

Fines for breach of labour law

On 3 February 2016, the Cabinet of Ministers of Ukraine amended the Procedure for imposition of fines for breach of labour legislation and employment of citizens, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 509 dated 17 July 2013.

Thus, the amendments to the Procedure provide that fines can only be imposed on the following basis of:

- the ruling of a court on registration of labour relations with the employee who has been performing work without execution of a labour agreement with specification of the period of work or doing part-time work while the actual work was performed full-time as established within the entity, institution, organization;
- the act by the State Inspection of Ukraine in Labour Matters on breach of labour legislation and employment of citizens issued following inspection of the employer.

Also, the Resolution specifies that failure to voluntarily pay fines are subject to enforcement:

- by regional employment centers through courts on the basis of case materials submitted by the territorial authorities of the State Inspection of Ukraine in Labour Matters (in relation to fines specified in paragraphs two, five and six of Article 53 of the Law of Ukraine «On employment of citizens»);
- by the territorial authorities of the State Inspection of Ukraine in Labour Matters through courts (in relation to fines specified in paragraphs three, four and seven of Article 53 of the Law of Ukraine «On employment of citizens»);
- by the authorities of the State Enforcement Service (in relation to fines specified in paragraph two of Article 265 of the Labour Code of Ukraine).