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Current challenges in protecting the rights of seasonal agricultural workers in the EU and Ukraine

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Abstract

The study was devoted to a comparative analysis of legal instruments for protecting the labour rights of seasonal workers in agriculture in Ukraine and the European Union. It was found that a significant proportion of workers in this category remain outside the scope of legal regulation, which complicates access to social guarantees such as health insurance, paid leave and pensions. The practice of concluding employment contracts in writing, although required by law, is often ignored, creating unequal working conditions and complicating the protection of workers' rights. The regulation of leave and working hours does not take into account the specifics of seasonal work, forcing workers to work without adequate rest, which affects their physical and mental health. Polish law requires written employment contracts for seasonal workers, which guarantees transparency in labour relations, and a special law ensures their access to medical, pension and other social guarantees through mandatory registration in the social insurance system. Noteworthy are the provisions of German law, which establishes equal working conditions for seasonal and permanent workers, obliging employers to ensure remuneration not lower than the level set for permanent staff, as

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well as to provide access to social guarantees, including opportunities for professional development. European directives have set high standards for worker protection, including written information on working conditions, mandatory paid leave and clear rules on working hours. Adapting European standards to Ukrainian legislation will help reduce informal employment, improve working conditions and strengthen social protection for workers, ensuring greater stability in the labour market

Keywords: labour relations; social guarantees; working time; transparency; informal employment

Introduction

Agriculture plays a significant role in the economies of many countries, providing a considerable number of jobs. At the same time, seasonal workers, who form the backbone of agricultural labour, face a number of challenges that require legal solutions. Seasonal employment is highly dependent on natural conditions and limited in duration, which complicates the protection of workers' rights. Therefore, studying the legal protection of seasonal workers in the agricultural sectors of Ukraine and the European Union (EU) is essential for adapting best practices and standards aimed at improving working conditions.

Seasonal work is characterised by a low level of formalisation, which makes workers more socially vulnerable. Informal employment remains a significant challenge, as weak state control contributes to systematic violations of labour rights. K. Bondarevska (2020) studied this aspect, focusing on administrative mechanisms to overcome the problem. The conclusions emphasised the need to strengthen state control. However, the researcher's work does not adequately cover the social consequences of informal employment, such as limited access to holidays or insurance payments, which creates additional challenges for workers. In addition, issues related to the level of development and the causes of informal employment in Ukraine's seasonal sector remain underexplored.

The intensity of work in the seasonal sector often exceeds the physical capacities of workers, creating risks to their health. A. Radzividlo (2020)

analysed this problem, emphasising the need to introduce regulations on working time and rest periods. The study highlighted a direct link between labour intensity and reduced productivity. At the same time, the issues of overtime compensation remain unresolved, and there is a lack of clear recommendations regarding minimum rest periods, which are crucial for reducing physical and psychological strain in seasonal sectors.

The implementation of European directives on seasonal labour demonstrates strong potential for improving employment conditions. European standards, such as Directive of the European Parliament and of the Council No. 2003/88/EC (2003), are important tools for establishing clear rules on working time and minimum leave. N. Volkova (2020) and T. Kortukova (2021) noted the effectiveness of these standards in reducing worker fatigue in EU countries. The authors also stressed the importance of clear regulation of working time, minimum weekly rest, and the right to paid leave. However, their research paid little attention to the absence of clear enforcement mechanisms in legal systems with high levels of informal employment, such as Ukraine. The importance of minimum rest standards, which directly affect the rights of workers in seasonal sectors, has also not been sufficiently explored.

In EU countries, employers are required to provide workers with clear information about their rights and obligations, including employment conditions and social guarantees, thereby

ensuring transparency. D. Lomey (2021) notes that such transparency significantly reduces the risk of conflict and infringements, enhances trust between parties to labour relations, and contributes to employment stability. In Ukraine, however, the absence of clear requirements for informing workers creates legal gaps that hinder access to rights protection mechanisms. This is particularly true in seasonal sectors, where workers often operate under short-term contracts or without proper documentation, leaving them without guarantees or protection. The question of introducing mandatory worker information systems remains under-researched, particularly in terms of its potential impact on reducing legal and social risks in the Ukrainian context.

Social insurance is one of the key elements of worker protection, but access to insurance programmes for seasonal workers remains significantly limited. O. Pohorielova (2020) and M. Krushelnytskykyy (2020) emphasise the need to reform existing systems. They offer general recommendations, but there is a lack of specific implementation mechanisms, such as funding for off-season training or subsidies for employers. In addition, it would be worth considering the creation of special insurance funds to cover the risks associated with the seasonal nature of work.

The issue of adapting social standards in agriculture is relevant for ensuring the rights of seasonal workers. L. Bodenchuk *et al.* (2023) emphasised the importance of introducing social insurance mechanisms that would meet the needs of temporary employment. The lack of targeted programmes to compensate for the risks of seasonal work increases the social vulnerability of this group. Aspects of providing seasonal workers with social insurance that would cover specific risks, in particular inadequate working conditions, high physical intensity and employment instability, remain unexplored, which is necessary to understand the real level of social

protection of workers in seasonal sectors and the possibilities of adapting international experience to Ukrainian legislation.

The issue of workplace safety and social insurance for workers in seasonal sectors remains one of the key issues in the field of labour relations. V. Pasichnyk (2021) analysed this topic, focusing on the importance of implementing occupational safety standards, in particular regular training of workers, ensuring adequate technical equipment and creating insurance mechanisms to compensate for the risks associated with seasonal work. This work highlights the positive impact of such measures on reducing injury rates and increasing labour productivity. At the same time, the study is limited to an analysis of existing safety and insurance systems without taking into account the need to adapt them to the specific conditions of the seasonal sector, such as high staff turnover and short-term employment.

