

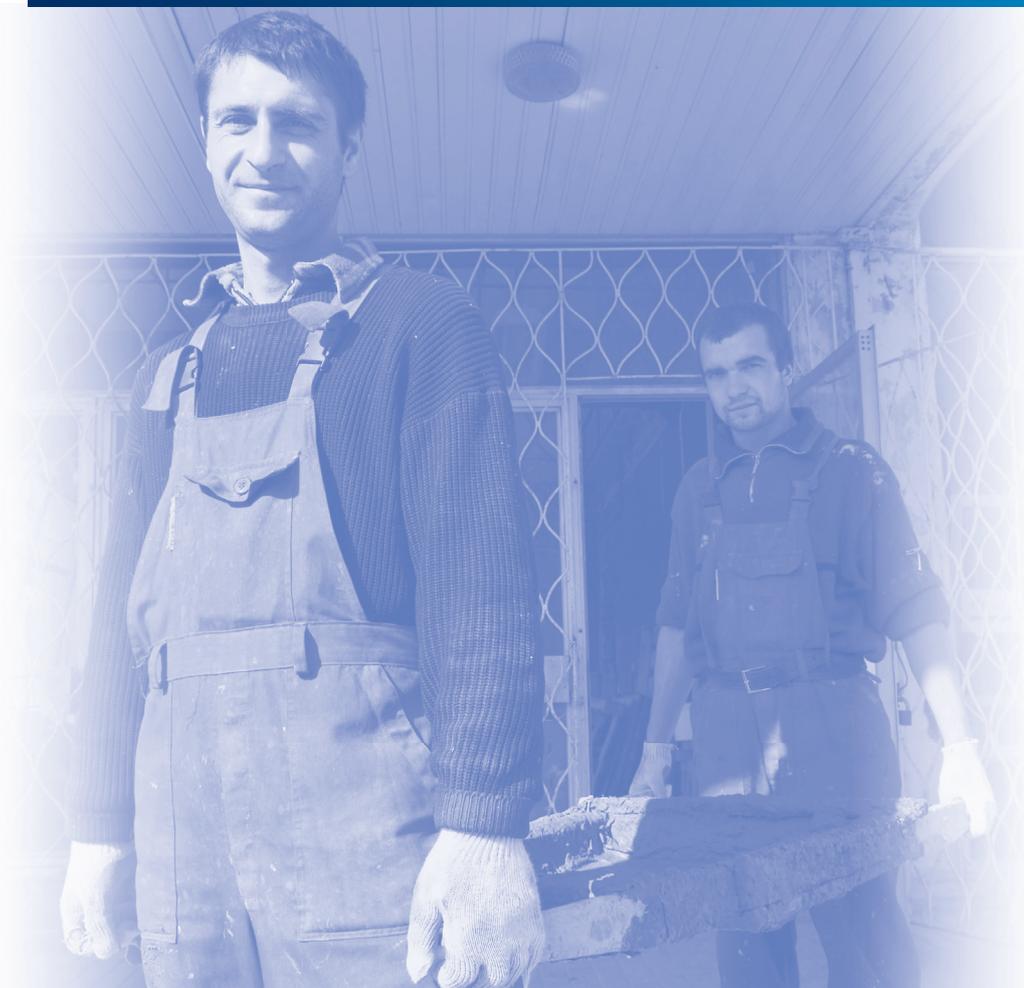


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Ensuring Social Security Benefits for Ukrainian Migrant Workers:

Policy development and future challenges



Ensuring Social Security Benefits for Ukrainian Migrant Workers:

Policy development
and future challenges

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First published 2012

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Ensuring social security benefits for Ukrainian migrant workers / ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe = Гарантування виплат соціального забезпечення українським працівникам-мігрантам: Розробка політики та майбутні виклики./ Група технічної підтримки з питань гідної праці та Бюро МОП для країн Центральної та Східної Європи. –

Kyiv: ILO, 2012

1 v.

ISBN 978-92-2-026549-9; 978-92-2-026550-5 (web pdf)

ILO DWT and Country Office for Central and Eastern Europe

social security / labour migration / international migration / migration policy / Ukrainian / migrant worker / Ukraine / CIS countries / EU countries

02.03.1

ILO Cataloguing in Publication Data

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The Project is co-funded by
the European Union



The Project is co-funded
and implemented by
the International Labour Office



The Project is co-funded
and implemented by
International Organization for Migration

EU-ILO Project «Effective Governance of Labour Migration and its Skill Dimensions»

The publication was developed and printed within the framework of the EU-ILO Project
“Effective Governance of Labour Migration and its Skill Dimensions”.

For more detailed information contact the Project by e-mail:
migration@ilo-dp.kiev.ua

http://ilo.org.ua/ProjectsIloArticles/EU-ILO_Migrant.aspx

Project Brief: EU-ILO Project in Moldova and Ukraine “Effective Governance of Labour Migration and its Skill Dimensions”

This project is implemented by the International Labour Organization in cooperation with Moldovan and Ukrainian tripartite partners, the International Organization for Migration and the World Bank. The project is in the framework of the European Commission's thematic programme of cooperation with third countries in the areas of migration and asylum.

The overall objective of the project is to strengthen Moldova's and Ukraine's capacity to regulate labour migration and promote sustainable return, with a particular focus on enhancing human resources capital and preventing skills waste.

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This publication was printed with the support of the European Union

Foreword

Globalization and regional integration have added impetus to the growing mobility of workers across borders in search of employment. In Europe, the international migration of labour is becoming an important and enduring phenomenon associated with growth and development. However, the increased flow of people across national boundaries, coupled with more diverse forms of migration, also creates new challenges. Migrant workers face disadvantages in working conditions, such as limited rights, discrimination, social exclusion, and lack of social security. The dynamic nature of global labour markets requires that efforts should be made to ensure migrant workers' rights to social security through effective international coordination.

The purpose of this report is to review the development of national migration policy in Ukraine (particularly labour migration policy), analyze the current status of the international coordination of social security, and suggest measures for improvement.

The report is organized as follows. Section 1 analyzes the migration situation and migration policy in light of recent social and economic development in Ukraine. Section 2 summarizes the main features of social security benefits in Ukraine. Section 3 reviews the multilateral and bilateral agreements concluded by Ukraine. Section 4 discusses challenges and options for improving the social security coverage of Ukrainian migrant workers.

The first draft of this report was prepared by Ms. O. Malynovska, Doctor of Public Administration, Chief Research Officer of the National Institute for Strategic Studies. This final draft incorporates extensive comments by Kenichi Hirose, Senior Specialist in Social Security, ILO Decent Work Technical Support Team for Central and Eastern Europe (ILO DWT/CO–Budapest). Ramon Pebenito, intern at ILO DWT/CO Budapest, provided editorial assistance in finalizing this report. Athena Bochanis edited this report.

This report was developed in the framework of the EC-funded ILO technical cooperation project “Effective Governance of Labour Migration and its Skill Dimensions for Moldova and Ukraine”.

We trust that this report, together with the publication “Social Security Coordination: A comprehensive guide for Ukraine” published earlier under the above-mentioned project, can contribute to the efforts of the Ukrainian authorities to develop better policies and strategies to effectively extend social security agreements for Ukrainian migrant workers.

Budapest, November 2012

Mark Levin
Director
ILO DWT/CO–Budapest

Kenichi Hirose
Senior Specialist in Social Security
ILO DWT/CO–Budapest

Contents

Foreword	v
1. Migration situation and migration policy of Ukraine	1
1.1 Social and economic development of Ukraine since 1990	1
1.1.1 Economic and labour market context	1
1.1.2 Income, wages and poverty	3
1.1.3 Demographic context	5
1.2 Main characteristics of the migration processes	5
1.2.1 Overview	5
1.2.2 Characteristics of migration	7
1.3 Development of labour migration policy in Ukraine	11
1.3.1 Emergence of migration policy in the 1990s	11
1.3.2 Formation of labour migration policy in the 2000s	12
1.3.3 Recent developments since 2010	13
2. The social security system in Ukraine	15
2.1 Overview	15
2.2 Pensions	18
2.3 Unemployment benefits	19
2.4 Employment injury benefits	20
2.5 Social assistance	20
2.6 Sickness benefits, maternity benefits and funeral grants	21
2.7 Health care	21
3. Social security agreements	23
3.1 CIS countries	23
3.2 Member States and other countries	24
4. Issues and options for improving the social security for migrant workers	29
4.1 Social security agreements with the CIS countries	29
4.2 Social security agreements with the European countries	29
4.3 Implementation of social security agreements	31
4.4 Concluding remarks	31
References	34
Annex	
International agreements of Ukraine concerning labour migration and social security	37

Tables

Table 1	GDP per capita in selected European countries, 1996–2010 (in thousand USD (PPP))	3
Table 2	Average net annual wages in selected European countries, 2010 (in Euro)	4
Table 3	Number of Ukrainian migrants in selected European countries, 2004–2010 (in thousands)	7
Table 4	Amounts of major social security and social assistance benefits, 2010–2012 (in UAH)	16
Table 5	Social security coverage of Ukrainian migrant workers by country of employment, 2008 (%)	30

Figures

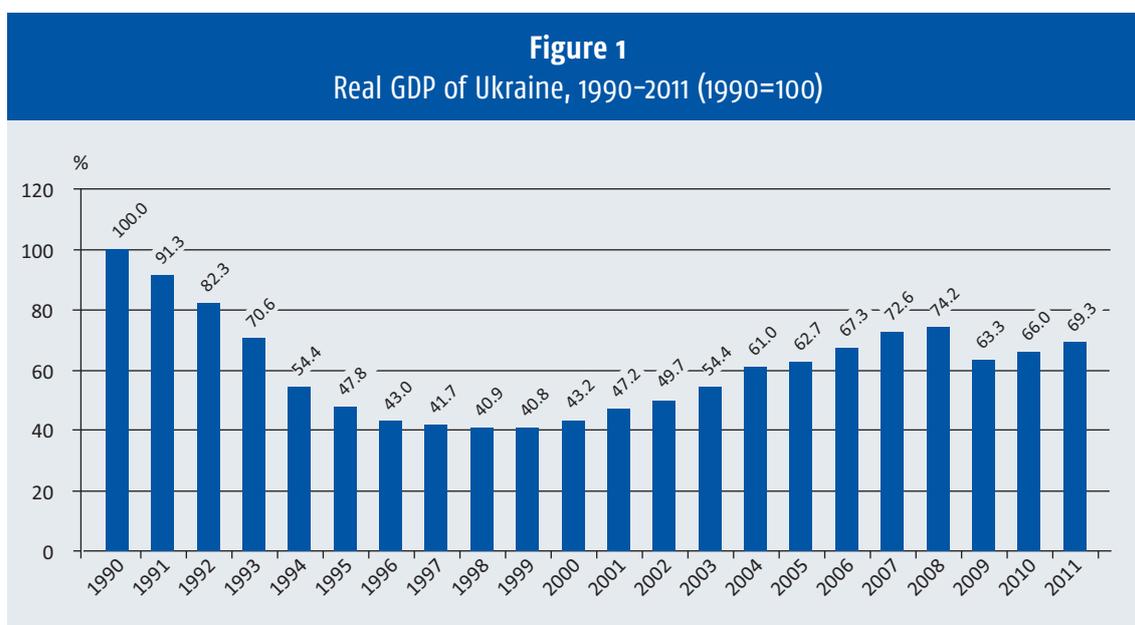
Figure 1	Real GDP of Ukraine, 1990–2011 (1990=100)	1
Figure 2	Unemployment rates in Ukraine, 1995–2011	2
Figure 3	International migration of Ukraine, 1991–2011 (in thousands)	6
Figure 4	Number of newly employed Ukrainian migrant workers through recruitment agencies, 2008 (in thousands)	8
Figure 5	Share of Ukrainian migrant workers by country of employment, 2008 (%)	9
Figure 6	Share of Ukrainian migrant workers by employment sector, 2008 (%)	9
Figure 7	Percentage of irregular Ukrainian migrant workers by country of employment, 2001 (%)	10

