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# LABOUR ISSUES DURING THE WAR

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Under martial law the majority of employees are unable to go to work and many businesses and organizations do not have physical access to their offices at all. At the same time, labour legislation has not yet been adapted to martial law.

**Let's take a closer look at how the employers can settle labour issues during the war.**

## Work in normal mode

Enterprises, institutions, organizations that are out of war-stricken areas may continue to operate normally. The imposition of martial law does not exempt the employer from remuneration of the employees who go to work and perform their duties.

## Remote work

If the employee has moved to other regions of Ukraine or abroad and can work remotely, it is advisable to introduce remote work if the employer can provide the employee with work. The employer has the right to unilaterally issue an order to implement the remote work during quarantine (currently quarantine is established throughout Ukraine until May 31, 2022). Remote work is paid to the employee in full.

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More Information:

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## **Downtime**

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## **Vacations**

During martial law the employees can go on paid leaves on their own initiative. The employee also has the right to take unpaid leave. Currently, it is possible to take such leave for the entire quarantine period, which is currently set until May 31, 2022. To do this the employer is obliged to receive an appropriate application from the employee for unpaid leave. It is important that the employer does not have the right to forcibly send an employee on leave.

## **Dismissal of employees**

The imposition of martial law is not a ground for employees' dismissal. Termination of the employment during the war is possible only on general grounds defined by the Labour Code of Ukraine. As before, the employee may be dismissed on his own initiative and with the consent of the parties.

If an employee has left the place of residence due to the military actions and/or does not show up for work or does not get in touch, then the employer has no grounds to dismiss such an employee for absenteeism until the reasons for absence are clarified. At the same time, there is no reason to keep the average salary for such an employee.

## **Guarantees for the defenders of Ukraine**

If an employee joined the Territorial Defence or the Armed Forces of Ukraine and provided the employer with relevant documents (for example a contract of a territorial defence volunteer), the employer is obliged to keep such an employee's job, position, and average salary.

It is important that draft Law No. 7160 of March 14, 2022, is currently being prepared for the President's signature. Such a Law significantly restricts the labour rights of employees during martial law. Should this draft law enters into force, we will prepare detailed explanations for you.

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