The aim of the study was to review the legal mechanisms for protecting the labour rights of seasonal workers in Ukraine and the EU, with a view to harmonising national legislation with European standards. The objectives were to evaluate the current legislation of Ukraine and European Union countries (Poland and Germany), identify local features of legislative regulation that affect the implementation of international standards in the field of labour, and develop recommendations for state bodies and employers on improving legal regulation mechanisms.

Materials and Methods

The study included a comparative analysis of Ukrainian and European Union legislation regulating the rights of seasonal workers in the agricultural sector. The study focused on legal mechanisms designed to protect labour rights, social guarantees and occupational safety. To this end, an approach was used that allows the effectiveness of the implementation of regulations in

different legal systems to be identified by integrating data on their practical application.

Within the framework of Ukrainian legislation, the study was based on an analysis of three key regulatory acts governing the rights of seasonal workers. The Code of Laws on Labour of Ukraine (1971) was examined to determine basic labour guarantees, in particular regarding working conditions, working hours and social protection mechanisms. Law of Ukraine No. 504/96-VR (1996) was studied to assess the procedure for granting paid and unpaid leave, as well as its availability to seasonal workers, taking into account the specifics of their employment. Resolution of the Cabinet of Ministers of Ukraine No. 278 (1997) was analysed to determine the list of seasonal jobs and industries covered by it and to clarify the practical aspects of applying these rules to workers in the agricultural sector. A comprehensive study of these documents made it possible to carry out an evaluation of the level of regulation of labour relations in the field of seasonal employment in Ukraine and to identify possible areas for improvement in legislation.

In the context of the European Union countries, two examples were selected – Germany and Poland. Analysis of the Labor Code of Poland (1974) and Law of Poland No. 137 (1998) helped to identify the norms governing the rights of workers during the period of seasonal employment in the agricultural sector. The Law of the Federal Republic of Germany “On the Regulation of the Supply of Temporary Workers” (1995) was studied to assess mechanisms for protecting workers’ rights, including the prevention of discrimination and control over working conditions. Both documents served as a source for comparing the legal regulation of seasonal employment and identifying opportunities for adapting positive experience in Ukrainian legislation.

European Union regulations, such as Directives of the European Parliament and of

the Council No. 2003/88/EC (2003) and No. 2019/1152 (2019), were carefully analysed to determine their role in shaping European standards for the protection of workers’ rights. Directive of the European Parliament and of the Council No. 2019/1152 (2019) became the basis for researching the requirements for mandatory information for employees about their working conditions, which ensures transparency in labour relations and minimises the risk of violations. Directive of the European Parliament and of the Council No. 2003/88/EC (2003) made it possible to identify standards that regulate working hours, establish weekly rest periods and minimum leave for seasonal workers in the agricultural sector.

Analytics from the International Labour Organisation (ILO) (Miheș, 2023) made it possible to evaluate the compliance of national regulations with international labour standards, highlighting gaps in the legal protection of seasonal workers, particularly in terms of access to social guarantees and the regulation of working conditions. Eurostat data (2024) provided quantitative information on the volume of seasonal employment, the share of Ukrainian workers among third-country nationals who obtain work permits in the EU, and the structural features of demand for seasonal labour in European Union countries.

Results

The large-scale involvement of migrant workers, the globalisation of the labour market and the impact of climate change have a particular impact on seasonal employment, creating conditions that contribute to an increase in informal employment. In 2020, more than 4 million people, or 26.5% of the economically active population, were informally employed in Ukraine (Informally employed..., 2022). Seasonal workers, who are usually among the most vulnerable categories, often remain outside the scope of legal

regulation, which deprives them of access to social guarantees such as minimum wage or paid leave. This creates significant challenges for effective social policy. Informal employment of seasonal workers leads to a lack of social insurance, which deprives them of their right to medical care and pensions, as well as low wages that often do not meet minimum standards. In such conditions, revising the legal regulation of temporary employment is a key task for improving the working conditions of seasonal workers.

The insufficient consideration of the specific nature of seasonal workers' labour in the Code of Laws on Labour of Ukraine (1971) creates risks for the proper regulation of labour relations. Article 7 stipulates that the regulation of the specific nature of temporary and seasonal workers' labour must be ensured by other legislative acts. However, the Code does not contain criteria that would define the differences between seasonal and temporary workers. For example, it does not regulate which jobs can be considered seasonal, nor does it provide mechanisms to ensure mandatory social guarantees for this category of workers (Federation of Trade Unions of Kirovograd Region, 2019). The absence of such provisions allows employers to abuse fixed-term contracts, which puts seasonal workers at a disadvantage compared to other categories.

Employment contracts for seasonal workers must be concluded in writing, which is a mandatory requirement of Article 24 of the CLLU (1971). Despite this, practice shows that a significant proportion of employers disregard this rule. According to the latest report published by the State Statistics Service, in 2021, 3,061,600 people were informally employed in Ukraine, which is 19.8% of all employed persons, i.e. almost one in five workers (Informally employed..., 2022). This deprives such workers of legal grounds for protecting their rights, contributing to the spread of informal employment.

The establishment of clear rules on working hours is an unregulated issue. Article 56 of the CLLU (1971) provides for the possibility of an agreement between the employer and the employee on part-time work and a part-time working week. However, the absence of a minimum guaranteed number of working hours creates conditions under which workers are forced to work in unstable economic conditions. In 2021, the average income of seasonal workers in Ukraine was 25% lower than the national average, demonstrating the economic vulnerability of this category of workers (Informally employed..., 2022).

Seasonal workers in Ukraine face restrictions on their right to leave, as laid down in the provisions of Law of Ukraine No. 504/96-VR (1996). Article 6 of this law regulates the duration of annual paid leave, which depends on the duration of the employment relationship. If an employee has been employed for three months, their leave will be only six days, which is the minimum portion of the guaranteed 24 calendar days. In the case of seasonal work, where the intensity of labour is usually higher due to the short duration of the tasks, such a restriction significantly reduces the opportunities for workers to recover their health and productivity. Regulations limiting the duration of leave create an imbalance between the employee's need for rest and the employer's requirements for the effective performance of duties (Federation of Trade Unions of Kirovograd Region, 2019).

