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Social Policy in Ukraine: Approaches and Challenges for Reforming Under the EU Integration Obligations

Abstract

The *purpose* of this paper is to summarise the challenges, problems and prospects of reforming Ukrainian social legislation and social policy within the framework of a balanced strategy for safely implementing European integration aspirations and obligations. *Methodology.* The evolution, modern approaches and problematic issues of the national legislative authorities' views on the systematisation of the foundations of population social protection and security, and their codification, are outlined in the context of growing challenges relating to the shortage of relevant budget and other targeted expenditure. There is also a need to improve the implementation of constitutional guarantees (especially those provided by the state) and to strengthen social assistance targeting, primarily according to the criterion of difficult life circumstances. An analysis is conducted of the approaches and practices for systematising the social protection norms for the population that are promoted in Ukraine, compared with the basic legislation that operates and develops in the EU. *Results.* The increasingly threatening problems of natural population reproduction in Ukraine, the deterioration of the quantitative and qualitative parameters of the labour provision of the national economy, and the strengthening of migration sentiments and processes in society emphasise the significant role of social legislation and social policy in consistently mitigating and preventing these negative trends. The European Code of Social Security identifies numerous indicators and benchmarks for providing certain types of social assistance to the population or its targeted categories. The utilisation of indicators and benchmarks facilitates the augmentation of expenditures during periods of economic recovery. Furthermore, these tools enable the formulation of strategies and the identification of methodologies for the utilisation of social levers of economic progress. Additionally, they assist in the maintenance of the validity of socially significant protection norms and standards during periods of recession and stagnation. *Practical implications.* The conditions, features, and criteria for reforming the national social protection system within the framework of long-term strategic guidelines for Ukraine's European integration have been determined, taking into account the urgency of socio-economic security of this process (especially according to the goals of preserving and optimising the quantitative and qualitative parameters of the population's natural and labour potential reproduction, maintaining the competitiveness of the workforce, the economy and its territorial subsystems, and Ukrainian business entities in the globalised world of competing national actors). *Value / Originality.* The present study examines the problems and prospects of reforming Ukrainian social legislation and social policy according to the strategic priorities of European integration, as well as the relevant basic EU law norms.

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Keywords

social policy, social legislation, social protection and security, targeted and vulnerable categories of the population, regulatory mechanisms, European integration requirements

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1 Introduction

The financial sustainability of Ukraine's population social protection and security systems is under threat, as their financing from budgets of various levels, special-purpose budgetary and extra-budgetary funds is facing limitations. This is a consequence of the national economy's challenging circumstances

and uncertain outlook. Among the evident solutions to this issue, numerous representatives of the executive and legislative authorities advocate for the codification of Ukrainian social legislation, with the objective of enhancing the algorithms for implementing constitutional social rights (particularly those provided by the state), as well as on narrowing social guarantees through norms, standards, and

mechanisms to strengthen their targeting (primarily, for individuals in difficult life circumstances). Another significant factor and criterion for reforming the social policy and social legislation is the obligations that were voluntarily undertaken by Ukraine within the framework of the EU Association Agreement.

At the same time, the increasingly threatening issues of natural population reproduction in Ukraine, the deterioration of the quantitative and qualitative parameters of labour provision in the national economy, and the strengthening of migration sentiments and processes in society (even noticeable during the martial law period, when restrictions and complications were imposed on the procedures for leaving the country for a number of categories of citizens of working age) highlight the significant role of social policy and legislation in consistently mitigating and preventing these negative trends. This situation requires a careful and balanced approach to radically revising (especially reducing) the social protection and security guarantees, even those that are widely recognised in the world through effective manifestations of systemic legislation.

Constructive review on the issues of reforming and improving the national social legislation according to the criteria and obligations of Ukraine to strengthen political and economic ties with the EU have been carried out in the studies, where: the processes and trends of forming modern norms of the EU social policy and social security system have been examined (M. G. Okladna, I. V. Yakovyuk, 2016; V. L. Kostiuk, O. Ya. Melnyk, 2017); comparative analysis of current standards of the population social protection and security in the European Union countries and Ukraine has been carried out (T. M. Tymchyshyn, 2020; I. H. Orlovska, 2022; N. Ya. Zabolotna, 2024); problems and nowadays trends in the adaptation of Ukrainian social legislation to European norms have been identified (L. Yu. Maliuha, 2020; T. Z. Harasymiv, 2021). At the same time, the most informative sources for identifying problems and prospects for improving Ukrainian social policy and legislation in line with European integration obligations are the EU *acquis communautaire* and the latest adopted norms of national social legislation and relevant official documents (Council of Europe, 1990; Council of Europe Office in Ukraine, 2022; Verkhovna Rada of Ukraine, 2000, 2012, 2022, 2024, 2025; Cabinet of Ministers of Ukraine, 2025; Federation of Trade Unions of Ukraine, 2012, 2024).