1. Migration situation and migration policy of Ukraine

1.1 Social and economic development of Ukraine since 1990

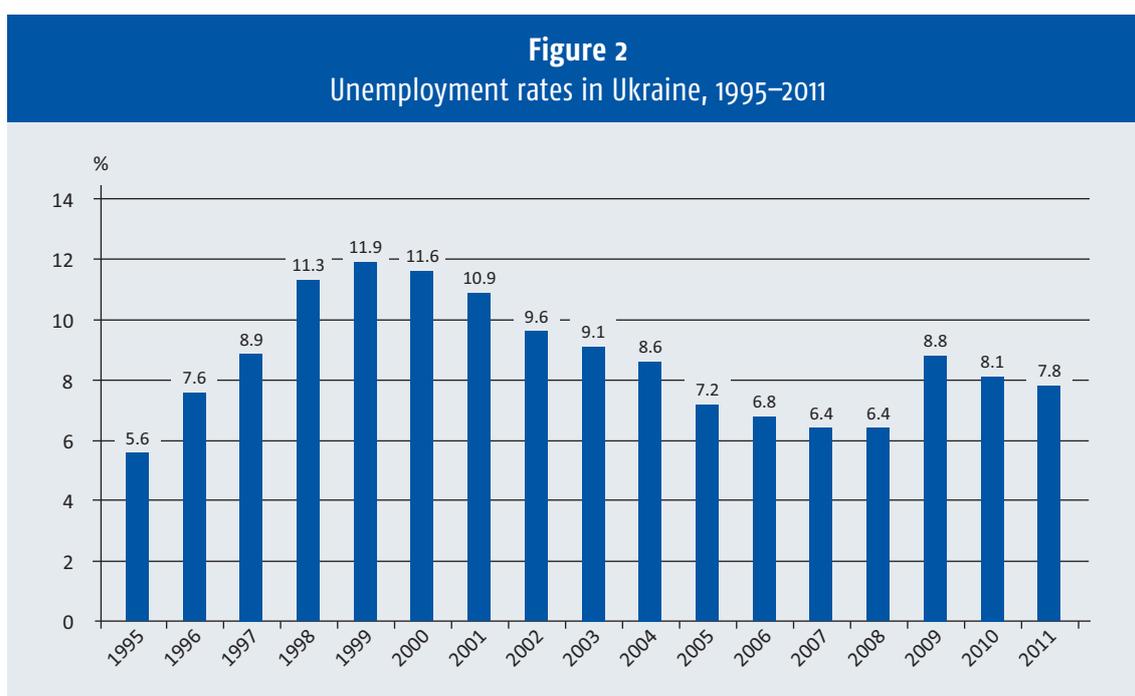
1.1.1 Economic and labour market context

The transition period following the independence of Ukraine in 1991 was marked by a deep systemic crisis. As shown in Figure 1, real GDP shrunk by almost 60 percent during the 1990s. It was only after 2000 that the economic situation started to improve. The average annual GDP growth rates reached 7.5 percent in the period 2000–2007, although real GDP reached only 74.1 percent of its 1990–level by 2008. The economic growth in this period was mainly driven by fortuitous international demand for raw materials produced by Ukraine. Necessary upgrades of the economy and required structural adjustments were not implemented. As a result of the global economic crisis that started in 2008, demand for Ukrainian products abroad collapsed and the subsequent fall in the prices of raw materials caused immediate production declines. Consequently, GDP contracted by 15.1 percent in 2009. Since then, post-crisis economic recovery has been slow. The GDP in 2011 reached only 69.3 percent of its 1990–level (See Figure 1).



Source: State Statistics Service of Ukraine

Figure 2 presents the unemployment rates in Ukraine for the period 1995–2011. At the end of the 1990s, the Ukrainian labour market recorded its highest unemployment rates. According to ILO methodology, 2.6 million persons – or 11.6 percent of the population aged 15–70 – were unemployed in 2000. Following the subsequent economic revival, unemployment rates decreased consistently to 6.4 percent by 2008. However, the unemployment rate increased to 8.8 percent in the crisis year of 2009, and slightly decreased to 7.8 percent in 2011.



Source: State Statistics Service of Ukraine (according to ILO methodology)

In January 2012, the number of officially registered unemployed persons (determined according to the ILO methodology) was 482,800, or 28.1 percent of the total unemployed aged 15–70. This means that more than 70 percent of the unemployed were not registered with the employment services. In analyzing unemployment in Ukraine, one should take into account the growing number of informal employment (such as cropping in garden plots), partial employment, and labour migration abroad.

The employment rate, defined as the percentage of employed persons in the population aged 15–70, decreased significantly during the 1990s and rebounded only in the 2000s. It increased from 55.8 percent in 2000 to 59.3 percent in 2008, and stood at 59.5 percent in 2011, which is still below the 1990-level. Ukraine exhibits low employment rates in comparison with other European countries.

In terms of job structure, the Ukrainian labour market is dominated by low-technology jobs that require an unqualified and low-paid labour force. Over 57 percent of industry branches employ low-skilled labour, while the percentage of high- and medium-skilled labour is less than 13 percent. There is a large mismatch between the skill-sets and qualifications of the available labour

force and the needs of the economy. It is estimated that only 20 percent of workers who have completed higher education work in their fields of specialization, whereas 40 percent change their profession within two years of graduation. This explains the increasing shortage of employees in Ukraine, despite the country's high unemployment levels. The shortage of employees is currently estimated at 500,000.

Another major problem with the labour market is the limited employment opportunities in rural regions. Consequently, a significant number of villagers and residents of small towns look for jobs in cities, mainly in the capital and abroad. According to a survey of rural communities, 49.3 percent of rural regions lack any entities of economic activity.

1.1.2 Income, wages and poverty

Table 1 compares Ukraine's GDP per capita (in terms of US dollars adjusted by purchasing power parity) with other European countries. Likewise, Table 2 compares the net annual wages in 2010 in terms of euro. These comparisons show that the income and wage levels of Ukraine are considerably lower than those of other European countries.

Table 1					
GDP per capita in selected European countries, 1996–2010 (in thousand USD (PPP))					
	1996	2000	2006	2008	2010 Index (Ukraine = 100)
Germany	21.9	25.5	13.3	35.9	37.4 (527)
Italy	21.8	25.0	29.8	30.2	28.9 (407)
Spain	17.9	21.8	28.4	31.1	30.2 (425)
Greece	14.1	17.4	24.6	28.5	27.8 (392)
Portugal	14.7	18.3	20.8	22.1	23.0 (324)
Czech Republic	13.8	15.4	21.2	22.8	25.5 (359)
Slovakia	9.3	11.3	16.9	21.3	23.2 (327)
Hungary	10.0	13.2	17.9	17.8	19.5 (275)
Poland	8.1	10.4	14.5	17.3	19.9 (280)
Russia	5.8	7.1	11.6	15.6	16.8 (237)
Ukraine	3.6	4.1	7.5	7.2	7.1 (100)

Source: State Statistics Service of Ukraine

Table 2
Average net annual wages in selected European countries, 2010 (in Euro)

Country	Average annual wage	Index (Ukraine = 100)
Germany	24,909	2,292
Italy	18,377	1,691
Spain	15,861	1,459
Greece	11,220	1,032
Portugal	10,863	999
Czech Republic	7,645	703
Slovakia	5,772	531
Hungary	5,703	525
Poland	5,411	498
Russia	5,454	502
Ukraine	1,087	100

Source: Eurostat, Federal State Statistics Service of the Russian Federation, State Statistics Service of Ukraine

Although cheap low-skilled labour has long been considered a comparative advantage for Ukraine, it has made a negative impact on employment motivation and hindered productivity improvement. The real wage increased in the economic recovery period of the 2000s, but it decreased by 9.2 percent in the crisis year of 2009. Since 2010, the average real wage has increased from 2,239 UAH to 2,633 UAH in 2011, and to 2,722 UAH in January 2012.

In addition, a considerable number of workers receive wages which do not conform to proper remuneration. At the end of 2011, 700,000 workers in Ukraine received the minimum wage (1,004 UAH, equivalent to 126 USD per month), and 1.3 million received even less. A total of 19 percent of employed persons received income less than the minimum living wage in 2011. Moreover, the practice of wage arrears re-emerged during the economic crisis. In 2009, the sum of arrears exceeded 1.6 billion UAH. Although the situation improved when the economy started to revive, overdue wages were still 1 billion UAH as of January 2012. In 85 percent of poor households, at least one family member is employed. This implies that employment does not provide the effective means to reduce poverty in Ukraine.

Poverty in Ukraine spread considerably during the transition period of the 1990s. Due to the economic recovery at the beginning of the 2000s, the incidence of absolute poverty (those earning below the minimum living wage) reduced significantly, from 70.6 percent in 2000 to 12.8 percent in 2008. During recent years it increased to 22 percent in 2010, then decreased to 17 percent in 2011. Alongside these developments, experts emphasize that the living wage does not reflect the actual absolute poverty line. The living wage is undervalued because it is established by the Verkhovna Rada (Parliament) of Ukraine, and therefore is constrained by the State budget.

The incidence of relative poverty (those earning below 75 percent of the median spending of households) was 24.1 percent in 2010. Thus, 10.7 million persons in 3.5 million households were poor according to this criterion. Of these, 32.3 percent were rural households and 20.2 percent were urban households, with 16 percent of poor people residing in large cities and 28 percent in small towns. The incidence of relative poverty has remained almost unchanged, even in periods of high economic growth. This reflects a growing income inequality: the average household income of the top decile is 5.2 times more than the bottom decile.

1.1.3 Demographic context

The economic transition of the 1990s resulted in the rapid reduction of birth rates and a decline in the population. The total fertility rate in 2000–2001 was 1.1 children per woman. This rate increased to 1.5 children per woman in 2007–2008 as the result of an improved economy and active State intervention. For instance, the government introduced substantial childbirth benefits in 2005 and regularly increased these amounts in the following years. However, in light of the recent economic crisis, the total fertility rate fell to 1.4 children per woman in 2009–2010 and remains below the replacement level. The population of Ukraine, which was 52.2 million in 1993, decreased to 45.6 million as of January 2012. In particular, the rural population decreased almost by 2.5 million in the above period, and its share in the total population dropped from 32.1 percent to 31.3 percent. The declining population and migration outflows have led to the desolation of villages and the closure of the settlement net. From 1995 to 2011, 407 rural settlements disappeared from the map of Ukraine.

Despite some improvement in the birth rates of recent years, the declining and ageing population trend is inevitable for Ukraine. Although such a demographic trend is a common phenomenon in Europe, it is exacerbated in Ukraine by a combination of high mortality rates (mainly of working-age males) and migration abroad. Some demographic estimates show that the total population in Ukraine will further decrease to 39.2 million by 2050 and that the percentage of the population aged 65 or more will increase from the current 16 percent to 25 percent by 2050.

During the 1990s, the life expectancy decreased by more than 3 years for men and more than 1 year for women. After 2005, the life expectancy improved. In 2010, the life expectancy in Ukraine was 65.3 years for men and 75.5 years for women. The current life expectancy slightly exceeded the 1992-level, but it is still low compared to industrialized countries. The high working-age mortality rates are ascribed to deteriorating living conditions, weaknesses in the health care system, and social factors (e.g. accidents, work injuries, suicides and murders, health problems related to alcohol consumption and smoking, and infectious diseases, particularly tuberculosis and HIV/AIDS).