The mechanism for granting unpaid leave also fails to take into account the specific nature of seasonal employment. In particular, Article 25 allows employees to take unpaid leave for family reasons or other valid reasons (Law of Ukraine No. 504/96-VR, 1996). For many seasonal workers who do not accumulate enough days of paid leave due to the short-term nature of their work, this provision is perhaps the only opportunity to take a break. However, unpaid leave does not meet the needs of low-income workers, forcing them to

work without breaks even under conditions of significant physical exertion. In 2023, more than 27,000 citizens complained to the State Labour Service of Ukraine (2023) about various violations, including failure to provide adequate paid leave, indicating that the lack of an effective mechanism for protecting labour rights increases the vulnerability of workers, particularly those who work seasonally.

The level of formalisation of labour relations significantly affects the accessibility of the right to leave. Many employers avoid formalising employment contracts with seasonal workers in order to reduce costs associated with social guarantees, including leave. According to the Pension Fund of Ukraine (2023), in 2023, signs of possible violations of labour legislation were detected in more than 434,000 insured persons, indicating the prevalence of informal employment. This means that a significant proportion of workers, especially those performing temporary tasks, are denied access to paid leave guaranteed by law. At the same time, their informal status deprives them of the opportunity to take advantage of legal mechanisms such as official protection of labour rights, social insurance, accumulation of insurance experience for pension provision, and guarantees of receiving the minimum wage. This complicates the protection of their rights and creates additional social risks.

Resolution of the Cabinet of Ministers of Ukraine No. 278 (1997) approves a list of seasonal jobs in various sectors of the economy, including agriculture, forestry and processing industries. This list defines activities that are seasonal in nature, such as work related to the cultivation and harvesting of agricultural products, forestry, and the processing and storage of raw materials. The resolution provides a regulatory framework for the classification of seasonal work, which is important for the regulation of temporary employment. However, agricultural activities include

mechanised equipment management, work in greenhouse complexes, and the use of automation technologies. The absence of these types of activities from the list creates gaps in the legal protection of workers engaged in these newer forms of agricultural work.

Resolution of the Cabinet of Ministers of Ukraine No. 278 (1997) approves the list of seasonal work, but does not regulate compliance with labour legislation when hiring seasonal workers. It would be appropriate to include a requirement for mandatory compliance with labour legislation in this resolution, as it concerns a specific segment of labour with a high risk of informal employment. Such a provision would help to ensure the rights of seasonal workers, including the mandatory conclusion of written employment contracts, which is a key protection mechanism. This would be particularly important for small and medium-sized agricultural enterprises, which often avoid formally registering workers due to limited resources, leaving them outside the social insurance system.

In Ukraine, the occupational safety regulations enshrined in Law of Ukraine No. 2694-XII (1992), although they provide for general safety standards, do not take into account the specific nature of seasonal work. The "Rules for Occupational Safety in Agricultural Production" (Order of the Ministry of Social Policy of Ukraine No. 1240, 2018), approved by order of the Ministry of Social Policy, provide for mandatory training and instruction of employees on occupational safety issues, in particular for those who operate mechanised equipment. At the same time, the lack of clear instructions on mandatory periodic training or certification creates gaps in worker protection. In Ukraine, there are vocational training programmes for agricultural machinery operators, such as courses for category "B1" tractor drivers (Theoretical offline training..., 2024) and initiatives to retrain women in this field (Open

competition for participation..., 2024). However, the lack of mandatory requirements for regular professional development creates risks for occupational safety, especially when working with machinery or handling agricultural chemicals.

The main mechanisms for stimulating the agricultural sector in Ukraine, such as financial assistance, preferential taxation and regulation of the agricultural market, are enshrined in Law of Ukraine No. 1877-IV (2004). Sections IV-V2 of this document define the types of state support for agricultural enterprises, covering compensation for costs associated with production cycles and the procedure for providing budget subsidies to producers. However, specific aspects of the work of seasonal workers, who are key performers of many field tasks, remain outside the scope of legislative regulation. Although seasonal workers perform a significant part of the tasks, such as harvesting, caring for crops and primary processing of products, their work does not receive adequate legal support. This applies in particular to the lack of clear provisions on ensuring their labour rights, in particular the conclusion of employment contracts and occupational safety. Social programmes in Ukraine face challenges in identifying the real needs of applicants, leading to inefficient resource allocation. This is particularly relevant for seasonal workers, whose specific needs related to the temporary nature of their work are not taken into account in existing programmes. Such limitations highlight the insufficient integration of social aspects of labour into the legal regulation of the agricultural sector (Makarova, 2013).

To consider effective approaches to regulating the labour of seasonal workers, one can refer to the legislation of other countries, such as Poland, which provides clear rules for the protection of labour rights. Article 29 of the Labour Code of Poland (1974) requires employers to conclude employment contracts in writing before the

employee starts work. If the contract is concluded orally, its terms must be confirmed in writing on the day the employee starts performing their duties. Article 281 specifies penalties for employers who violate labour legislation. In particular, an employer may be fined for concluding a civil law contract under conditions that require an employment contract, or for failing to provide written confirmation of the contract. Article 281 also establishes penalties ranging from PLN 1,000 to PLN 30,000 for violations of other regulations, such as working hours, granting leave or preserving the rights of employees with parental responsibilities.

