



Topic of the issue:

How can employers prepare for a new lockdown?

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As the incidence of COVID-19 in Ukraine increases, the Government and Parliament are preparing for the possible introduction of a new lockdown. In particular, this is evidenced by the Resolution [No. 1004-IX](#) dated 17.11.2020 «On Timely Informing Citizens in Case of Intensifying Anti-epidemic Measures to Properly Prepare for Such Intensification» recently adopted by the Parliament of Ukraine. This regulation obliges the Cabinet of Ministers in case of necessity to introduce bans throughout Ukraine or in a separate region (administrative and territorial unit) to prevent the spread of COVID-19:

- to introduce more than one of the restrictive measures from the list provided in the Resolution in the relevant territory, only if the relevant decision is published **no later than 7 calendar days before their entry into force**
- **no later than 7 calendar days** before the commencement of two or more measures, to inform about the programs (measures) that will be implemented (taken) to support vulnerable groups, employees and business entities, in particular regarding the organization of workers' transportation to work and back





Note:

This publication is not a legal advice and provides only general information about the most important legislation changes in Ukraine. In order to avoid any risks prior to making any decisions related to information contained in this publication, please, seek the legal advice.

- **no later than 7 calendar days** before the commencement of two or more measures, to submit a draft Law of Ukraine **on state support and benefits to the population and business entities** that suffer negative consequences due to intensified anti-epidemic measures to the Parliament of Ukraine. The three draft laws [No. 4429](#), [No. 4430](#), [No. 4431](#) were already registered in the Parliament

We also recommend remembering our tips and preparing for possible scenarios in advance.

Options for employers and employees

	Requirements	Employee's consent
 Remote (home-based) work (Art. 60 of the Labor Code)	<ul style="list-style-type: none"> ■ unless it contradicts the specifics of an employee's job responsibilities ■ is formalized by the employer's order based on applications from employees if any ■ concluding additional agreements to written employment agreements (if any and subject to the parties' consent) 	Not required*
 Shutdown (Art. 113 of the Labor Code)	<ul style="list-style-type: none"> ■ no work is actually performed, but an employee reserves the right to earnings in the following amounts**: <ul style="list-style-type: none"> — at least 2/3 of the pay rate – shutdown not through the employee's fault, including for the period of quarantine imposed by the Cabinet of Ministers — average earnings – shutdown due to a dangerous production situation ■ to be formalized by a shutdown certificate and an order of the employer 	Not required
 Unpaid leave (Art. 26 of the Law of Ukraine "On Leaves")	<ul style="list-style-type: none"> ■ on an employee's application ■ according to Law No. 530-IX of 17.03.2020 such a leave may last until the established quarantine period ends and is not paid (either by the employer or by the State) 	Required
 Paid leave (if possible)	<ul style="list-style-type: none"> ■ on an employee's application ■ if there are unused leave days** 	Required (for the quarantine period – out of schedule)

NB!

If the need arises **to reduce the number of employees or the staff (par. 1 part 1 Art. 40 of the Labor Code)**, the employer is obliged^{**}:

- **to consult with the trade union** (if any) at least 3 months in advance
- **to warn the employees** at least 2 months in advance
- **to inform the employment service** about the redundancy if it is mass redundancy:
 - **10 or more employees during 1 month** – for enterprises with the number of employees from 20 to 100
 - **10% or more employees during 1 month** – for enterprises with the number of employees from 101 to 300
 - **20 % or more employees during 3 months** – regardless of the number of employees
- **to pay severance** in an amount of not less than the average monthly earnings^{**}

* For the time of a threatening epidemic, pandemic spread and/or for the time of a military, man-made, natural or other threat (Art. 60 of the Labor Code)

** Higher guarantees may be established by a collective agreement and/or individual employment agreements