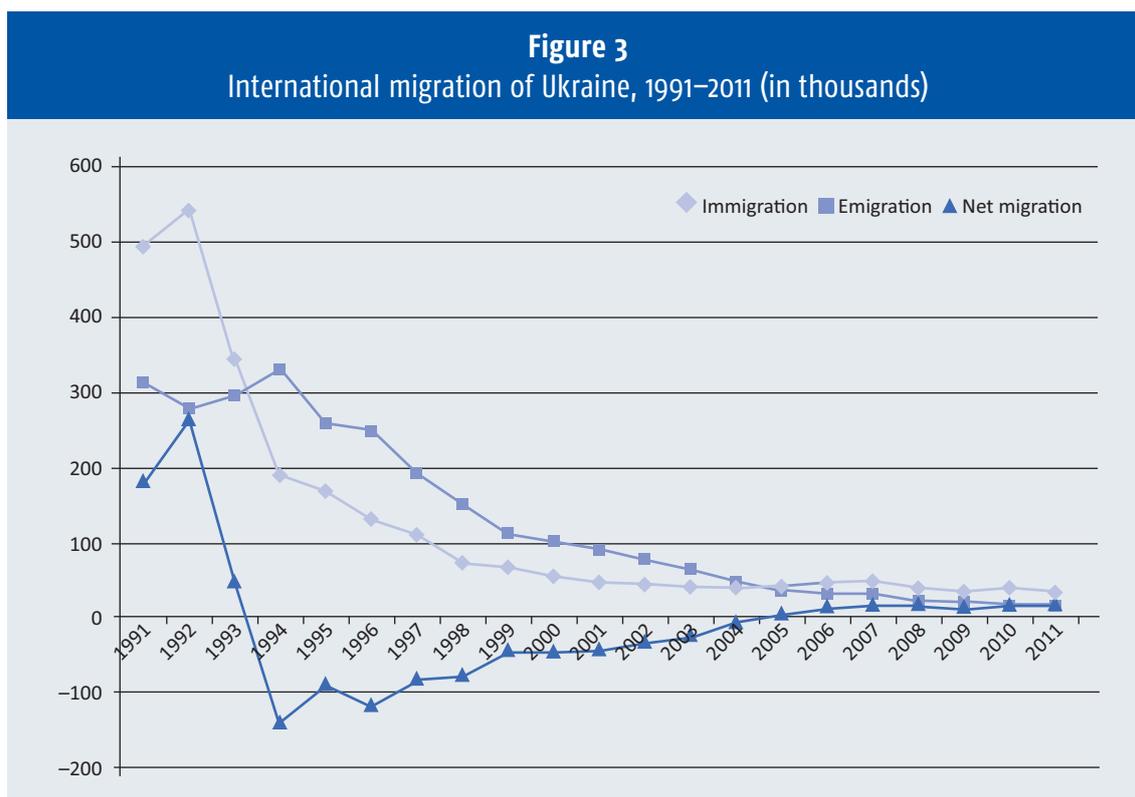
1.2. Main characteristics of the migration processes

1.2.1 Overview

In Ukraine, migration for the purpose of employment has become the most significant migration flow, which led some authors to call Ukraine the “Mexico of Europe”. According to UN data, the number of Ukrainians living abroad is 6.6 million, or 14.4 percent of the current population in

Ukraine. Globally, Ukraine is fifth in terms of the number of emigrants, following Mexico, India, the Russian Federation, and China. Historically, the majority of Ukrainian emigration before 1990 was due to movements within the USSR (for example, immigration from Russia, Kazakhstan and Moldova) or to political and ethnic post-war emigration (for example, emigration to Poland, Israel and Germany). After 1990, the number of migrants from Ukraine increased considerably, mainly due to increases in those who went to work abroad.

Figure 3 presents the data on the international migration of Ukraine from 1991 to 2011.



Source: State Statistics Service of Ukraine

The breakup of the USSR led to enormous geopolitical changes, including the creation of new independent States and the emergence of renewed ethnic conflict. Migration in Ukraine in the early 1990s was characterized by mass repatriation from former republics of the USSR, including persons deported and repressed under the totalitarian regime. The opening of the boundaries also caused departures to the West (e.g. through the reception programmes of Germany, Israel and the United States). However, due to the mass influx of immigration to Ukraine, net migration was positive in the early 1990s.

Starting in 1994, however, Ukraine's net migration became negative. The composition and nature of the cross-boarder movements of persons also began to change. First, the migration flow became divided between emigration to the West and to the East. Second, economic motives became the determinant factor for migration, rather than political and ethnic factors.

In the period of economic recovery in the 2000s, the negative net migration from Ukraine reduced gradually, and from 2005 onwards a small but positive migration balance has been recorded in the official statistics. In 2011, the net migration to Ukraine was 17,000 persons (the difference of 31,700 migrants entering and 14,600 leaving).

However, these official migration statistics need to be interpreted with caution. Following the collapse of the USSR, the Soviet system controlling citizens' movement (the so-called "propiska" system) was abolished. This caused people to considerably under-declare changes in their place of residence, especially when they consider their movement to be temporary (as is the case with labour migration).

The population census of Ukraine in 2001 showed that the negative migration balance in the 1990s was 1.7 times more than the one recorded in the official statistics. As shown in Table 3, there is also a considerable discrepancy between the official data of Ukraine and the data of destination countries.

Table 3 Number of Ukrainian migrants in selected European countries, 2004–2010 (in thousands)							
States	2004	2005	2006	2007	2008	2009	2010
Germany	15.0	11.8	7.7	7.8	6.8	n/a	n/a
	7.0	4.0	1.7	2.0	1.4	1.6	1.9
Italy	11.2	15.9	15.0	15.8	24.4	23.0	30.4
	0.1	0.1	0.1	0.2	0.2	0.2	0.2
Spain	10.3	8.8	8.8	9.5	6.5	4.4	6.6
	0.1	0.2	0.2	0.3	0.2	0.3	0.4
Czech Republic	15.0	23.9	30.2	39.7	n/a	n/a	n/a
	0.4	0.3	0.4	0.5	0.4	0.5	0.7
Russia	17.7	30.8	32.7	51.5	49.0	45.9	27.5
	25.9	19.0	18.2	17.5	12.4	9.9	5.9

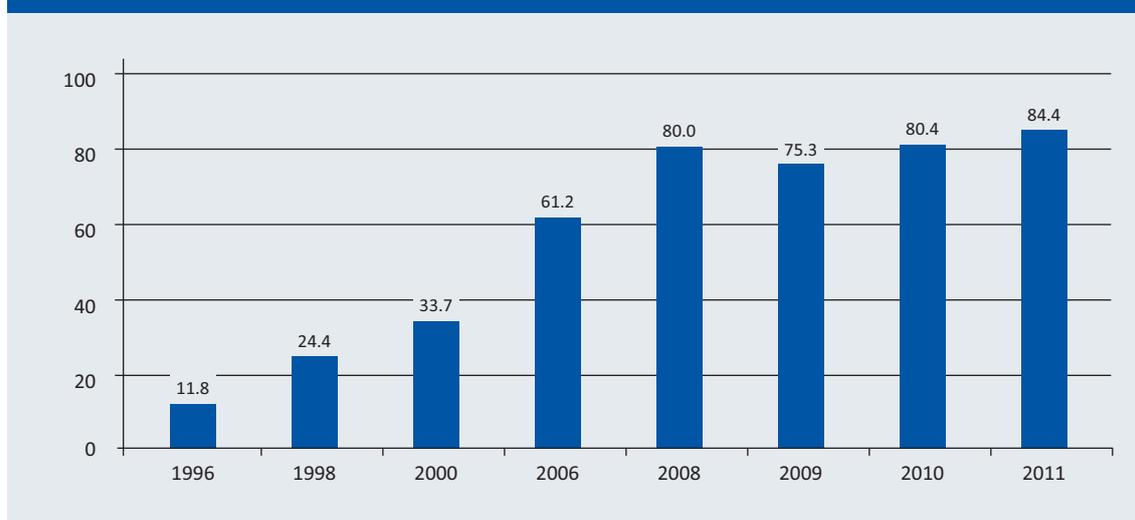
Source: State Statistics Service of Ukraine, State Statistics Service of the Russian Federation, Eurostat

Notes: First data row is from country where migrant resides. Second row is from Ukrainian statistics.

1.2.2 Characteristics of migration

Due to the data problems mentioned above, the size of labour migration can be assessed only by indirect methods. As Figure 4 presents, according to the data of the recruitment agencies, the number of Ukrainians who were newly employed by foreign employers increased rapidly from 11.8 thousand in 1996 to 80 thousand in 2008. In the crisis year of 2009, the number decreased only slightly to 75.3 thousand. By 2011 it had increased to 84.4 thousand.

Figure 4
Number of newly employed Ukrainian migrant workers through recruitment agencies, 2008
(in thousands)



Source: Ministry of Social Policy of Ukraine

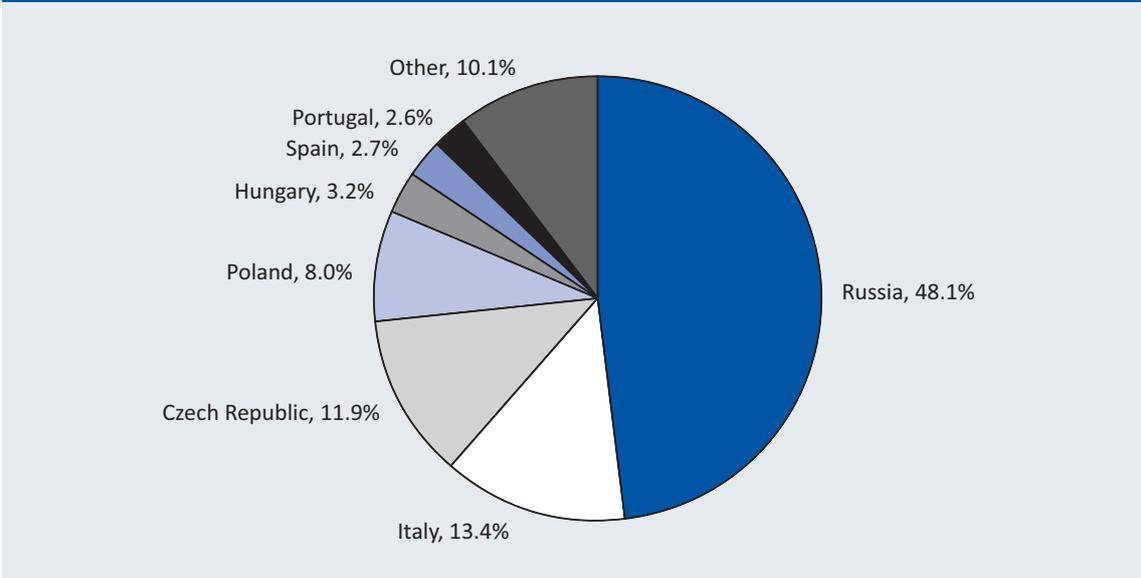
In 2001 and 2008, the State Statistics Service of Ukraine carried out comprehensive surveys on labour migration. According to the 2001 survey, which covered 18,000 people of working age across eight border regions of Ukraine, the total number of temporary labour migrants was estimated at 2.3 to 2.7 million, or about 10 percent of the working-age population. This estimate was consistent with the assessments made by the Ministry of Foreign Affairs based on the information from various embassies, according to which up to 2.5 million citizens were abroad for work. At the same time, based on the analysis of labour market data, the Ministry of Social Policy estimated that 3 million persons migrated for employment purposes.¹

The 2008 survey had a larger sample size, including 48,000 individuals of working-age in 22,000 households throughout Ukraine. It revealed that 1.5 million Ukrainians, or 5.1 percent of the working-age population, had at least one experience working abroad during the period 2005–2008. This result was less than the result of 2001 survey because the 2008 survey did not cover the period before 2005 or the individuals who had never returned to Ukraine from 2005–2008. Overall labour migration also decreased in this period due to high economic growth in Ukraine.

Figures 5 and 6 present the share of Ukrainian migrant workers by country of employment and by employment sector, respectively. In 2008, nearly half of Ukrainian migrant workers worked in Russia, and the others worked in the neighbouring countries in Central Europe (Poland, Czech Republic, Hungary, Slovakia), as well as in Southern Europe (Italy, Spain, Portugal, Greece). The main employment sector was construction, which employed more than half of migrant workers, followed by housekeeping, agriculture, trade and production.

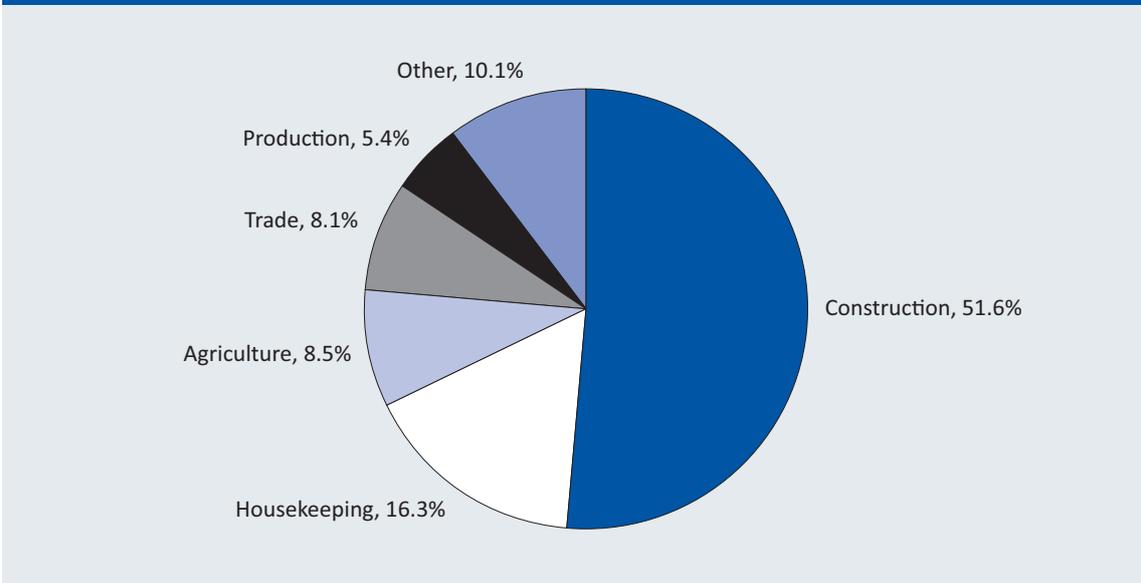
¹ Presented at the parliament hearing of 17 November 2004 regarding "State and problems concerning the legal and social status of modern Ukrainian labour migration".