As the agricultural sector is highly seasonal, leading to unstable employment conditions for workers, particularly due to the temporary nature of the work, employers often avoid formalising employment relationships, citing short-term employment or economic unviability as reasons. In such conditions, workers are deprived of access to social guarantees such as health insurance, paid leave or compensation in the event of accidents at work. The conclusion of written employment contracts, as provided for in the Labour Code of Poland (1974), allows for the regulation of relations between the employee and the employer even in the context of short-term employment. This ensures a clear definition of the rights and obligations of the parties, which reduces the risks of exploitation and contributes to the protection of workers in the unstable conditions of seasonal work.

Article 6 of Law of Poland No. 137 (1998) defines the social insurance obligation for persons working under an employment contract, including seasonal workers. It stipulates that all employees must be registered in the social insurance system to receive pension benefits, health insurance, and insurance in case of illness and accidents. This provision guarantees workers' access to social services and creates conditions for minimising informal employment. In addition, the law requires employers to notify the Social Insurance

Institution of Poland (The Social Insurance Institution, n.d.) when hiring an employee. Registration must be completed within 7 days of the start of employment (How to employ..., n.d.). This provision ensures transparency in labour relations and increases the social security of employees. This mechanism creates guarantees for seasonal workers, reducing their economic vulnerability, which usually arises from employment instability.

For comparison, in Ukraine, the conclusion of employment contracts is a mandatory requirement under Article 24 of the CLLU (1971), which stipulates that an employment contract must be in writing in cases provided for by law. However, in practice, this rule is often ignored, especially in the field of seasonal employment, due to the lack of an effective control mechanism and sanctions for non-compliance (Tsymbal, 2017). In Poland, Article 29 of the Labour Code of Poland (1974) stipulates that all terms and conditions of employment must be documented before the employee starts work. In addition, violations of this provision are punishable by significant fines under Article 281, which ensures transparency in labour relations and minimises the risks of informal employment.

Ukrainian legislation also does not oblige employers to provide social insurance for seasonal workers, depriving them of basic social guarantees such as health insurance and compensation for industrial injuries. Law of Poland No. 137 (1998) requires employers to register workers in the social insurance system, which guarantees them access to pensions and other social services, even if they are employed on a temporary basis.

The Law of the Federal Republic of Germany "On the Regulating the Supply of Temporary Workers" (1995) clearly regulates the rights of workers performing short-term or seasonal work, including in agriculture. Paragraph 8 provides for equal working conditions for temporary workers. This means that the employer is obliged to

provide remuneration that cannot be lower than the level set for permanent staff. Workers also have access to the same social guarantees as permanent employees, including opportunities for professional development. This rule applies to all sectors, including agriculture, where seasonal workers often perform tasks that are physically demanding. In 2024, the total number of employees in agriculture was 876,000, of whom 28% were employed on a seasonal basis, representing approximately 243,000 people (Federal Statistical Office, 2024). This highlights the significant role of seasonal workers in the functioning of the industry, and the above provisions ensure their social protection.

Paragraph 7 of the Law of the Federal Republic of Germany "On the Regulation of the Supply of Temporary Workers" (1995) obliges temporary employers to notify the licensing authorities of changes in their activities, such as the establishment, closure or relocation of enterprises, and to provide the information necessary for the implementation of the legislation. Employers must also keep records for three years, allowing regulatory authorities to verify compliance with working conditions standards. This paragraph provides for the possibility of conducting inspections to establish compliance with current standards, which ensures effective control over the observance of workers' rights. This creates conditions for transparency in labour relations and contributes to the protection of seasonal workers employed in sectors with short-term employment, such as agriculture, by providing them with access to social guarantees.

The absence of a separate law in Ukraine similar to the AÜG complicates the coordination of activities between employers and state authorities in matters relating to the protection of seasonal workers' rights. The German approach provides for clearly defined monitoring and reporting mechanisms that ensure transparency and control over working conditions. In Ukraine, however,

the obligation to provide information to regulatory authorities or to keep records of working conditions by employers is not regulated, which leads to less effective control over the observance of workers' rights. In the agricultural sector, where temporary workers often perform important tasks, this legislative gap deprives them of opportunities to protect their rights, while in Germany, the reporting and inspection system reduces the risk of violations and promotes better coordination between employers and regulatory authorities (Boeri & Garibaldi, 2024).

The ranking developed by the International Trade Union Confederation (ITUC) (2024) allows for an evaluation of the level of compliance with labor rights in different countries, including the rights of seasonal workers, who are usually one of the most vulnerable groups due to the temporary nature of their employment. The ranking takes into account criteria such as the level of informal employment, access to mechanisms for

protecting rights, and the possibility of recourse to the courts in the event of violations. The level of protection for seasonal workers in the three countries analysed differs significantly in terms of legal control, as confirmed by the data in Table 1. In Germany, legislation requires employers not only to comply with working conditions, but also to actively cooperate with regulatory authorities through regular reporting and inspections. These rules even apply to employers in the agricultural sector, where seasonal workers perform physically demanding tasks. Poland, although it has clear requirements for employment contracts, lags behind Germany due to a lack of systematic monitoring by state authorities. In Ukraine, monitoring of compliance with working conditions is limited by the resources of the labor inspectorate, which reduces the effectiveness of detecting violations and increases the risk of exploitation of seasonal workers (International Trade Union Confederation, 2024).

Table 1. Comparison of workers' rights protection based on the 2024 International Trade Union Confederation ranking

Country	Rating	Key issues for seasonal workers	Worker protection
Ukraine	5 (No guarantees of rights)	Limited access to social guarantees due to the high proportion of informal employment.	No mandatory registration of seasonal workers in the social insurance system; inspections are conducted irregularly.
Poland	3 (Regular violations)	Regular inspections of working conditions, but lack of full transparency in seasonal sectors.	Mandatory conclusion of written employment contracts; access to pension, health and accident insurance.
Germany	1 (Occasional violations)	Guaranteed social rights and working conditions for all workers, including seasonal workers.	Registration of workers in social insurance is mandatory; regular monitoring of employers' compliance with working conditions standards.