The generalisation of the aforementioned studies and legislative documents demonstrates the need for a clearer delineation of the conditions and criteria for reforming the national social policy and social protection and security system within the framework of the strategic guidelines of European integration. This is primarily due to the urgency of requirements for this process' long-term socio-economic security.

The purpose of the paper is to summarise the challenges, problems, and prospects for reforming the social legislation, and processes of social protection and security in Ukraine within the framework of a balanced strategy for the safe implementation of European integration aspirations and obligations (in particular, according to basic norms of the relevant EU law).

2 Evolution of Approaches to Improving Social Policy Norms in Ukraine

In April 2022, the decision to establish a working group to draft the Social Code of Ukraine (as a fundamental document for the systematisation of legislation in the social sphere) was adopted at a meeting of the Committee on Social Policy and Protection of Veterans' Rights of the Verkhovna Rada of Ukraine. In February 2023, the aforementioned Committee recommended that the project be submitted to the Verkhovna Rada. This endeavour represents a continuation of the ongoing process of codifying the social legislation of Ukraine. According to the explanatory note accompanying the earlier draft of the Social Code, the primary objective of this initiative was to achieve harmonisation, eliminate conflicts between laws, and elevate social norms regulated by subordinate legal documents to the level of law (Debit –Credit, 2012). This document, which received the status of the Draft Law No. 11061, was published in 2012 (Liga:Zakon, 2025).

The conceptual provisions of the draft Social Code of Ukraine (No. 11061) dated 02.08.2012 were developed in response to the tasks of the Targeted Program for Implementing the Program Resolution of the VI Congress of the Federation of Trade Unions of Ukraine "Trade Unions – for the Social State Development in Ukraine". The aim of this programme was to build up the social state's legal foundations, develop civil society, and democratise governance and citizens' lives. According to the FTU apparatus's socio-economic department, the Social Code of Ukraine should have the following goals: ensuring interconnection with other legislative acts (civil, labour, budget, etc.); streamlining existing social protection and security measures without introducing new ones (to prevent increased financing from all levels of the budget); preserving existing social benefits; and transforming certain social benefits into cash payments (e.g., pensions, financial assistance, compensation, subsidies and loans) and social services (including social assistance); securing funding for certain types of social protection and security at the levels of the budgetary system at which the decision to establish them was taken; financing professional benefits and guarantees for employees from the relevant budgets of employers, state bodies and local self-government bodies. Also, the draft of the Social

Code of Ukraine dated 2.08.2012 No. 11061 was based on the principles of accessibility, guaranteeing, and differentiation of types and amounts of social protection and security (The Resolution of the Presidium of the Federation of Trade Unions of Ukraine "On Draft Conceptual Provisions of the Social Code of Ukraine", 2012).

In order to achieve these goals, the Social Code was also supposed to: optimise the state's social obligations and financial capabilities using constitutional guarantees of social rights, international obligations, and legislatively defined priorities for the social development of Ukraine; prevent a decline in citizens' living standards, as measured by actual (not nominal) indicators; and harmonise national social legislation with international law norms, particularly within the framework of implementing the ILO conventions and recommendations ratified by Ukraine, as well as the European Social Charter, taking into account the level of development of Ukraine's national economy and its financial capabilities (The Resolution of the Presidium of the Federation of Trade Unions of Ukraine "On Draft Conceptual Provisions of the Social Code of Ukraine", 2012).

In the context of the recent phase of Ukrainian social legislation codification, the primary arguments can be categorised as follows: the necessity to systematise the legislation due to its complexity and obsolescence, compounded by a pervasive and persistent deficit in state expenditure on social benefits; the enduring challenges posed by the constraints on the state budget in the context of implementing norms on social protection and security for diverse categories of citizens that have been historically and politically established; and the alignment with the principles of legislative practice in civilised nations, where social policy is predicated on the financial capacity of the state and public consent to finance specific population categories under certain circumstances; the need and expediency of shifting the focus of the social protection system and social benefits from social payments to social services, with an emphasis on providing targeted assistance to persons in difficult life situations, regardless of the category to which the person belongs according to the criteria of social vulnerability and state guarantees of social protection and security (as a basis for reforming the state's social policy) (Verkhovna Rada of Ukraine, 2022). Conversely, the Social Code of Ukraine, as outlined by its developers, is to be grounded in international and European social standards, with the objective of attaining adequate living standards, social protection, and guaranteed pensions (Council of Europe Office in Ukraine, 2022).