Figure 5
Share of Ukrainian migrant workers by country of employment, 2008 (%)



Source: State Statistics Service of Ukraine

Figure 6
Share of Ukrainian migrant workers by employment sector, 2008 (%)



Source: State Statistics Service of Ukraine

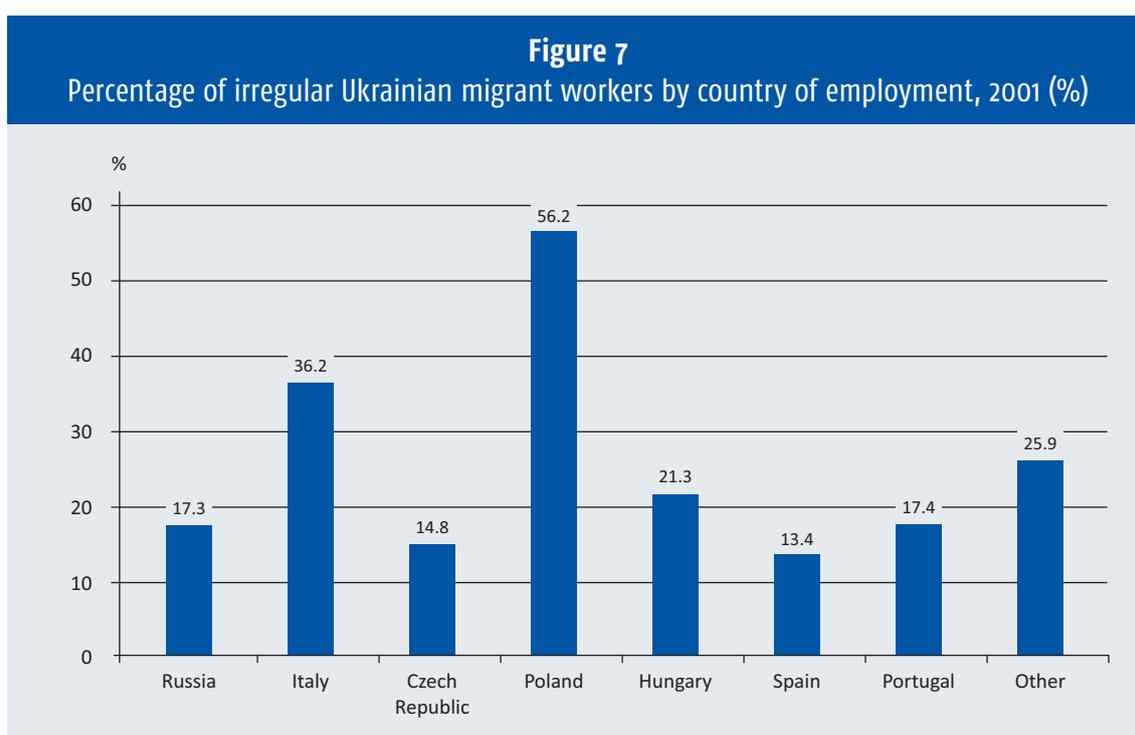
In terms of the gender composition of migrant workers, the data reveals that the percentage of women increased significantly, from 24.0 percent in 2001 to 32.8 percent in 2008. The gender structure of migrants depends on their country of stay and the nature of their work. For example, 57 percent of male migrants went to Russia, mainly to work in construction, while 25.1 percent of female migrants went to Italy, mainly working in housekeeping.

The average age of migrant workers increased from 34.6 years in 2001 to 36.7 years in 2008. The average age of female migrant workers was 37.9 years, which was 1.7 years older than the average age of male migrant workers.

A majority of migrants are city dwellers (55 percent). However, among migrant workers in the working-age population, 4.0 percent are urban residents and 7.9 percent are rural inhabitants. Though border inhabitants were the first group to work abroad, migrant workers now come from all across the country. However, some regional differences exist. The highest percentage of migrant workers of working-age come from the Western region (13.2 percent), followed by the Central region (3.8 percent), the Eastern region (3.2 percent), the Southern region (2.6 percent) and the Northern region (1.4 percent).

The educational characteristics of labour migrants have also changed. In the 1990s, highly educated persons were the first to go abroad, but once abroad they often engaged in unskilled work. According to the 2001 survey, 18.8 percent of labour migrants had completed higher education. In the 2008 survey it had dropped to 13.5 percent, due probably to the improvement of employment conditions for high-skilled workers in Ukraine and a growing demand for blue-collar workers in the international labour market.

A number of Ukrainians work abroad without proper permits. However, as a result of the migration amnesties of several countries (as in Italy, Portugal, and Greece) and the introduction of legislation which expanded the possibilities of legal employment for foreigners (as in Russia and Poland), the situation improved as compared to the 1990s. According to the 2008 survey, 35.1 percent of migrant workers had a residence and work permit, 39.3 percent had temporary registration, and 25.6 percent of migrants had no official status abroad. As shown in Figure 7, the percentage of irregular migrant workers was highest in Poland (56.2 percent) and Italy (36.2 percent).



Source: State Statistics Service of Ukraine

At the same time, the problem of human rights violations against migrant workers, particularly those of irregular status, remains acute. According to the assessments based on the large-scale sociological surveys carried out in 2006 and 2008 by a research company, the estimated number of Ukrainian victims of human trafficking since the 1990s amounts to 100,000.

The global crisis does not seem to have had a major impact on labour migration, although one cannot exclude the possibility of a reduction of income, loss of legal status, and increase in illegal employment. First, despite the crisis, the economic situation in foreign countries was still more favourable than in Ukraine. Second, despite the reduction in construction projects, migrants managed to keep their workplaces in housekeeping, agriculture or transport. With economic recovery in neighbouring States, particularly in Russia, labour migration from Ukraine was activated again.

1.3. Development of labour migration policy in Ukraine

1.3.1 Emergence of migration policy in the 1990s

In Ukraine, the democratic values and international standards of human rights protection were the basis of the migration policy, with a view to building an open democratic society and integrating into the international community. However, the development of Ukraine's migration policy, in particular the labour migration policy, faced complex conditions of the transition period and lacked much-needed experience and resources. The migration policymaking process was therefore unsystematic and to some extent inconsistent.

The introduction of the right to free movement was a revolutionary change. The old Soviet system of controlling migration was abolished by the decision of the Government of January 1993. The Law of Ukraine on the Procedure of Exit from Ukraine and Entry into Ukraine of Citizens of Ukraine was passed on 21 January 1994, which guarantees the possibility of free movement to and from the State territory.

Subsequently, in 1991, the Law on the Employment of the Population came into force, which allows for the labour or entrepreneurial activity of citizens during temporary stays abroad (Article 10). The Law stipulates that the interests of Ukrainian migrant workers are protected by international agreements. The Law also contains provisions approving and regulating the job placement agencies of Ukrainian migrant workers.

The Constitution of Ukraine of 28 June 1996 was extremely important for the development of migration policy. The Constitution guarantees its citizens the right to work, also for employment by foreign employers. At the same time, the State assumes the constitutional obligation to protect its citizens staying abroad through diplomatic measures. Importantly, the Constitution stipulates that migration must be governed exclusively by law.

Although the government opened its borders and issued passports for going abroad, the government delayed instituting measures necessary to regulate migration. The Decree of the President of Ukraine on the Main Directions of Social Policy through 2000, issued on 18 October 1997, is considered the first attempt to conceptualize the national migration policy of Ukraine. The main focus of

the migration policy at the time was on the reception of repatriates (mainly the previously deported Crimean Tatars), the protection of refugees due to ethnic conflict in the former Soviet territories, as well as the fight against growing illegal migration. Labour migration regulation was not mentioned in the Decree. The need for the social protection of migrant workers was mentioned only as a subsidiary issue.

1.3.2 Formation of labour migration policy in the 2000s

Labour migration was listed as one of the priorities of Ukraine's migration policy only in 2000. In the Presidential Decree on the Main Directions of Social Policy through 2004, issued on 24 May 2000, labour migration was included in three of the six main tasks in the regulation of migration processes. These are: (i) the protection of social and economic interests of Ukrainian migrant workers; (ii) the preservation of labour and intellectual potential of Ukraine; and, (iii) the creation of legal and socioeconomic grounds for regulation of the external labour migration of citizens.

A special report of the Ombudsman of the Verkhovna Rada of Ukraine in 2003 on the issue of labour migration played an important role in placing labour migration high on the national agenda. Consequently, the Parliament called for the government to strengthen the regulation of intermediary job placement agencies, negotiate international agreements on labour migration, and provide migrants with necessary information. The Ombudsman's report was also an important catalyst leading to Ukraine's ratification of the European Convention on the Legal Status of Migrant Workers on 16 March 2007.

The Programme on the Provision of Rights and Interests of Citizens Going Abroad for Employment and Children Adopted by Foreigners, approved by the Cabinet of Ministers on 17 November 2004, was the first policy document devoted to labour migration issues. The Programme's key policies consisted of the ratification of relevant multilateral and bilateral agreements, the improvement of organizational principles for providing intermediary job placement agencies, and the prevention of illegal migration and human trafficking.

The parliamentary hearings on the legal and social status of migrant workers, held on 17 October 2004, concluded that State policy should include a provision for the social protection of migrant workers abroad. Also discussed was the need to assist return migrants and promote the investment of migrants' remittances in Ukraine.

The Strategy of Demographic Development for the Period 2006–2015, approved by the Government in 2006, was the next step in the formation of the labour migration policy. As migration regulation was considered a means of mitigating the population decline, it focused on reducing the illegal migration of citizens abroad. However, for the first time, this Strategy also mentioned that increased opportunities should be provided for the legal job placement of Ukrainian citizens abroad. To achieve this, it suggested that international agreements on labour migration and social security be ratified, that the educational documents of migrant workers be recognized, that quotas for the job placement of Ukrainians be increased, and that job placement agreements be concluded with developing countries in need of specialists.

The Strategy also included a provision to assist return migrants. Specifically, it called for the development of social and occupational adaptation programmes for returning workers through skills improvement and retraining. The Strategy also envisioned the expansion of employment opportunities in Ukraine through the development of small-scale business and entrepreneurship, the creation of new jobs, the distribution of information on job vacancies using the national database, and the promotion of internal population migration. The Strategy also recommended that the fees attached to migrants' remittances be reduced.

However, the law-making process faced several setbacks and complications. In its Decision dated 15 June 2007, the National Security and Defence Council of Ukraine concluded that the State migration policy was conceptually uncertain, and that its principles, strategic tasks, aims, and standards of human rights protection were absent. Following the above Decision, the Cabinet of Ministers was tasked to draft Concept of State Migration Policy of Ukraine and enact relevant laws in the field of migration regulation, and to create the State Migration Service, the central executive body in the field of migration. However, these tasks were not fulfilled due to political instability and disagreement between the President, Parliament and government.

1.3.3 Recent developments since 2010

The approach taken by Ukraine's European partners has motivated Ukraine's new political leadership to resume efforts to improve the national migration policy and develop proper legislative and institutional frameworks. For example, the Action Plan on Visa Liberalization, submitted to Ukraine by the European Commission in November 2010, requested that Ukraine develop a migration management strategy, enact relevant legislation, improve their asylum system, introduce the monitoring of migration processes, and create an efficient institutional structure of migration management. The Action Plan also called for the creation of conditions allowing for the reintegration of returning migrants.

Following this, two Presidential Decrees were issued, one on the National Plan of Fulfilment of the Action Plan on Visa Liberalization dated 22 April 2011, and the other on the Concept of State Migration Policy of Ukraine dated 30 May 2011. The Concept of State Migration Policy confirmed that the main strategic tasks in the field of migration are to improve the legislation and migration management with regard to free movement, the protection of refugees, and action against racism and xenophobia. The Concept also seeks to strengthen the protection of migrant workers abroad, create conditions for the return of emigrants, and fight against illegal migration and human trafficking.