Notes: Countries in the ITUC ranking are assessed on a scale from 1 to 5+, where 1 is the best and 5+ is the worst

Source: Developed by the author based on the International Trade Union Confederation (2024)

Significant differences are also observed in the provision of access to compensation in the event of accidents. In Germany, legislation stipulates compulsory insurance for all workers, which guarantees them access to compensation regardless of the duration of their employment. In Poland, a similar system operates through

the Social Insurance Institution (n.d.), but workers without formal contracts remain vulnerable. In Ukraine, however, the absence of mandatory registration of workers in the social insurance system deprives them of the possibility of receiving adequate protection in the event of accidents, creating additional economic risks for seasonal

workers and hindering the stable functioning of the labour market.

The regulatory and legal acts of the European Union establish high standards for the protection of labour rights, which is particularly important for workers in the seasonal agricultural sector. Directive of the European Parliament and of the Council No. 2019/1152 (2019) is aimed at guaranteeing workers clear information about the conditions of their employment. It obliges employers to provide employees with written contracts containing key provisions: duration of employment, working schedule, remuneration, and available social guarantees. This is especially relevant for seasonal workers employed on a short-term basis, since the absence of written agreements can lead to violations of their rights.

Directive of the European Parliament and of the Council No. 2003/88/EC (2003) focuses on the regulation of working time, minimum leave, and weekly rest. It sets the maximum working week at 48 hours, including overtime, as stipulated in Article 6. Article 7 provides that every worker is entitled to paid leave of no less than four weeks. Article 5 further guarantees a minimum of 24 hours of uninterrupted weekly rest, as

well as a minimum daily rest period of 11 consecutive hours. In agriculture, where workers often face intense workloads, these norms are crucial for maintaining their physical and psychological health. Countries that comply with the provisions of this directive have lower levels of occupational burnout among seasonal workers (Leccese, 2022).

Ukrainian legislation has gaps compared with EU standards in the field of informing workers about the terms of their employment. Although Article 24 of the Code of Laws on Labour of Ukraine (1971) requires the conclusion of a written employment contract in certain cases, it does not establish a clear requirement that workers must receive comprehensive written information about all conditions of employment, such as working hours, additional payments, or contract termination terms. Article 50 of the CLLU regulates working time, setting a maximum limit of 40 hours per week, as shown in Table 2. However, this provision does not take into account the specific nature of seasonal work, which requires more flexible schedules. The absence of clear provisions on minimum weekly rest, which are mandatory in the EU, also reduces the level of protection for workers in this category.

Table 2. Comparative analysis of provisions of European and Ukrainian legislation on the protection of seasonal workers

Provisions	Directive of the European Parliament and of the Council No. 2019/1152 (2019)	Directive of the European Parliament and of the Council No. 2003/88/EC (2003)	Code of Laws on Labour of Ukraine (1971)
Written information	Mandatory	Not regulated	Absent
Maximum working time	Not regulated	48 hours per week	40 hours per week
Minimum paid leave	Not regulated	Four weeks	24 calendar days
Weekly rest	Not regulated	24 hours	Not specified
Flexibility of working schedule	Not regulated	Adaptation provided	Absent

Source: compiled by the author

Social standards are key to ensuring an adequate level of protection for seasonal agricultural workers. The practical implementation

of these standards depends significantly on legal regulation, state control, and the adaptation of international experience (Bruzelius &

Seeleib-Kaiser, 2023). International organisations, such as the ILO or Eurostat, serve as important benchmarks for assessing the effectiveness of national regulations and implementing changes that meet the needs of the labour market as established by EU law.

The ILO regularly publishes reports that analyse the compliance of national regulations with international labour standards. The 2024 ILO report highlights that in Central and Eastern European countries, including Ukraine, the lack of effective legal protection for temporary workers significantly hinders their access to social guarantees and stable working conditions (Miheș, 2023). Inadequate regulation of seasonal workers' labour creates risks of exploitation and increases the level of informal employment, which is a key obstacle to integrating these workers into the formal labour market. The implementation of international standards, such as mandatory written notification of working conditions, providing social security for all categories of workers, and actively representing their interests through social dialogue, will help reduce informal employment and create conditions for strengthening the legal protection of seasonal workers.

According to Eurostat (2024) data for 2023, EU countries issued 191,840 seasonal work permits to non-EU citizens, of which 8,693 permits (4.5%) were granted to Ukrainian citizens, placing Ukraine in fourth place for this indicator. This fact shows that a significant number of Ukrainian seasonal workers seek employment abroad, which indicates a lack of trust in the national labour market and legal system. The main reasons for this are insufficient regulation of working conditions, a lack of mandatory social guarantees for seasonal workers, and inadequate control over the enforcement of labour legislation (Pikulyk, 2020). Such conditions force workers to seek better opportunities in EU countries, where clear mechanisms exist to protect their rights, which

points to the need to reform Ukrainian labour law to create competitive working conditions.

In conclusion, it is important to emphasise the need to implement comprehensive legal mechanisms that will ensure the proper protection of the rights of seasonal workers and the compliance of national legislation with international standards. In particular, the Code of Laws on Labour of Ukraine (1971) needs to be amended to include requirements for mandatory written notification to employees about working conditions, a clear regulation of the minimum weekly rest time, and the implementation of flexible work schedule standards for seasonal workers.

The introduction of mechanisms in Ukraine that provide for mandatory social security for seasonal workers is a necessary step to create transparent and fair working conditions. This measure will help reduce the share of informal employment that dominates the agricultural sector and provide workers with basic social guarantees, such as access to healthcare, pension insurance, and compensation in case of accidents. Furthermore, the introduction of mandatory written contracts specifying clear working conditions, such as work schedules, rest periods, and pay levels, will help improve the level of legal protection for workers. The establishment of penalties for violating this requirement, as in Poland, will strengthen employers' accountability. To increase the protection of seasonal workers' rights, it's also necessary to supplement the provisions of the Law of Ukraine No. 2694-XII (1992) with requirements similar to German law on establishing equal working conditions for such workers and to impose an obligation on employers to notify permitting authorities of changes in the organisation of labour.