Consequently, representatives of the Verkhovna Rada of Ukraine Committee on Social Policy and Protection of Veterans' Rights and Council of Europe experts involved in the project "Further Support for

Developing Human Social Rights in Ukraine" anticipate an augmentation in the provision of assistance to individuals in challenging life circumstances, reaching amounts sufficient to ensure a standard of living adequate for health and well-being (Verkhovna Rada of Ukraine, 2022; Council of Europe Office in Ukraine, 2022).

It is challenging to refute each of the aforementioned arguments in isolation, yet collectively, they contribute to the formation of a negative impression concerning the state authorities' endeavours to curtail both the volume and the legal norms and guarantees of social obligations during the historical period when social policy constitutes an integral guideline and a prerequisite for the development of competitive communities in the globalised world. This conclusion is further substantiated by the apprehension of legislative power representatives concerning the prestige of Ukraine as a prospective EU member state, given the anticipated decline in the number of rulings by the European Court of Human Rights and national courts on claims pertaining to the state's failure to fulfil its social obligations. Consequently, there is a concomitant diminution in budgetary allocations by the state for such payments (Verkhovna Rada of Ukraine, 2022). Consequently, there are no evident obligations, nor any imminent prospect of legal action. However, it appears that Ukraine's international prestige is showing signs of growth.

3 Fundamentals of European Legislation on the Population Social Security: Comparison with the Law of Ukraine

In the context of the aforementioned situation, it is pertinent to observe that the European Code of Social Security, dated 16.04.1964 as amended on 06.11.1990, was signed by Ukraine in 2016 (distinct from the EU Social Code, by analogy with the document that is being developed by the Verkhovna Rada Committee on social policy and protection of veterans' rights, which aims to provide a comprehensive systematisation of Ukraine's social legislation). The aforementioned Code was concluded with the objective of encouraging the EU members to develop national social security systems, thereby promoting their social progress (in particular, on the basis of extending social guarantees to the entire population with personal social rights, and eliminating discrimination, including its gender-based aspects) (Council of Europe, 1990).

A comparison of the aforementioned attempt to codify Ukrainian social legislation and the European Code of Social Security reveals a narrower range of thematic areas and a greater focus on the problems of financial compensation, conditions and aspects of access to it in the EU code. It is evident that the European Code of Social Security does not profess

to be exhaustive with regard to all aspects of public life and social policy. This is in contrast to the Social Code draft of 2012 and the recent declarations made by the Verkhovna Rada Committee on social policy and protection of veterans' rights, as well as by Council of Europe experts involved in the project entitled "Further support for developing human social rights in Ukraine". The European Code of Social Security is an exclusive regulator of publicly accepted norms and practical issues of resource capabilities' compensation and equalisation (including guaranteed access) of the population (in particular: employed and unemployed, their family members; persons who are currently entering or, due to age, can enter the labour market, as well as obtain the status of unemployed or job applicants; a number of the population categories vulnerable by gender, age, health status, family situation, place of residence, length of residence in the EU) in relation to living standards both common to the European Union and specific to its separate member states.

It is also noteworthy that the European Code of Social Security contains numerous norms related to the use of indicators and benchmarks for the provision of certain types of social assistance to the population or its targeted category (Articles 9, 14, 20–24, 28, 35, 38, 46, 49, 52, 54, 56, 59–61, 65–67, 71–73) (Council of Europe, 1990). It is evident that the utilisation of such indicators and benchmarks in social policy facilitates the augmentation of expenditures on a range of requisite types of social assistance during periods of enhanced and accelerated economic development at both the national and regional levels. This approach also serves to substantiate and formulate objectives, tasks, methodologies, and the advancement and development of social mechanisms for economic progress and growth. Conversely, in times of economic recession and stagnation, the practice of indicating social development guidelines and objectives contributes to maintaining the validity of separate norms and standards of social protection and security in the absence or limitation of their financing from budgets of various levels, compulsory insurance funds, extra-budgetary sources (without revising legislation towards narrowing social guarantees and standards). In Ukraine, the standardisation of the indication of quantitative and qualitative parameters of social protection and security can be achieved through the amendment of the Law of Ukraine "On State Social Standards and State Social Guarantees" dated 5.10.2000 No. 2017-III (currently in the version of 26.06.2024), primarily its Articles 3, 4, 8, 19, 20, 22–24.