The issuance of these Decrees gave lawmakers an impetus to further pursue the law-making process. Subsequently, the Law of Ukraine on Refugees and Persons in Need of Complementary and Temporary Protection was passed in August 2011, which provides for asylum in Ukraine according to the UN 1951 Convention relating to the Status of Refugees, and various forms of subsidiary protection. In September 2011, the Parliament approved a new Law on the Legal Status of Foreigners and Stateless Persons. This law ensures more comprehensive protection of the rights of foreigners in Ukraine and prevention of human rights violations. An Executive Order of the Cabinet of Ministers of Ukraine also approved an Action Plan for the Integration of Migrants into the Ukrainian Society for 2011–2015.

These legislative changes affected the field of labour migration to a lesser extent. Soon after its creation in 2010, the Council for Labour Migration was renewed by a resolution of the Government on 12 October 2011. The Council was created under the Cabinet of Ministers of Ukraine as a permanent consulting and advisory *body* for the formation and implementation of State policy regarding the social protection of migrant workers. Representatives of the central executive bodies, the Verkhovna Rada of Ukraine, the Ombudsman of the Verkhovna Rada of Ukraine, trade unions, employers' organizations, and public organizations of migrant workers are involved in the Council. A Council meeting was held on 6 July 2012, at which this study was presented.

As a result of the administrative reform, the State Migration Service of Ukraine was created within the purview of the Ministry of Social Policy, which lacks specialized subdivision. The creation of the State Migration Service formally fulfilled the requirements set forth by the Action Plan on Visa Liberalization. The approved measures for reintegration of returning migrants are largely ineffective, since they do not lead to any concrete actions. These changes in the administration are only a formal fulfilment of the requirements set forth by the Action Plan on Visa Liberalization.

The development of migration policy in Ukraine, in particular the labour migration policy, has faced several setbacks and complications. Ukraine continues to lack labour migration policy that is substantive and deliberate. The role of the State in labour migration regulation remains unclear, and no policy has been developed on labour migration in the context of development. The current labour migration policy also lacks clear strategic goals and effective implementation mechanisms. In lieu of the increasing attention given to labour migration issues, substantial work must be done to further improve the national policy framework: specifically, to develop and implement concrete actions to organize and protect workers abroad, and to enhance international cooperation in the field.

2. The social security system in Ukraine²

2.1 Overview

The Constitution of Ukraine affirms that every citizen has the right to social security, which provides income security in the event of an incapacity for work, the loss of a breadwinner, unemployment, old-age and other cases envisaged by law.

The existing social security schemes in Ukraine are summarized as follows:

- *Pension insurance*, which provides old-age pensions, disability pensions, survivors' pensions, long service pensions and burial benefits;
- *Unemployment insurance*, which provides unemployment benefits, lump-sum benefits for employees, vocational training, retraining and professional development for the unemployed, organization of public works, etc.;
- *Sickness insurance*, which provides sickness benefits, maternity benefits, funeral assistance, sanatorium treatment and health improvement benefits;
- *Employment injury insurance*, which provides benefits for injured persons in cases of temporary disability, total disability and death due to industrial accidents, as well as medical care;
- *Social assistance*, which provides assistance to families with children, low-income families, persons disabled from childhood and children with disabilities;
- *Social protection for war veterans*, which provides lump-sum assistance, special privileges and grants for war veterans;
- *Social protection for the consequences of the Chernobyl accident*;
- *Social welfare service benefits for disabled persons*, providing free telephone installation, the provision of vehicles, the provision of carriages and prostheses, rehabilitation services and job creation.

These social security benefits are governed by the following laws:

- the Law on Mandatory State Pension Insurance (2003);
- the Law on Non-State Pension Provision (2003);
- the Law on Mandatory State Social Unemployment Insurance (2000);

² This section is an updated summary of Chapter 2 of Baranova, N. and Hirose, K., *Assessment of the Social Security System in Ukraine 2008–09: Crisis response and future reforms*, ILO, 2010.

- the Law on Mandatory State Social Insurance against Industrial Accidents and Occupational Diseases Causing Disability (1999); and
- the Law on Mandatory State Social Insurance in Case of Temporary Incapacity for Work and Expenses Incurred due to a Funeral (2001).

The social security system in Ukraine is financed by social security contributions and by the State and local budgets. Four social insurance funds have been established: (1) the Pension Fund, (2) the Unemployment Insurance Fund, (3) the Fund for benefits for temporary incapacity for work and funeral grants and (4) the Employment Injury Benefits Fund. These funds receive social insurance contributions and provide benefits and services. Although there are transfers between social insurance funds and the State budget, the funds are managed separately.

In addition, Ukraine provides social assistance benefits to families with children, low-income families, children with disabilities, and persons disabled since childhood. They are financed through the State Budget in the form of subsidies to local budgets. The main legislation includes:

- the Law on State Assistance to Families with Children (1992);
- the Law on State Social Assistance to Low-Income Families (2000); and
- the Law on State Assistance to Persons Disabled since Childhood and Children with Disabilities (2000).

The remainder of this section will outline the main features of social security benefits by branch, with special attention given to migrant workers and their families. Table 4 summarizes the social security benefit and social assistance benefit amounts from 2010 to 2012.

Table 4			
Amounts of major social security and social assistance benefits, 2010–2012 (in UAH)			
	January 2010	January 2011	January 2012
Living wage per person			
General index	825	894	1,017
Children under 6	755	816	893
Children aged 6–18	901	977	1,112
Persons of working-age	869	941	1,073
Disabled persons	695	750	822
Minimum wage	869	941	1,073
Minimum old-age pension	695	750	822

	January 2010	January 2011	January 2012
Unemployment benefits			
Minimum amount for the insured	500, but not more than the average wage	714, but not more than the average wage	825, but not more than the average wage
Minimum amount for the uninsured	360, but not more than the average wage	510, but not more than the average wage	544, but not more than the average wage
Social assistance to low income families			
Persons of working-age	182.21	21% of living wage	21% of living wage
Children	266.25	50% of living wage	50% of living wage
Disabled persons, the handicapped	294.00	75% of living wage	80% of living wage
Social assistance to families with children			
Maternity benefits	100% of average monthly income, but not less than 25% of living wage	100% of average monthly income, but not less than 25% of living wage	100% of average monthly income, but not less than 25% of living wage
Childbirth benefits			
For the first child	12,240	24,960	26,790
For the second child	25,000	49,920	53,580
For the third child and beyond	50,000	99,840	107,160
For adopted children	12,240	24,960	26,790
Childcare benefits (until child reaches three years of age)	Difference between living wage and average monthly total income of the family per person, but not less than 130 UAH	Difference between living wage and average monthly total income of the family per person, but not less than 130 UAH	Difference between living wage and average monthly total income of the family per person, but not less than 130 UAH
For children under guardianship	200% of living wage per child of relevant age	200% of living wage per child of relevant age	200% of living wage per child of relevant age
Single mothers	Difference between 50% of living wage for a child of relevant age and average monthly total income of family per person, but not less than 30% of living wage for a child of relevant age	Difference between 50% of living wage for a child of relevant age and average monthly total income of family per person, but not less than 30% of living wage for a child of relevant age	Difference between 50% of living wage for a child of relevant age and average monthly total income of family per person, but not less than 30% of living wage for a child of relevant age

2.2 Pensions

According to the current legislation, the pension system of Ukraine consists of statutory State pensions (about three quarters of the total pension expenditure), various supplementary pension schemes financed from the State budget (a quarter of the total pension expenditure), and voluntary private pension schemes (the payment of which has not yet begun). The mandatory funded pension system that was adopted in 2004 has not yet been introduced.

Old-age pensions are calculated based on the pensioner's past earnings and insurance period. The minimum old-age pension equals the living wage for persons who have lost their capacity to work. The retirement age is currently 60 years for men and 55 years for women (to be raised gradually in the future).

Depending on the degree of disability, disability pensions are calculated as follows: 100 percent of the old-age pension in case of total loss of working capacity; 90 percent of the old-age pension for those who are incapable of work or capable only under limited conditions; and 50 percent of the old-age pension for persons with disabilities who are considered to be partially capable for working.

Survivors' pensions are payable to the children, parents and dependent spouse of the deceased. In the case of one survivor, the amount of the survivors' pension is 50 percent of the old-age pension. If there are two or more survivors, the total amount of the survivors' pension is 100 percent of the old-age pension, to be shared equally. If children lose both parents, the survivors' benefit is calculated on the basis of the old-age pension of one of the parents.

In the absence of international social security agreements, persons who spent a part of their working life abroad can receive old-age pensions in Ukraine based on the length of their insurance period in Ukraine only.

Also, in the absence of social security agreements, if a migrant worker loses their working capacity as a result of a work accident in their country of employment, he or she can only receive a general disability pension, which is lower than a work-related disability pension. The family members of migrant workers will also be eligible for the survivors' pension in Ukraine in the case of the death of their breadwinner.

Ukrainians who work in countries without existing social security agreements with Ukraine, or those who are not covered by social security in their country of employment, may join the voluntary pension insurance programme. A simplified application procedure was introduced in 2008, which allows for the submission of application forms via Internet or by mail. Under the voluntary insurance programme, the individual decides their contribution amount, which should not be less than the minimum contribution (366 UAH as of mid-2012, or approximately 36 EUR per month). The voluntarily insured person can also make contributions retrospectively for the period after 2004. However, if a voluntarily insured migrant worker returns to Ukraine and finds employment there, he or she will then be compulsorily insured and will cease to be a voluntarily insured member.

As of 1 January 2011, only 4,765 persons were registered with the Pension Fund as voluntarily insured members. This low coverage can be ascribed to the general public's distrust of State financial institutions. Such a sentiment was exacerbated during the crisis years. The general behaviour of migrants is to pay minimum contributions to the Pension Fund in order to receive the guaranteed minimum pension, rather than to make large amounts of contributions and receive higher pensions.

The financing of the Ukrainian pension system has also been put under great strain in recent years. In 2009, the pension expenditure reached 18.2 percent of GDP as a result of the continuous increase in pension costs coupled with the decrease in GDP amid the global economic crisis. The deficit of the Pension Fund, which is covered by the State budget, amounted to 26.7 billion UAH in 2010. Although it was reduced to 17.7 billion UAH in 2011 and to 9.7 billion UAH (the approved budget) in 2012, the magnitude of the financial gap is substantial. As the unfavourable demographic trends progress, the system dependency ratio (defined as the ratio between pensioners and contributors) is constantly deteriorating.

On the other hand, the incidence of poverty among pensioners (especially women and persons older than 75 years of age) is increasing. It is estimated that up to 40 percent of pensioners between 55–64 years still work, including those who are employed abroad.

In these circumstances, the Law on Actions as to the Legislative Provision of the Pension System Reformation came into force on 1 October 2011. It calls for a gradual increase in the retirement age (by six months per year) until it reaches 60 years for women (by 2010) and 62 years for male civil servants. The Law provides incentives for deferred retirement by increasing the pension amount if one retires later than the normal retirement age. The increase rate is 0.5 percent per year for the first five years after the normal retirement age, and by 0.75 percent per year for the next five years. Furthermore, the law also increases the qualifying period for old-age pensions (from 5 years to 15 years), and the qualifying period for full old-age pensions (from 20 years to 30 years for women and 25 years to 35 years for men). The maximum pension contributory wage is set at ten times the minimum living wage. The Law also stipulates that the introduction of the mandatory savings pension system shall be postponed until the deficit of the Pension Fund is eliminated.

2.3 Unemployment benefits

Insured workers and persons who seek employment for the first time can receive unemployment cash benefits, information and consultation services, vocational guidance services, vocational training and retraining services.

Unemployment cash benefits are provided to insured persons who worked for not less than 26 weeks during the 12 months preceding unemployment. One's unemployment benefit replaces a certain percentage of their previous income. The benefit rate depends on the length of one's insurance period: it is 50 percent for an insurance period of less than two years and 70 percent for an insurance period of ten years. The benefits are paid in full during the first 90 days of unemployment, 80 percent of the benefit amount is paid during the next 90 days, and 70 percent of the benefit amount is paid after that. The minimum unemployment cash benefit is established by the

Unemployment Insurance Fund. Persons who were not insured or did not meet the qualifying conditions are still entitled to two-thirds of the unemployment cash benefits.

The amount of unemployment benefits cannot be more than the average wage of all types of economic activity in the relevant region of Ukraine for one month preceding the benefits' accrual.

A migrant worker who became unemployed abroad and returned to Ukraine can register as unemployed in Ukraine, receive information and other services from the employment services, and claim an unemployment cash benefit for uninsured persons.

2.4 Employment injury benefits

Benefits for work accidents and occupational diseases are provided to persons employed under employment agreements (contracts) with enterprises and establishments of all types. Self-employed persons and own-account workers are also eligible for these benefits.