Discussion

Seasonal employment in the agricultural sector plays an important role in meeting production

needs and economic development. However, identified problems affect the working conditions of employees and the effectiveness of legal regulation in this area. In particular, this applies to the high level of informal employment, inadequate social protection, limited access to modern technologies, short-term contracts, and low legal awareness among workers. These challenges require further research and the development of effective solutions.

The study revealed problems related to the legal regulation of seasonal employment in the agricultural sector of Ukraine. A significant level of informal employment makes it difficult to comply with labour standards. Workers who are not officially registered are deprived of access to social guarantees. The analysis by A. Reihlen *et al.* (2022) and C.S. Caxaj *et al.* (2023) shows that similar problems are typical for developing economies, where the lack of social insurance increases the vulnerability of workers. A comparison of these results indicates that the implementation of mandatory social insurance in Ukraine could significantly reduce the level of informal employment. In addition, such an initiative would increase the level of social protection for workers, providing them with access to basic social guarantees, including accident insurance.

Workplace safety is a significant challenge in the seasonal agricultural sector, where working conditions are often associated with high physical exertion and increased risks. In Ukraine, there are no clear standards for training workers on labour protection, which creates significant threats to their health. The studies by L. Kovačević (2023) and D.B. Anong (2023) state that regular training of workers is key to reducing the risk of injuries and increasing safety in production processes. A comparison of this data shows that the implementation of mandatory training and certification for seasonal workers is necessary, as this will not only improve labour safety but also increase

overall productivity in the industry, ensuring compliance with international standards.

Social standards in Ukraine remain insufficient to provide basic guarantees for seasonal workers, which creates significant challenges for ensuring stable employment relations. Insufficient regulation of pay, limited access to social guarantees, and the uncertainty of employment conditions increase the economic vulnerability of workers. The studies by V. Passalacqua (2022) and V. Mantouvalou (2022) state that transparent working conditions, which include clearly established rules for pay and minimum guarantees, are key to attracting workers to the formal sector. Such conditions create the prerequisites for reducing the risks of exploitation, stabilising the labour market, and improving the legal protection of workers. The results obtained, in contrast, show that the implementation of appropriate changes in social standards will also improve working conditions for seasonal workers, reduce the level of informal employment, and encourage employers to comply with minimum labour guarantees.

The lack of clear requirements for the written formalisation of employment contracts significantly complicates the enforcement of seasonal workers' labour rights, depriving them of the opportunity to use social guarantees and legal protection. The practice of employers avoiding official formalisation of relations creates conditions for violations that are difficult to prove or correct. The studies by C. Bruzelius and M. Seelieb-Kaiser (2023) and V. Fasone *et al.* (2024) emphasise that mandatory written conclusion of contracts ensures transparency in employment relations and protects workers from abuse. In contrast, the experience of Poland, where employers are obliged to conclude employment contracts in writing, and non-compliance with this requirement is punishable by fines, demonstrates the effectiveness of such approaches. In Ukraine, the introduction of similar liability will contribute

to improving the working conditions of seasonal workers, protecting their rights and ensuring the stability of employment relations.

Another challenge for seasonal workers is ensuring the right to a holiday, which is often limited in current conditions. Seasonal work involves intense physical exertion over a short period, which requires regular rest to maintain health and productivity. However, existing regulations grant workers employed for up to three months only six days of paid holiday, which significantly reduces the opportunities for them to recuperate. The studies by T. De Lange and M. Falkenhain (2024) and I. Thiermann *et al.* (2024) confirm that similar limitations create an imbalance between workers' need for rest and employers' demands, especially in sectors with a high level of physical exertion. The results also indicated that the lack of opportunity to get a full holiday increases the risk of professional burnout and reduces long-term productivity. The implementation of international standards that provide for longer paid holidays will not only reduce the burden on workers but also create conditions for improving their situation and stabilising employment relations in seasonal sectors.

Modern technology can significantly improve working conditions in the agricultural sector, particularly for seasonal workers. However, the study results indicate significant gaps in the legal regulation of this area. It was found that many types of activities that are actively being implemented in agriculture, in particular work with mechanised equipment or greenhouse complexes, are not covered by current regulations, which creates gaps in the protection of workers. The studies by L. Berntsen *et al.* (2023) and E. Brameshuber and A. Sagan (2023) state that the automation of processes is an important factor in increasing productivity and reducing the risk of injury. The results show that in Ukraine, the lack of a regulatory framework for regulating such types of activities leaves

workers without proper protection and working conditions, which contrasts with the authors' recommendations for integrating standards for new technologies. The use of similar mechanisms will ensure a safe environment for workers and contribute to the development of the industry.

Workers' awareness of their rights remains a serious challenge in the field of seasonal employment. The lack of mandatory reporting and control mechanisms that would oblige employers to document working conditions and provide information to regulatory bodies significantly complicates the protection of workers' rights. The studies by C. Caxaj *et al.* (2022) and L. Campos-Flores and A.L. Rosales-Mendoza (2023) emphasise that insufficient transparency in employment relations creates conditions for violations, such as the absence of social guarantees or non-payment of wages. The results obtained indicate that in Ukraine, a similar lack of regulatory requirements complicates the monitoring of compliance with labour standards, especially in sectors with short-term employment, such as agriculture. In contrast, in Germany, mandatory reporting and inspection mechanisms have been introduced that help protect workers' rights and increase transparency in employment relations, which has a positive effect on working conditions and ensures workers' access to basic social guarantees.

