such as Kyiv's city military administration) requests an inspection.	

Under martial law in Ukraine, employers who fully comply with labor law and rectify violations within the given time frame are not subject to fines. This reflects a shift from a punitive approach to a more preventive model, where the focus is on controlling and informing to prevent violations, rather than imposing penalties. This trend aligns with a risk-based approach designed to address potential issues before they occur, emphasizing prevention over punishment [16].

The state service of Ukraine for labor issues is the primary authority responsible for overseeing labor law compliance. In the context of martial law, one of the key roles of this service is to provide information and guidance to both employees and employers on how to comply with legal standards, which aligns with the objectives of ILO Convention No. 81, Article 3, Part 1, Point “b.” This function highlights the growing importance of preventive measures and providing information to a wide range of stakeholders in the labor market, a trend that has gained even more importance under martial law [17].

In line with this, labor inspectors initiated the “Come out into the light!” campaign starting July 1, 2022, which focuses on educating workers and employers about the importance of formalizing employment and the responsibilities employers have for ensuring legal employment practices. The initiative is part of the EU-ILO project “On the way to safe, healthy, and declared work.”

Furthermore, with the support of the EU-ILO project, the State Labor Service has expanded its efforts to address critical areas, including:

Mental health: 300 Ukrainian labor inspectors were trained in psychological first aid with the support of the ILO [18].

Combating human trafficking and forced labor: The service has set up informational points in key locations, such as bus and train stations and employment centers, to inform displaced individuals, particularly women and children, about the risks of human trafficking and forced labor. By the end of September 2022, these efforts reached 1.2 million displaced persons from Ukraine [18].

The ongoing conflict in Ukraine has resulted in significant migration both within the country and abroad. By November 2022, more than 7.8 million Ukrainian refugees were recorded across European nations, with an additional 6.5 million displaced within Ukraine itself [14]. This increase in labor mobility necessitates stronger legal safeguards, especially in cross-border labor regulations [15]. A key method for ensuring compliance has been the implementation of joint inspections by authorized authorities from multiple countries.

The State Labor Service has also focused on providing practical assistance. They launched an online platform offering detailed information on labor relations during martial law. As of November 2022, more than 320,000 individuals used the “Interactive Inspector” service for online consultations (Official Website of State Labor: News, November 7, 2022). Furthermore, the service has supported over 3,000 businesses that relocated from conflict zones to new locations, helping them navigate the adaptation process [19].

A major shift in labor law oversight is the modernization of safety management, focusing on proactive measures to prevent risks and ensure compliance with European workplace safety standards. These efforts align with EU guidelines such as the Council Directive No. 89/391/EEC [20], which promotes workplace health and safety improvements (EU Council Directive No. 89/391/EEC, 1989). The Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Prevention and Counteraction of Mobbing (Bullying)” emphasizes the responsibility of employers to ensure both physical and mental well-being for their employees, promoting measures to reduce workplace risks and harassment [21].

In terms of ensuring compliance with safety standards, the Ukrainian Cabinet of Ministers has extended the use of a declarative approach for specific equipment deemed hazardous during martial law. This extension was formalized under Resolution No. 357, 2022, which allows employers to use high-risk machinery through an electronic permit system available via the Ministry of Economy’s portal. This approach is part of a broader trend toward digitalizing administrative processes, making services more transparent and accessible, and ultimately improving the efficiency of state control measures [22].

The organizational and legal framework for labor law oversight and control is also moving toward better coordination between the State Labor Service, other state entities with overlapping responsibilities, and social partners. This interaction is formalized through agreements like memoranda and cooperation protocols, in line with the ILO Guidelines on General Principles of Labor Inspection (Report of the General Director of the ILO, 10). Despite the ongoing martial law, such collaboration remains active, ensuring efficient information sharing and joint efforts. For example, on August 16, 2022, the State Labor Service of Ukraine and the Professional Union of Construction and Building Materials Industry Workers of Ukraine signed a memorandum of cooperation, emphasizing the need to “enhance the effectiveness of state oversight and public monitoring of employers' compliance with labor and safety regulations...” [23].

Scholars have long highlighted the importance of cooperation between labor inspection agencies, relevant government bodies, and both employer and employee representatives. This collaboration focuses on internal and social-partner controls, as well as fostering a safety culture within workplaces. Orly Lobel has pointed out that “safety can become a collective interest and part of the core goals of production companies when the right conditions are in place. The task of the regulatory body is to create and maintain these conditions, recognizing when they are absent” [24]. It is now widely acknowledged that stabilizing the labor market, especially in wartime and the post-war period, involves “creating an effective system for managing the labor market, with mechanisms that promote higher levels of social protection and security” [10]. Ensuring strong organizational and legal support for labor law enforcement remains an essential element of this process.

Conclusion

In conclusion, the development of Ukrainian labor law under martial law reveals several significant trends and characteristics related to the organization and legal framework for labor supervision and control. Firstly, there has been a legislative reduction in labor rights, although minimum labor protections are still guaranteed through supervision and control. The initial version of the Ukrainian law “On the Organization of Labor Relations in the Conditions of Martial Law” included provisions for public oversight, with a focus on trade unions. However, subsequent amendments have reinstated state supervision measures in a more business-friendly manner. Inspections are now unplanned, the scope of reasons for inspections has been narrowed, and fines are not imposed if labor inspectors' orders are followed. This highlights the role of supervision as a vital tool for safeguarding workers' rights, preventing violations, and protecting the broader social interest.

Secondly, there has been a shift in labor law aimed at enhancing labor market flexibility, particularly within small and medium-sized enterprises. This shift has led to measures focused on tackling undeclared employment and expanding the use of informative and advisory actions.

Thirdly, there is a general movement towards modernizing the national system for managing workplace safety. This shift emphasizes proactive risk prevention and strengthening employers' internal controls to ensure safe, dignified working conditions for employees.

Lastly, the ongoing digitalization of supervision measures is an important trend in optimizing public administration, reducing the administrative burden, and improving efficiency.

Under martial law, the State Labor Service's practical activities focus on several key areas: providing training on psychosocial support in new workplaces, launching an information campaign to combat human trafficking and labor exploitation, developing an online portal to inform about labor relations during martial law, and offering support to relocated businesses.

Another key trend is the growing coordination and collaboration between the State Labor Service, other relevant state bodies, and social partners.

To further improve labor law enforcement, Ukraine should continue advancing its system of supervision and control, in line with the EU-ILO project “On the way to safe, healthy, and declared work” (January 2020–April 2023), which aims to align Ukraine’s national legal framework for workplace safety with international and European standards.

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