Employment injury benefits include benefits in cases of temporary incapacity for work; benefits for the total loss of one's earning capacity; survivors' benefits; and medical and social assistance.

There are two types of benefits provided in cases of the loss of one's working capacity: lump-sum payments and monthly pensions, which are established according to the level of loss of one's working capacity and the average earnings of the injured worker before the accident.

In cases of death due to work accidents or occupational diseases, the deceased's family members are entitled to receive a lump-sum benefit that is not less than five times the annual wages of the deceased. The lump-sum benefit is increased by one-year's wages per additional dependent. In addition, monthly cash benefits are payable to family members of the deceased worker. Funeral costs are also reimbursed.

If an injured worker loses their working capacity temporarily as a result of a work accident or occupational disease, the Employment Injury Benefits Fund finances the costs of medical treatment, required external care, domestic service, prosthetics, special treatment, and the purchase of special transportation means.

2.5 Social assistance

Social assistance benefits are paid to families with children, low-income families, children with disabilities, and persons disabled since childhood.

For families with children, the Law provides maternity benefits (for non-insured persons); child-birth benefits; child care benefits (for children below the age of three); benefits for children under guardianship or custodianship; and child benefits for single mothers.

As mentioned earlier, childbirth benefits played an important role in the recent recovery of fertility rates. Part of the benefit is paid as a lump sum; the remaining part is paid for 12 months for the first child, 24 months for the second child and 36 months for the third child or subsequent children. Child care benefits are paid to the person who takes care of the child up to three years of age. The amount is calculated depending on the average total income of the family for the previous six months. Benefits for children under guardianship or custodianship are paid in the amount equal to two times the living wage for a child of the relevant age. Benefits are also paid to single mothers, adoptive parents, and widows and widowers with children.

Social assistance for low-income families is paid for periods of six months. It is distributed by the local authorities, and the amount is calculated as the difference between the total family income and the established living wage.

Benefits to persons who have been disabled since childhood and children with disabilities are calculated depending on the disability group and the living wage for persons with lost working capacity. Persons disabled from childhood and disabled children are entitled to an additional benefit if they take care of other disabled persons.

Family members of migrant workers are entitled to these benefits as citizens of Ukraine.

2.6 Sickness benefits, maternity benefits and funeral grants

The Fund for Social Insurance against Temporary Loss of Working Capacity provides benefits in respect of one's temporary incapacity for work (including caring for a sick family member), maternity, or funeral, and provides vouchers giving special treatment to the insured persons and members of their families. The fund also provides partial financing of health promotion activities for children.

The cash sickness benefit equals 60 percent of the average wage if one's insurance period is less than five years, 80 percent if one's insurance period is from five to eight years, and 100 percent if one's insurance period is more than eight years. Benefits equalling 100 percent of the average wage are paid to persons affected by the Chernobyl accident and to war veterans.

The maternity benefit equals 100 percent of one's previous wage, regardless of their insurance record.

2.7 Health care

Ukraine inherited its current health care system from the Soviet Union. A contributory national health insurance has not yet been introduced. Many medical institutions operate inefficiently due to staff shortages, outdated equipment, and a lack of medicine. Although the Constitution of Ukraine guarantees that every person has the right to free medical service, the quality of medical services is low and patients are often asked to cover parts of their medical costs. The absence of national health insurance has caused impediments in the negotiation of social security agreements with some countries (such as Hungary) that insist on including medical care benefits in their agreements.

3. Social security agreements

This section explains the key features of multilateral and bilateral agreements and other relevant instruments which Ukraine has concluded in order to ensure the right of social security for migrants. A list of the international agreements signed by Ukraine concerning labour migration and social security are found in the Annex.

3.1 CIS countries

After the disintegration of the USSR, the newly independent countries, including Ukraine, urgently needed to ensure that the social security rights for citizens who worked in other former Soviet republics would be recognized. In order to resolve this problem, these countries initiated efforts to coordinate social security through multilateral and bilateral agreements.

In the early 1990s, Ukraine signed several multilateral social security agreements within the framework of the Commonwealth of Independent States (CIS) concerning pension benefits³, social assistance to families with children, and employment injury benefits (see the Annex).

These CIS social security agreements were based on the principle that the social security benefits of migrants should be provided according to the legislation of their country of residence. To examine the qualifying conditions for benefits, the insurance periods of other signatory countries are taken into account. However, the costs of social security benefits are borne entirely by the country that provides them. Mutual financial settlements are not included, unless they are specified in separate bilateral arrangements.

The Agreement on Cooperation in the Field of Labour Migration and Social Protection of Migrant Workers was concluded by the CIS Member States on 15 April 1994. According to this agreement, the signatory parties are to recognize documents on education and qualification of migrant workers without legalization, avoid double income taxation, and allow for the possible transfer of assets. The agreement reaffirmed that the social security of migrant workers is provided according to the legislation of their country of employment, particularly the compensation for work accidents and occupational diseases (employment injury benefits).

3 Separate multilateral agreements were concluded concerning the pension provision for military personnel and their family members, and the social benefits for veterans of the Great Patriotic War, persons who were affected by the Chernobyl accident, and survivors of those who died in Afghanistan.

The Convention on Legal Status of Migrant Workers and Members of Their Families of the CIS Member States was signed on 14 November 2008 and ratified on 21 December 2011⁴. The Convention seeks to strengthen cooperation in the field of protection of migrant workers at the CIS level. It affirms that migrant workers, including seasonal and border workers, have equal rights with respect to working conditions as the citizens of the host country. The scope of the Convention covers all migrant workers and their family members who stay legally in the country of destination.

In addition to these multilateral agreements, Ukraine signed bilateral social security agreements with the CIS States in the 1990s. Most of these bilateral agreements adopted the principle of the responsibility of the country of residence. Such agreements were signed with Azerbaijan, Belarus, Georgia, Kazakhstan and Moldova. Ukraine also inherited the bilateral social security agreements of the USSR with Hungary, Mongolia and Romania, which are based on the same principle.

In the 1990s, these agreements helped resolve the pension provision issues facing Ukrainian citizens who worked in other former USSR countries or who resided in other former USSR countries as pensioners. However, these agreements were only effective if the signatory countries implemented pension systems similar to those that were inherited from the Soviet period. In the 2000s, the situation changed considerably, as a number of countries reformed their State pension systems with respect to the retirement age, the insurance period required for qualifying for a pension, and the pension formula. In this context, the implementation of these agreements now faces various complications. Moreover, differences between pension systems may distort the migration process. For example, if Russia applies a lower retirement age and a shorter qualifying period than Ukraine, it could result in an increased migration outflow to Russia.

In the first half of the 1990s, Ukraine also concluded bilateral labour migration agreements with CIS Member States such as Armenia, Azerbaijan, Belarus, Moldova and the Russian Federation. These agreements provide for the recognition of documents on education and qualification without requiring that these documents be legalized, and the recognition of labour experience in one's employment record. Most of the labour migration agreements additionally provide for compensation for work accidents and occupational diseases according to the legislation of the country where the employment occurs.

3.2 EU Member States and other countries

As a result of the continuous expansion of labour migration, Ukraine has made an effort to conclude labour migration and social security agreements with countries outside the CIS, notably with the EU Member States.

From 1993 to 1996, Ukraine signed labour migration agreements with Poland (supplemented by a protocol on seasonal employment in 2005), the Czech Republic, Slovakia, Lithuania, and Latvia⁵. All of these agreements, which are almost identical in structure, provide only a general framework

4 The Convention came into force in Ukraine on 1 March 2012.

5 The terms of validity of the agreements with the Czech Republic and Slovakia have already been expired.

of bilateral cooperation. The main disadvantage of these agreements is the complexity of their application. For example, the agreement with the Czech Republic initially provided a quota of 25,000 Ukrainian workers (which was subsequently increased to 60,000), but in reality only 16,000 Ukrainians are employed in the Czech Republic.

The labour migration agreements that Ukraine signed with Libya and Portugal in 2003 provide greater specifications. These agreements include provisions on the process of the selection of candidates, the main requirements of applicants, and the terms of employment contracts. The labour migration agreement with Spain, concluded in 2009, covers permanent workers, seasonal workers and interns. However, no one has been employed following the procedures defined by these agreements. This is mainly due to the complex governmental procedure officially required by the two countries, which both employers and migrant workers try to avoid. The migrant workers mainly use private recruitment agencies or contact foreign employers directly, for instance, via specific vacancies through their respective websites.

In the opinion of Ukrainian experts, these labour migration agreements do not effectively regulate labour migration or guarantee the rights of migrant workers. Rather, they represent a declaration of the partners' intention to develop cooperation in the field of employment. As for the right to social security, the agreements refer either to national legislation or to special bilateral social security agreements. Consequently, social security agreements are now considered a priority instrument to achieve more concrete objectives.

Ukraine ratified the Agreement on Partnership and Cooperation between Ukraine and the European Communities and their Member States⁶ on 10 November 1994. Article 25 of the Agreement provides that the parties should enter into social security agreements for Ukrainians who work legally in the EU. Such agreements should allow for the aggregation of the workers' insurance periods when calculating pensions, the provision of medical care, and the export of pensions.

Ukraine also ratified the European Convention on the Legal Status of Migrant Workers (1977) on 16 March 2007. It obliges the signatory States to ensure equal treatment of social security for migrant workers and their family members, and requires that these acquired rights be maintained.

To date, Ukraine has concluded bilateral social security agreements with Bulgaria, Estonia, Spain, Latvia, Lithuania, Slovakia and the Czech Republic. An agreement with Portugal was signed in 2009 and ratified in December 2011. The negotiations with Germany are almost finished and await final signature. However, attempts initiated by Ukraine to conclude social security agreements with Italy and Greece have not yet materialized. These social security agreements apply to migrant workers, persons who reside permanently abroad, and stateless persons and refugees who are protected by the relevant national legislation. They cover whole branches of social security, i.e. old-age, disability and survivors' pensions, medical care, sickness and maternity, and employment injury. Some agreements (for example, those concluded with Estonia, Latvia, Lithuania and Portugal) cover unemployment insurance as well.

⁶ This Agreement was valid from 1998 to 2008. It was replaced by an Association Agreement, which was signed on 30 March 2012.

Unlike the agreements with the CIS countries, the bilateral social security agreements with the EU Member States are based on the following basic principles:

- equality of treatment, which means that a migrant worker should have, as far as possible, the same rights and obligations as the nationals of the destination country;
- the determination of the applicable legislation, ensuring that, by establishing the rules for determining the applicable legislation, the social security of a migrant worker is governed at any one time by the legislation of one country only;
- the maintenance of the acquired rights and provision of benefits abroad, which means that any acquired right, or right in course of acquisition, should be guaranteed to the migrant worker in one territory, even if it has been acquired in another, and that there should be no restriction on the payment, in any of the countries concerned, of benefits for which the migrant has qualified in any of the others; and,
- the maintenance of the rights in the course of acquisition, which means that where a right is conditional upon the completion of a qualifying period, account should be taken of periods served by the migrant worker in each country.

An underlying fundamental principle is reciprocity, which means that each country that is a party to the agreement undertakes to apply the same mechanisms as every other party to make social security benefits more accessible to migrant workers.

In the calculation of pensions to be paid by each country, the *pro rata* formula is usually applied. This means that each country pays a pension amount based on the insurance period accrued in its territory. This way, each State is responsible for its part of any insurance obligations.

It should be noted that disability and survivors' pensions due to work-related accidents or diseases are paid by the State where the injured person was insured. Generally no insurance period is required to qualify for these benefits.

Benefits for a temporary loss of working capacity and maternity benefits are also paid by the State where the employee was located at the time of temporary incapacity for work or maternity. Unemployment benefits are paid by the State where the person resides permanently. However, to determine one's benefit amount, the insurance periods acquired in both countries are taken into account.

It is important to note that these agreements provide for the export of benefits abroad when the beneficiary moves to another State. In 2011, the Pension Fund of Ukraine transferred USD 1.3 million and EUR 971,800 to 2,482 Ukrainian pensioners in 19 foreign countries and received USD 2.3 million and EUR 342,000 from foreign countries. Some pensions from foreign countries (Spain, for example) are paid directly to the pensioners.

These agreements are also important for those who permanently leave Ukraine. The current Ukrainian legislation still contains a provision to terminate pension payments for pensioners who permanently reside abroad unless there is an agreement with the country of residence (except for disability and survivors' pensions due to work accidents or occupational diseases). Although the

Constitutional Court of Ukraine recognized this rule as unconstitutional⁷, amendments have not yet been approved by Parliament.