The level of social protection for seasonal workers in Ukraine remains insufficient, which creates significant risks to the stability of employment relations. The studies by K. Kotulovski and S. Laleta (2021) and V. Bogoeski and Z. Rasnača (2023) emphasise that access to social security is the basis of workers' economic stability, especially in the agricultural sector. An analysis of the data shows that in Ukraine, most seasonal workers are deprived of such guarantees, which increases their vulnerability to economic risks. A comparison shows that the introduction of mandatory social security in Ukraine could significantly

improve the situation by providing workers with access to basic social services such as health insurance and pension provision. This would also help attract more workers to the formal sector, creating more stable working conditions.

Insufficient attention to issues related to the duration of working hours for seasonal workers creates significant challenges. According to the study results, the lack of clear norms that regulate the minimum duration of working hours leads to unstable working conditions. The works of S.M. Taggart *et al.* (2023) and A. Jafari *et al.* (2024) emphasise that the implementation of mandatory working hour standards contributes to the stability of employment relations and an increase in worker welfare. An analysis of the results indicates that such an initiative in Ukraine could improve the financial situation of workers by providing them with a guaranteed minimum income level and creating more favourable conditions for working in seasonal sectors. In conclusion, the study results highlight the need to reform the legal regulation of seasonal employment. The main areas for improvement include raising social standards, ensuring labour safety, mandatory formalisation of employment contracts, and expanding access to technology and worker training.

Conclusions

The legal regulation of seasonal workers' rights in agriculture in Ukraine has significant shortcomings that complicate the implementation of labour and social guarantees. The main problem is the high level of informal employment, which deprives workers of the opportunity to enjoy legal protection. The lack of clear standards adapted to the specifics of seasonal work creates conditions for rights violations. For example, although written employment contracts are mandatory, this requirement is often ignored by employers, leaving workers without a legal instrument to protect their interests. In Poland, this issue is addressed

through strict regulation of written employment contracts and significant penalties for their absence, which ensures a better level of transparency in labour relations.

The issue of access to paid leave is one of the key issues for seasonal workers in Ukraine. Current legislation does not take into account the specific nature of the increased workload that workers face when performing seasonal tasks, which limits their ability to recover after intensive work. Restrictions on the duration of paid leave, in particular the link to short-term employment, create an imbalance between the needs of workers for rest and the economic requirements of employers. In Poland, this problem is solved through mandatory written regulation of labour relations, which includes provisions on leave, and failure to comply with these rules results in significant fines for employers, which ensures legal protection for employees and promotes their productivity.

Seasonal workers in Ukraine face limited access to social guarantees and fair working conditions as a result of a lack of adequate control and transparency in labour relations. In Germany, the regulation of temporary employment includes requirements for equal working conditions for all workers, regardless of their status, which ensures social protection and access to guaranteed rights. Mechanisms such as the obligation of employers to report changes in their activities and regular monitoring of compliance with labour standards help to minimise the risks of exploitation. In Ukraine, the absence of such tools creates significant risks for seasonal workers, especially in the agricultural sector, while such mechanisms ensure transparency in labour relations and strengthen control over the observance of rights.

The level of motivation for formal employment among seasonal workers in Ukraine remains low due to the prevalence of informal labour relations. Many employers avoid formalising employment contracts in order to minimise costs

associated with social guarantees, such as holidays, health insurance and pensions. This deprives workers of the opportunity to protect their labour rights and enjoy the social guarantees provided by law. The lack of formal registration also makes it impossible to accumulate insurance experience for pension provision, increasing social risks for workers.

The need for a radical review of approaches to regulating the rights of seasonal workers in Ukraine is based on existing gaps in legal regulation. This does not provide an adequate level of social protection, and the lack of integration of international experience exacerbates these problems. The adaptation of EU standards, such as compulsory social insurance and clear regulation of working conditions, will allow Ukraine to move closer to European standards. The introduction of mechanisms that guarantee the mandatory establishment of equal working conditions for seasonal workers and increased accountability of employers to licensing authorities in matters of work

organisation will help to ensure reliable social protection for workers.

In summary, the study characterised the main new challenges of regulating seasonal labour and proposed ways to address them. However, the analysis focused on comparisons with EU legislation and its member states, which narrowed the scope of the study. In future work, it would be advisable to include the experience of countries with developed agricultural sectors (Canada, USA) in order to formulate more comprehensive recommendations for improving Ukrainian legislation.

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References

- [1] Anong, D.B. (2023). Seasonal workers wanted! Germany's seasonal labour migration regime and the COVID-19 pandemic. *Politics*, 44(2), 219-234. doi: [10.1177/02633957231168039](https://doi.org/10.1177/02633957231168039).
- [2] Berntsen, L., Böcker, A., De Lange, T., Mantu, S., & Skowronek, N. (2023). State of care for EU mobile workers' rights in the Dutch meat sector in times of, and beyond, COVID-19. *International Journal of Sociology and Social Policy*, 43(3-4), 356-369. doi: [10.1108/IJSSP-06-2022-0163](https://doi.org/10.1108/IJSSP-06-2022-0163).
- [3] Bodenchuk, L., Nazarov, D., & Karabadzhak, G. (2023). Peculiarities of formalising labour relations at an agricultural enterprise. *Transformational Economy*, 5, 24-28. doi: [10.32782/2786-8141/2023-5-4](https://doi.org/10.32782/2786-8141/2023-5-4).
- [4] Boeri, T., & Garibaldi, P. (2024). Temporary employment in markets with frictions. *Journal of Economic Literature*, 62(3), 1143-1185. doi: [10.1257/jel.20231655](https://doi.org/10.1257/jel.20231655).
- [5] Bogoeski, V., & Rasnača, Z. (Eds.). (2023). *Report on the social security rights of short-term third-country national migrant workers*. Brussels: European Trade Union Institute. doi: [10.13140/RG.2.2.13093.17129](https://doi.org/10.13140/RG.2.2.13093.17129).
- [6] Bondarevska, K. (2020). Informal employment as a threat to social security in the labor market in Ukraine within an economic transformation. *The Problems of Economy*, 3, 190-196. doi: [10.32983/2222-0712-2020-3-190-196](https://doi.org/10.32983/2222-0712-2020-3-190-196).
- [7] Brameshuber, E., & Sagan, A. (2023). The future of European labour law. *International Journal of Comparative Labour Law and Industrial Relations*, 39(2), 121-124. doi: [10.54648/ijcl2023007](https://doi.org/10.54648/ijcl2023007).

