

The current licences of crewing companies for the provision of employment services abroad will be valid until 14.04.2024. This is stated in the message of the Union of Maritime Transport Workers of Ukraine referring to the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Protection of the Rights of Labour Migrants and Combating Fraud in Employment Abroad" No. 2982-IX dated 20.03.2023.

This normative document provides for the cancellation of the licence to provide employment abroad and introduces the principle of declaration.

It will be possible to provide employment intermediation services abroad only after inclusion in the list of economic entities providing employment intermediation services abroad and within the framework of concluded foreign economic contracts.

The current licensing requirements will be abolished and replaced by a declaration procedure.

Entities that have obtained a licence to provide employment services abroad prior to the entry into force of this Law shall be included in the list of entities providing employment services abroad on the basis of the declaration submitted within 6 months.

Licences for the provision of employment services abroad issued to business entities prior to the entry into force of this Law shall expire 6 months after the entry into force of this Law.

The declaration for inclusion in the list should be submitted within 6 months from 14.10.2023, i.e. by 14.04.2024. The list will be maintained by the Ministry of Economy of Ukraine and will be accessible on the Ministry's website.

Inclusion in this list will be carried out on the basis of the submitted declaration on conducting business activities in the sphere of providing employment abroad (hereinafter - the declaration) in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

The Law will enter into force on 14.10.2023. The clause obliging the Cabinet of Ministers of Ukraine to bring its normative legal acts into conformity with this Law within 6 months and to ensure that ministries and other central executive authorities bring their normative legal acts into conformity with this Law - shall enter into force from the date of its publication.

According to the document, from 14.10.2023 business entities providing employment intermediation services abroad will have the following obligations:

1) to provide a citizen before departure for employment abroad

Written information on the rights and guarantees granted to him/her under the employment agreement (contract), provided by the legislation of Ukraine and the legislation of the state where the employer is located;
contact details of the consular offices of Ukraine in the state of stay - for seafarers the state of stay is the flag state of the vessel;
a draft employment agreement (contract) certified by the foreign employer.
A citizen must confirm receipt of the information and the draft employment agreement (contract) with a regular or electronic digital signature.
These documents must be kept for 5 years (currently 3 years);

2) Keeping records of citizens employed abroad by the company - the law does not specify the form of the records. Obviously, the records will be kept in writing, and the Cabinet of Ministers will probably decide whether the journal form will be retained or whether a new form will be adopted;

3) to provide citizens with free information and consultations on the advantages of legal employment abroad, the nature of future work, conditions and amount of remuneration, living conditions in the host country, availability of international treaties (agreements) in the field of employment and social security concluded between Ukraine and the country of the employer's location;

4) to submit reports on the implementation of activities on the provision of employment mediation services abroad. The procedure, form and conditions for submitting such reports are approved by the Cabinet of Ministers of Ukraine - this obligation exists now and will most likely remain unchanged;

5) to notify the Ministry of Economy of changes in the data specified in the list within 1 month from the date of such change - this provision is also in force now;

6) when concluding a new or several foreign economic agreements (contracts), to provide the Ministry of Economy with information about them and with registration documents of such foreign economic entities - employers in the state of location within one month after their conclusion;

7) to ensure unhindered access of representatives of the State Labour Inspectorate to the registered place of production of economic activity for the provision of employment mediation services abroad in order to carry out state control.

An economic entity providing employment services to seafarers and fishermen on vessels flying the Ukrainian state flag or the flag of a foreign state is also obliged to verify that the seafarers employed through its intermediation have the qualifications required to perform the work declared by the shipowner and the documents confirming this.

In addition, the law clearly states that "business entities providing employment intermediation services abroad are prohibited from charging citizens directly or indirectly, in whole or in part, any fees, commissions, remuneration or other types of payments for employment intermediation services; payment for employment intermediation services shall be made exclusively by the employer to whom such services have been provided".