Ukrainian experts have concluded that, overall, these agreements ensure the social security of Ukrainian citizens who work legally in the signatory countries, although specific difficulties still occur at the implementation stage. The social security agreements also encourage legal employment and provide incentives for migrant workers to return to Ukraine.

It is expected that the exchange of insurance records will be increasingly important following the recent reform of the Ukrainian pension system. This reform gradually extends the required insurance period for old-age pensions from five years to 15 years. Moreover, it will extend the required insurance period for full old-age pensions from 20 years to 30 years for women, and from 25 years to 35 years for men.

7 Decision the Constitutional Court of Ukraine No.25-RP/2009, 7 October 2009.

4. Issues and options for improving the social security for migrant workers

4.1 Social security agreements with the CIS countries

When the multilateral and bilateral social security agreements were concluded with the CIS countries, these countries provided similar benefit structures that were mostly inherited from the USSR. However, many countries have implemented considerable changes in their social security systems over the years, particularly in their pension systems. The major changes include increases in the retirement age, increases in the qualifying period for pensions, and the introduction of mandatory-funded pension systems.

Therefore, as the national social security systems display increasing diversification, the social security agreements concluded with the CIS – which require the country of residence to be responsible for providing social security to migrants – have gradually lost their relevance and are no longer effective instruments of social protection for migrant workers.

In response to these situations and in line with international practice, there is a need to revise the existing social security agreements with the CIS States or to conclude new agreements based on the reciprocity principle.

4.2 Social security agreements with the European countries

Despite the number of social security agreements concluded between Ukraine and the European countries, the social security coverage of Ukrainian migrants remains low. This can be explained by the following:

- A large number of migrant workers and seasonal migrant workers lack proper employment contracts.
- There is a lack of effectively-implemented social security agreements. The existing social security agreements are ineffective due to deficiencies in the agreements and the weak implementation capacities of States.

According to the 2008 labour migration survey carried out by the State Statistics Service, only 35.1 percent of workers abroad had both residence and work permits. Although 83.6 percent of migrant workers were employed, only 34.5 percent signed employment contracts, and the rest had only informal (mostly oral) arrangements. By occupation, the percentage of migrant workers with

employment contracts equalled 16.1 percent of household workers, 31.5 percent of trade workers, and 32.7 percent of construction workers. Moreover, Table 5 shows that 21.1 percent of employment contracts did not provide for social security and other rights. Only 51.5 percent of employment contracts provided for social security, 9.4 percent provided for annual leave, and 3.6 percent provided for paid sick leave. A relatively high share of migrant workers were covered by social security in Spain, Hungary and the Czech Republic, due to the higher shares of legally employed Ukrainian employees in these countries.

	All social security benefits	Paid annual leave	Paid sick leave	Not covered by any social security	Not determined
Total	51.5	9.4	3.6	21.1	14.4
Russian Federation	34.3	10.1	7.2	35.2	13.2
Italy	46.2	20.5	—	24.4	8.9
Czech Republic	54.7	8.2	1.4	13.8	21.9
Poland	51.9	—	—	23.1	25.0
Hungary	69.6	—	—	12.5	17.9
Spain	75.1	2.5	—	7.0	15.4
Portugal	44.7	25.6	16.3	9.9	3.5
Other countries	74.0	5.9	0.6	6.9	12.6

Source: State Statistics Service of Ukraine

In principle, a migrant worker with an employment contract is subject to national social security legislation even if their contract does not mention it explicitly. However, the legislation of some States does not provide for automatic social security coverage for all categories of migrant workers. For example, the Russian Federation provides social security coverage only for migrant workers with contracts for longer than six months. Consequently, a large number of Ukrainian workers who use visa-free entry or three-month legal stay periods in Russia and those who work on a short-term rotating basis⁸ are not covered by Russian social security.

In some cases, the national social security legislation of destination countries does not fully meet the needs of migrant workers. For example, the benefit levels paid by Turkmenistan's social security system are very low in terms of UAH. The Baltic countries similarly do not provide for the same range of payments as in Ukraine. Since the Unemployment Insurance Fund of Ukraine does not keep individual contribution records, migrant workers are faced with difficulty if they need to prove their insurance record, for instance if they are trying to claim unemployment benefits in their country of stay. In addition, since Ukraine has not introduced a national health insurance system,

⁸ These include rotational workers in hazardous conditions (e.g., in oil and gas extraction) in the North and in Western Siberia.

the coordination of medical benefits is outside the scope of the bilateral social security agreements.

In recent years, Ukraine has actively concluded bilateral agreements on social security with its main destination countries. Ukraine has signed social security agreements with eight EU Member States, including Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, the Slovak Republic, Portugal and Spain. However, there have been no agreements signed with some countries that receive large numbers of Ukrainian migrant workers, such as Italy and Greece. In this regard, it should be noted that the European Commission issued a Communication on 30 March 2012 on “The external dimension of EU social security coordination”, which urges Member States to further develop social security coordination with non-EU countries.

4.3 Implementation of social security agreements

Ukraine also faces major challenges in the implementation of social security agreements. Some agreements are not accompanied with the administrative arrangements necessary for their implementation. Although the agreements specify which institutions are competent to implement the agreements, the institutions lack the necessary organizational structure and human resources to do so. For example, the Pension Fund of Ukraine has only five staff members in the international relations department to process the 600 inquiries it receives from abroad per week.

The implementation of the agreements is further impeded by a lack of necessary skills (such as linguistic knowledge) on the part of the staff. This is particularly problematic because the Pension Fund must process forms completed in 14 languages. Therefore, additional resources must be allocated for document translation so that the social security agreements can be effectively administered. There are also misunderstandings with regard to medical conclusions, since different health indicators are used in different countries.

As a result, it is estimated that only 7–10 percent of Ukrainian citizens who are registered in the consulates of foreign countries receive social security benefits based on the agreements.

The lack of data makes it difficult to fully assess the efficiency of the implementation of the agreements. When the Ukrainian institution pays pension benefits to a citizen abroad it does not obtain information on the survival status of the pensioner, even though there are provisions in the agreements calling for an information exchange between the liaison bodies. In addition, the State bodies that dealt with pensions before the establishment of the Pension Fund only kept the records of lost pension rights (due to death or emigration) for five years. It has been very difficult to restore the individual records of pensioners whose relevant documents were lost.

4.4 Concluding remarks

Since the 1990s, Ukrainian migration has increased considerably both in terms of size and geographical coverage. It is estimated that at least three million Ukrainians have experience working abroad. Despite the economic benefits of labour migration, it has created new problems as well.

One of the most urgent problems connected with labour migration is the lack of social security for migrant workers.

Failure to provide migrant workers with social security has a number of consequences. The non-payment of contributions has an immediate impact on the social security funds. Furthermore, if a considerable number of migrants do not meet the qualifying conditions, this increases the poverty risk for their families, and additional funds from the State budget are required to provide different types of social benefits. If the social security of migrants is not regulated properly, the problem will be increasingly noticeable in the future. Considering the deficits of the social security funds and the State budget, along with the demographic transition currently underway, the issue of securing social security benefits for migrant workers requires increased attention from the State.

Ensuring the right to social security for migrant workers through the coordination of social security systems is one of the priorities of Ukraine's national migration policy. Ukraine is a party to the multilateral agreements within the CIS and has recently concluded a number of bilateral social security agreements with European countries.

Nevertheless, the level of social security protection for Ukrainian migrants remains low.

- First, there is a problem with informal labour migration. A number of migrant workers do not have employment contracts or are seasonal migrant workers (in particular Ukrainians who work on a rotational basis in Russia).
- Second, there is a gap in the existing coordination instruments. Agreements based on the territorial principle, such as the multilateral agreements concluded with the CIS countries, are no longer adequate. In addition, despite efforts made by the Ukrainian authorities, bilateral social security agreements have still not been signed with some of the major destination countries such as Italy and Greece. The recent Communication of the European Commission, which urges Member States to further develop social security coordination with non-EU countries, could further this process.
- Third, the implementation of the social security agreements in Ukraine has faced setbacks due to insufficient administrative mechanisms and a lack of human and financial resources for capacity-building.

Based on the analysis made in this assessment, the Ukrainian government should consider the following strategic measures to improve its current situation:

- Negotiate further social security agreements with the major countries of destination of Ukrainian migrant workers.
- Evaluate the effectiveness of the bilateral agreements concluded with the CIS States based on the territorial principle; conduct analyses on the effect of applying this principle to persons who worked in the USSR period, but applying the reciprocity principle to persons who started working after the USSR break-up.
- Develop possible options for providing social security for temporary migrant workers, particularly Ukrainians employed in the Russian Federation for periods of less than six months.
- Review the implementation of existing agreements, and take the measures necessary to improve their implementation abroad and in Ukraine (e.g., through improved legislation).

- Strengthen the cooperation on data exchange between the Ukrainian ministries and the liaison bodies in Ukraine and in other countries.
- Provide technical assistance for the implementation of the existing social security agreements; in particular, strengthen the capacity of the social security institutions which are in charge of implementing social security agreements.
- Improve the work of the diplomatic and consular missions of Ukraine on the protection of migrants' rights; for example, assign staff who provide migrant workers with assistance on issues related to employment and social security within the diplomatic and consular missions of Ukraine in the main destination countries.
- For Ukrainian migrant workers in countries that have signed social security agreements with Ukraine: disseminate information on migrant workers' rights arising out of the labour migration and social security agreements.
- For Ukrainian workers in countries that have not yet signed social security agreements with Ukraine: encourage participation in the voluntary pension insurance schemes and distribute information on its application and benefits.
- Remove the limitations on the retrospective payment of pension contributions for migrants who have returned and found employment in Ukraine.
- Amend the pension legislation on the payment of pensions abroad, so that the costs of transferring pension payments abroad are not charged to the Pension Fund.
- Consider ratifying the ILO Conventions in the field of labour migration and social security of migrants (in particular Conventions Nos. 97, 143, 102, 118 and 157) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

To achieve these goals, the ILO has assisted Ukraine in the framework of the social security component of the technical cooperation project "Effective Governance of Labour Migration and its Skill Dimensions for Moldova and Ukraine". In particular, the ILO has provided technical assistance to build State capacity for negotiating and implementing bilateral and multilateral social security agreements. In addition, the ILO organized an "Experts' training on social security agreements" on 20–22 March 2012, and provided financial support to the Ukrainian authorities to initiate preliminary discussions with European countries that are interested in concluding social security agreements with Ukraine.

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The Law of Ukraine on the Legal Status of Foreigners and Stateless Persons (22.09.2011 No. 3773-VI);

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The Law on Non-State Pension Provision (09.07.2003 No. 1057-IV);

The Law on Mandatory State Social Unemployment Insurance (02.03.2000 No. 1533-III);

The Law on Mandatory State Social Insurance against Industrial Accidents and Occupational Diseases

Causing Disability (23.09.1999 No. 1105-XIV);

The Law on Mandatory State Social Insurance in Case of Temporary Incapacity for Work and Expenses Incurred due to a Funeral (18.01.2001 No. 2240-III);

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Annex

International agreements of Ukraine concerning labour migration and social security

State	Name of agreement	Date of signing	Date of ratification or entry into effect
BILATERAL AGREEMENTS			
Azerbaijan	Agreement between the Government of Ukraine and the Government of the Republic of Azerbaijan on cooperation in the field of pension security	Signed in Baku on 28.07.1995 for an uncertain term	Ratified on 07.05.1996, Came into force on 02.11.1996
	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Azerbaijan on labour activity and social protection of Ukrainian citizens working temporarily in the territory of the Republic of Azerbaijan and Azerbaijani citizens working temporarily in the territory of Ukraine	Signed on 03.06. 2004 Ratified by the VRU on 22.02.2006 Came into force on 20.11.2007	
Belarus	Agreement between the Government of Ukraine and the Government of the Republic of Belarus on labour activity and social protection of citizens of Ukraine and the Republic of Belarus working outside their States	Signed in Minsk on 17.07.1995 for 5 years, renewed automatically for 1 year	Ratified on 26.04.1996, Came into force on 16.07.1996
	Agreement between the Government of Ukraine and the Government of the Republic of Belarus on guarantees of citizens' rights in the field of pension security	Signed in Kyiv on 14.12.1995 for an uncertain term	Came into force on 11.02.1997
Bulgaria	Agreement between Ukraine and Republic of Bulgaria on social security	Signed in Sofia on 04.09.2001	Ratified on 22.11.2002, Came into force on 01.04.2003
	Agreement between the Ministry of Labour and Social Policy of Ukraine and National Insurance Institute of the Republic of Bulgaria on the application of the Agreement between Ukraine and the Republic of Bulgaria on social security	Signed on 21.05.2004	Came into force on the date of signing