In the context of the latest trends in monitoring and improving the regulatory framework and political assessment of levels of wages and living standards in the EU, it is advisable to focus on the main category used to calculate types of social assistance: the previous earnings of potential beneficiaries or their

breadwinners, starting from the basic earnings rate of their category (Part XI of the European Code of Social Security, Council of Europe, 1990). In response to the vote on the adoption of Directive No. 2022/2041 of the European Parliament and the Council on an adequate minimum wage on 19.10.2022, EU officials admitted that for too long, the reality in Europe had been that wages left workers and their families in poverty. They therefore emphasised the urgent need for measures to increase the statutory minimum wage and promote collective bargaining, and to provide workers with access to an adequate minimum wage and decent living standards (Federation of Trade Unions of Ukraine, 2024). Consequently, EU social policy and practice for a long time were based on a category whose monetary dimensions did not meet minimum social protection and security standards; thus, the corresponding social assistance was inadequate. At the same time, Directive No. 2022/2041 was interpreted as the regulatory document defining the framework for minimum wages while respecting social partners' freedom. Hence, its implementation has the potential to improve working and living conditions for both workers and employers who pay decent wages, thereby creating the basis for a fair, inclusive and sustainable recovery (Federation of Trade Unions of Ukraine, 2024).

4 The Latest Period of Socio-Economic Development and Reforming the System of Social Protection and Security in Ukraine: Critical Aspects

According to the analysis of official statistics from the period immediately before the war, the proportion of employees in the working population aged 15–70 in Ukraine was 84%. In general, their labour income remained quite low, even compared to the official subsistence minimum. The content and cost of the latter continues to be the subject of criticism, including from leading representatives of the legislative power (Interfax – Ukraine, 2025). According to their conclusion, miscalculations in the indexation policy have led to the current situation where the official subsistence minimum is almost four times lower than the actual minimum and does not provide for basic human needs such as food, medicine, clothing and housing. This is an especially acute issue for public sector employees, pensioners and low-income groups (Interfax – Ukraine, 2025). Conversely, the imbalanced structure and the current low resilience of the national economy objectively threaten to exacerbate adverse trends in the natural reproduction of the population and labour force, as well as in the reproduction of the life level and quality in Ukraine in the medium and long term perspective. In such circumstances, the contraction of the state's social obligations is poised to exert a deleterious effect

on the living standards of the majority of social and income groups, in addition to the labour and economic situation, and the competitiveness of national business entities.

In the context of the above analysis, the latest approaches to the modernization of social protection and security in Ukraine raise numerous questions. In particular, this concerns the Resolution of the Cabinet of Ministers of Ukraine No. 371 "Certain Issues Concerning the Implementation of a Pilot Project on the Provision of Basic Social Assistance" dated 25.03.2025, as amended on 19.08.2025, and the Draft Law No. 14051 "On Amendments to Certain Legislative Acts of Ukraine Regarding the Provision of Basic Social Assistance" dated 18.09.2025, which (it is quite clear from their content and political support) will become an important part of the new Social Code of Ukraine.

The Resolution of the Cabinet of Ministers No. 371 delineated an experimental mechanism for effecting a radical change in the model of low-income families' social protection and security. This mechanism entailed the monetisation of the set of social benefits through basic social assistance, which is assigned to a family and paid to one of its members who applied for it, or to each adult family member in equal parts (upon the joint request of all such persons and after applying to the Pension Fund bodies). The allocation of fundamental social assistance is subject to a series of constraints pertaining to family members' assets, economic activities, consumer spending, social engagement, and educational pursuits (paragraph 5 of the CMU Resolution No. 371). Concurrently, the fundamental social assistance may be conferred upon families comprising multiple unemployed able-bodied individuals who are registered with employment centres as unemployed or prospective job applicants (particularly for the purpose of acquiring a training voucher) (paragraph 6).