State	Name of agreement	Date of signing	Date of ratification or entry into effect
Armenia	Agreement between the Government of Ukraine and the Government of the Republic of Armenia on labour activity and social protection of citizens of Ukraine and the Republic of Armenia working outside their States	Signed in Kyiv on 17.06.1995 for 5 years, renewed automatically for 1 year	Ratified on 26.04.1996, Came into force on 10.06.1996
Vietnam	Agreement between the Government of Ukraine and the Government of the Social Republic of Vietnam on the mutual employment of citizens and their social protection	Signed in Hanoi on 08.04.1996 for 5 years, renewed automatically for 1 year	Ratified on 04.02.1998, Came into force on 06.03.1998
Georgia	Agreement between the Government of Ukraine and the Government of the Republic of Georgia on cooperation in the field of pension security	Signed in Tbilisi on 09.01.1995 for an uncertain term	Ratified on 22.11.1995, Came into force on 22.12.1995
Estonia	Agreement between the Government of Ukraine and the Government of the Republic of Estonia on cooperation in the field of social security	Signed in Kyiv on 20.02.1997 for an uncertain term	Ratified on 04.11.1997, Came into force on 28.01.1998
	Agreement between the Ministry of Labour and Social Policy of Ukraine and Ministry of Social Affairs of the Republic of Estonia on the order of applying the Agreement between the Government of Ukraine and the Government of the Republic of Estonia on cooperation in the field of social security	Signed on 20.02.1997	Came into force on 28.01.1998
Spain	Agreement between Ukraine and the Kingdom of Spain on the social security of citizens	Signed in Madrid on 07.10.1996 for an uncertain term	Ratified on 17.12.1997, Came into force on 27.03.1998
	Administrative agreement on the order of applying the Agreement between Ukraine and Spain on the social security of citizens	Signed on 17.01.2001	Came into force on the date of signing
	Agreement between Ukraine and Spain on the regulation and settlement of labour migration flows between the two States	Signed on 12.05.09	Ratified on 01.12.2010, Came into force on 28.07.2011
Kazakhstan	Agreement between the Ministry of Social Protection of Population of Ukraine and the Ministry of Social Protection of Population of the Republic of Kazakhstan on cooperation in the field of pension security	Signed in Almaty on 21.09.1995	Came into force on the date of signing
Latvia	Agreement between the Government of Ukraine and the Government of the Republic of Latvia on labour activity and social protection of persons residing permanently in Ukraine and Latvia and working in the territory of both states	Signed in Kyiv on 21.11.1995 for 5 years, renewed automatically for 1 year	Came into force on the date of signing

State	Name of agreement	Date of signing	Date of ratification or entry into effect
	Agreement between Ukraine and the Republic of Latvia on cooperation in the field of social security	Signed in Kyiv on 26.02.1998 for an uncertain term	Ratified on 19.03.1999, Came into force on 11.06.1999
	Agreement between the Ministry of Labour and Social Policy of Ukraine and Ministry of Welfare of the Republic of Latvia on the order of applying the Agreement between Ukraine and the Republic of Latvia on cooperation in the field of social security	Signed on 04.07.2001	Came into force on the date of signing
Libya	Agreement between Ukraine and the Socialist People's Libyan Arab Jamahiriya on cooperation in the field of employment	Signed on 14.10.2003	Ratified on 15.06.2004, Came into force on 01.09.04
Lithuania	Agreement between Ukraine and the Republic of Lithuania on social security	Signed in Vilnius on 23.04.2001 for an uncertain term	Ratified on 10.01.02, Came into force on 08.02.2002
	Agreement between the Ministry of Labour and Social Policy of Ukraine and the Ministry of Social Protection and Labour of the Republic of Lithuania on the order of implementation of the Agreement between Ukraine and the Republic of Lithuania on social security	Signed in Vilnius on 09.12.2005	Came into force on the date of signing
	Agreement between the Government of Ukraine and the Government of the Republic of Lithuania on the mutual employment of citizens	Signed on 28.03.1995 for 3 years, renewed automatically for 1 year	Came into force on 11.08.1995
Moldova	Agreement between the Government of Ukraine and the Government of the Republic of Moldova on the labour activity and social protection of citizens of Ukraine and the Republic of Moldova who work outside their States	Signed in Kyiv on 13.12.1993 for 5 years, renewed automatically for 1 year	Came into force on 25.02.1994
	Agreement between the Government of Ukraine and the Government of the Republic of Moldova on guarantees of the rights of citizens in the field of pension security	Signed in Kishinev on 29.08.1995 for an uncertain term	Ratified on 29.10.1996, Came into force on 19.12.1996
Mongolia	Agreement between the Union of Soviet Socialist Republics and the Mongolian People's Republic on cooperation in the field of social security	Signed in Ulan Bator on 06.04.1981	Ratified on 02.12.1981, Came into force on 28.01.1982
Poland	Agreement between the Government of Ukraine and the Government of the Republic of Poland on the mutual employment of workers	Signed in Warsaw on 16.02.1994 for 3 years, renewed automatically for 1 year	Came into force on 19.12.1994

State	Name of agreement	Date of signing	Date of ratification or entry into effect
Portugal	Agreement between Ukraine and the Republic of Portugal on the temporary migration of citizens of Ukraine for work in the Republic of Portugal	Signed in Kyiv on 13.02.2003	Ratified on 20.11.2003, Came into force on 27.03.2005
	Agreement between Ukraine and the Republic of Portugal on social security	Signed in Lisbon on 07.07.2009	Ratified on 21.12.2011
	Administrative agreement as to the procedure of applying the Agreement between Ukraine and the Republic of Portugal on social security	Signed in Lisbon on 07.07.2009	Came into force on the date of signing
Russia	Agreement between the Government of Ukraine and the Government of the Russian Federation on the labour activity and social protection of citizens of Russia and Ukraine who work outside their States	Signed in Moscow on 14.01.1993 for 5 years, renewed automatically for 1 year	Came into force on the date of signing
	Temporary Agreement between the Government of Ukraine and the Government of the Russian Federation on guarantees of the rights of citizens who worked in the areas of the Far North and locations equated to the areas of the Far North, in the field of pension security	Signed in Moscow 15.01.1993	Came into force on the date of signing, valid till entering into agreement by the parties on social security
	Agreement on the order of transfer and payment of pensions according to the Temporary Agreement between the Government of Ukraine and the Government of the Russian Federation on the guarantees of rights of citizens who worked in the areas of the Far North and locations equated to the areas of the Far North, in the field of pension security dated January 15, 1993	Signed in Kyiv on 30.07.1996	Came into force on the date of signing, valid during the Temporary Agreement validity term
Romania	Agreement between the Union of Soviet Socialist Republics and the People's Republic of Romania on social security	Signed in Bucharest on 24.12.1960	Ratified on 10.05.1961, Came into force on 27.06.1961
Slovakia	Agreement between Ukraine and the Slovak Republic on social security	Signed in Bratislava on 6.12.2000	Ratified on 20.09.2001, Came into force on 01.01.2002
	Administrative Agreement on the application of the Agreement between Ukraine and the Slovak Republic on social security	Signed in Kyiv on 21.06.2004	Came into force on the date of signing
Hungary	Agreement between the Union of Soviet Socialist Republics and the People's Republic of Hungary on social security	Signed in Budapest on 20.12.1962	Ratified on 31.05.1963, Came into force on 12.04.1963

State	Name of agreement	Date of signing	Date of ratification or entry into effect
Czech Republic	Agreement between Ukraine and the Czech Republic on social security	Signed in Kyiv on 04.07.2001 for an uncertain term	Ratified on 22.11.2002, Came into force on 01.04.2003
	Administrative Agreement on application of the Agreement between Ukraine and the Czech Republic on social security	Signed in Prague on 25.06.2003	Came into force on the date of signing
	Protocol on the introduction of changes into the Administrative agreements on application of the Agreement between Ukraine and the Czech Republic on social security	Signed on 19.10.2006	
Switzerland	Agreement between the Cabinet of Ministers of Ukraine and the Federal Council of the Swiss Confederation on exchange of interns	Signed in Bern on 28.11.2003	Ratified on 16.09.2008, Came into force on 27.10.2008
AGREEMENTS WITHIN THE CIS			
	Agreement on guarantees of the rights of citizens of the CIS member states in the field of pension security	Signed in Moscow on 13.03.1992 <i>Signed by:</i> Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan and Moldova with remarks made by Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. <i>Not signed by:</i> Georgia	Came into force on the date of signing
	Agreement on the mutual recognition of rights to travel, and the privilege of veterans of the Great Patriotic War, as well as persons equated to them (within the CIS)	Signed in Moscow on 12.03.1993. <i>Not signed by:</i> Azerbaijan, Georgia	Came into force on the date of signing
	Agreement on the mutual recognition of privileges and guarantees for veterans of the Great Patriotic War, veterans of combat operations in the territory of other states, families of deceased veterans (within the CIS)	Signed in Moscow on 15.04.1994. <i>Not signed by:</i> Azerbaijan, Georgia	Came into force on 07.11.1994 Came into force in Ukraine on 27.06.1996
	Agreement on cooperation in the field of labour migration and social protection of migrant workers (within the CIS)	Signed in Moscow on 15.04.1994. <i>Signed by all Member State participants of the CIS</i>	Came into force on 11.08.1995 Came into force in Ukraine on 22.08.1995. <i>Not ratified by</i> Georgia, Turkmenistan

State	Name of agreement	Date of signing	Date of ratification or entry into effect
	Protocol on making amendments to the Agreement on cooperation in the field of labour migration and social protection of migrant workers, dated April 15, 1994	Signed in Moscow on 25.11.2005	Ratified on 16.03.2007
	Agreement on the social protection and health protection of citizens who were subjected to radiation as a result of the Chernobyl accident and other radiation catastrophes and accidents, as well as nuclear tests (within the CIS)	Signed in Moscow on 09.09.1994 <i>Signed by: Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan and Ukraine.</i>	Came into force on 11.08.1995 Came into force in Ukraine on 29.05.1996. The entry into force was confirmed by: Armenia, Belarus, Kyrgyzstan.
	Protocol on making amendments to the Agreement on social protection and health protection of citizens who were subjected to radiation as a result of the Chernobyl accident and other radiation catastrophes and accidents, as well as nuclear tests, dated September 9, 1994	Signed in St. Petersburg on 18.10.2011	
	Agreement on guarantees of the rights of citizens in the field of social benefit payments and compensation payments to families with children and alimonies (within the CIS)	Signed in Moscow on 09.09.1994 <i>Signed by all CIS member states</i>	Came into force on 12.04.1995 Came into force in Ukraine on 30.01.1996. Not ratified by: Georgia, Turkmenistan.
	Agreement on mutual recognition of rights to the compensation of damage caused to workers in case of permanent injury, occupational disease or another health damage connected with their fulfilment of employment duties (within the CIS)	Signed in Moscow on 09.09.1994 <i>Signed by all CIS member states</i>	Came into force on 06.10.1995 Came into force in Ukraine on 06.10.1995 Not ratified by: Turkmenistan.
	Agreement between the CIS Member States on social and legal guarantees for military men, persons dismissed from service and members of their families	Signed in Minsk on 14.02.1992	
	Agreement on the order of investigation of production accidents that occurred during workers' stays outside the State of their residence (within the CIS)	Signed in Moscow on 09.12.1994 <i>Signed by all CIS member states</i>	Came into force on 24.02.1995 Came into force in Ukraine on 10.01.1996. Not ratified by: Georgia, Turkmenistan.

State	Name of agreement	Date of signing	Date of ratification or entry into effect
	Protocol to the Agreement between the CIS member states on the social and legal guarantees of military men, persons dismissed from service and the members of their families, dated 14.02.1992	Signed in Moscow on 25.01.2000	Ratified by Ukraine with remarks on 07.06.2001
	Agreement on State social benefits to members of military families whose military member was killed in Afghanistan or other State where combat operations were carried out	Signed in Moscow on 24.09.1993	Submitted for ratification by the Resolution of the Cabinet of Ministers of Ukraine, dated 11.07.2007 No. 918
	Convention on legal status of migrant workers and members of their families of the CIS member states	Signed in Kishinev on 14.11.2008	Ratified on 21.12.2011, Came into force in Ukraine on 01.03.2012

Source: Ministry of Social Policy of Ukraine