While the majority of restrictions on the provision of basic social assistance are generally justified, those related to caring for the disabled and elderly, loss of working capacity, and reaching retirement age without acquiring the right to pension payments are not entirely clear. This is due to the fact that, in the majority of cases, such households, like other vulnerable population categories, objectively bear significant costs to ensure a minimally acceptable living standard. It is reasonable to hypothesise that the content of the fundamental social assistance category does not permit the differentiation of socially vulnerable persons according to age, health status and life experience. Furthermore, as stated in paragraph 21 of the CMU Resolution No. 371, the amount of basic social assistance is determined as the difference between the total amount of the basic amount for each family member and the average monthly total family income.

As for the Draft Law No. 14051 "On Amendments to Certain Legislative Acts of Ukraine Regarding the Provision of Basic Social Assistance" dated 18.09.2025, the comparative table, compiled by the Directorate of the Population Targeted Social Support of the Ministry of Social Policy, Family and Unity of Ukraine, evidenced that the Law of Ukraine "On State Social Assistance to Low-Income Families" is being transformed into the Law of Ukraine "On Basic Social Assistance". The provision of such assistance is subject to approval by the Cabinet of Ministers for the relevant year, with the available resources of the state budget being taken into account. The amount of assistance must not be less than the subsistence minimum established for able-bodied persons on 1 January of the calendar year. However, the criteria for classifying families as low-income (i.e., those with a low average monthly total income) are determined by the Cabinet of Ministers of Ukraine (Article 1 of the Law "On Basic Social Assistance").

Accordingly, as outlined in Article 2 of the Law of Ukraine "On Basic Social Assistance", this legislation will no longer be associated with the Law of Ukraine "On the Subsistence Minimum". The amount of basic social assistance, as well as the procedures for its allocation, may be subject to annual adjustment by the Cabinet of Ministers (taking into account the prevailing circumstances). The adoption, entry into force, administrative appeal, implementation and termination of administrative norms in the field of providing basic social assistance (as outlined in Article 2) are governed by the Law "On Administrative Procedure". Consequently, a foundation has been established for disregarding Article 11 of the Law "On Basic Social Assistance", which stipulates that the disbursement of fundamental social assistance should be financed by the State Budget of Ukraine. Consequently, the implementation of the Law "On Amendments to Certain Legislative Acts of Ukraine Regarding the Provision of Basic Social Assistance" may result in a scenario wherein the state budget will no longer be responsible for the full funding of the range of types of social assistance.

5 Conclusions

The expectations of a number of the national legislative power representatives regarding the positive impact of the latest approaches to the systematization and codification of the principles of social protection and security, which provide for a significant narrowing of the relevant guarantees (including through the implementation of standards and mechanisms that radically strengthen the targeting criterion's role), on the demographic, labour, socio-political situation in Ukraine, and its international prestige, should be recognised as poorly justified. In light of the prevailing complex geopolitical

and socio-economic conditions, it is recommended that the processes of large-scale and rapid national social legislation reform be coordinated not only with external geopolitical guidelines, but also with the strategic priorities of restoring the Ukrainian economy through the preservation of its internal potential, including resilience, diversification, modernisation, and competitiveness. The content of social policy, the scope of social protection and security of the population of pre-working and working age, employees of various categories of vulnerability play a decisive role in the reproduction and optimisation of the specified characteristics of the national economy and society in the globalised world of neo- and post-industrial national economies.

A comparison of the approaches and results of codification of the principles of social protection and security in the EU and Ukraine reveals that the basis of the relevant processes in the European Union are the concepts of socio-economics and social audit, focused on organising an effective process of human resources and labour reproduction. The application involves the assessment of the activities of a range of social actors, structures, and business entities in the context of

achieving significant public and non-commercial goals and values. This is based on systematic monitoring of the relevant views of a range of social groups. This approach to adjusting social policy and social legislation is predicated on the balancing of the dialogical positions of social and business partners towards the coordinated implementation of their strategic tasks and guidelines, ultimately resulting in the harmonisation of social and socio-labour relations in the state. It is vital to comprehend the function of constructive social dialogue in the effective reproduction of human resources and the labour force, in the development and growth of business systems and the economy as a whole. In this regard, EU authorities are committed to the consistent optimisation of the volume and structure of social assistance, which should be provided in accordance with the European Code of Social Security.

Consequently, while proclaiming the dominance of European and global integration goals and values, Ukraine should adopt a balanced approach to reforming the regulatory framework for the processes of reproduction and preservation of the natural and labour potential of the population and workforce.

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