- [8] Bruzelius, C., & Seeleib-Kaiser, M. (2023). Enforcing outsiders' rights: Seasonal agricultural workers and institutionalised exploitation in the EU. *Journal of Ethnic and Migration Studies*, 49(16), 4188-4205. doi: [10.1080/1369183X.2023.2207340](https://doi.org/10.1080/1369183X.2023.2207340).
- [9] Campos-Flores, L., & Rosales-Mendoza, A.L. (2023). Living better but separated: The emotional impacts of the Canadian Seasonal Agricultural Workers Programme on transmigrant workers. In N. Kerrigan & P. de Lima (Eds.), *The rural-migration nexus* (pp. 111-140). Cham: Palgrave Macmillan. doi: [10.1007/978-3-031-18042-2_5](https://doi.org/10.1007/978-3-031-18042-2_5).
- [10] Caxaj, C.S., Cohen, A., & Colindres, C. (2022). More of the same? Migrant agricultural workers' health, safety, and legal rights in the COVID-19 context. *Journal of Agriculture, Food Systems, and Community Development*, 11(3), 139-156. doi: [10.5304/jafscd.2022.113.020](https://doi.org/10.5304/jafscd.2022.113.020).
- [11] Caxaj, C.S., Shkopi, E., Naranjo, C.T., Chew, A., Hao, Y.T., & Nguyen, M. (2023). Health, social and legal supports for migrant agricultural workers in France, Italy, Spain, Germany, Canada, Australia and New Zealand: A scoping review. *Frontiers in Public Health*, 11, article number 1182816. doi: [10.3389/fpubh.2023.1182816](https://doi.org/10.3389/fpubh.2023.1182816).
- [12] Code of Laws on Labour of Ukraine. (1971, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/322-08>.
- [13] De Lange, T., & Falkenhain, M. (2024). Precarity prevented or reinforced? Migrants' right to change employers in the recast of the EU Single Permit Directive. *Frontiers in Sociology*, 8, article number 1267235. doi: [10.3389/fsoc.2023.1267235](https://doi.org/10.3389/fsoc.2023.1267235).
- [14] Directive of the European Parliament and of the Council No. 2003/88/EC "On the Certain Aspects of the Organisation of Working Time". (2003, November). Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0088>.
- [15] Directive of the European Parliament and of the Council No. 2019/1152 "On Transparent and Predictable Working Conditions in the European Union". (2019, June). Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32019L1152>.
- [16] Eurostat. (2024). *Residence permits – statistics on authorisations to reside and work*. Retrieved from <https://surl.lu/knddkw>.
- [17] Fasone, V., Pedrini, G., & Scuderi, R. (2024). The search for training and skill improvement of seasonal workers in tourism. *Employee Relations*, 46(2), 340-365. doi: [10.1108/ER-07-2023-0339](https://doi.org/10.1108/ER-07-2023-0339).
- [18] Federal Statistical Office. (2024). *Agricultural labour force down 7% from 2020 to 2023*. Retrieved from https://www.destatis.de/DE/Presse/Pressemitteilungen/2024/05/PD24_176_41.html.
- [19] Federation of Trade Unions of Kirovograd Region. (2019). *Features of legal regulation of labour relations with seasonal workers*. Retrieved from <https://surl.li/lqvoit>.
- [20] Gramano, E. (2022). Self-employment in the EU and Italian legal systems: Recent trends and missed steps. *International Journal of Comparative Labour Law and Industrial Relations*, 38(4), 453-472. doi: [10.54648/ijcl2022020](https://doi.org/10.54648/ijcl2022020).
- [21] How to employ a Ukrainian citizen. (n.d.). Retrieved from <https://surl.li/ojnotj>.
- [22] Informally employed population by region. (2022). Retrieved from https://ukrstat.gov.ua/operativ/operativ2017/rp/rp_reg/reg_u/arch_nzn_reg_u.htm.
- [23] International Trade Union Confederation. (2024). *2024 ITUC Global Rights Index. The world's worst countries for workers*. Brussels: International Trade Union Confederation.

- [24] Jafari, A., De Azevedo Drummond, P., Bhimani, S., Nishigaya, D., Ding, A.A., Farrell, A., & Maass, K.L. (2024). Enhancing detection of labor violations in the agricultural sector: A multilevel generalized linear regression model of H-2A violation counts. *Plos One*, 19(5), article number e0302960. doi: [10.1371/journal.pone.0302960](https://doi.org/10.1371/journal.pone.0302960).
- [25] Kortukova, T. (2021). Protection of the rights of Ukrainian labor migrants in Europe. *Foreign Trade: Economics, Finance, Law*, 4, 48-57. doi: [10.31617/zt.knute.2021\(117\)05](https://doi.org/10.31617/zt.knute.2021(117)05).
- [26] Kotulovski, K., & Laleta, S. (2021). The abuse and exploitation of foreign seasonal workers: Did the Coronavirus emergency worsen already precarious working conditions in the agricultural sector? *EU and Comparative Law Issues and Challenges Series (ECLIC)*, 5, 326-358. doi: [10.25234/eclic/18310](https://doi.org/10.25234/eclic/18310).
- [27] Kovačević, L. (2023). Seasonal workers in the Republic of Serbia – between new flexibilization (and precarization of work), and catalogue of minimum rights for all workers. *SSRN*. doi: [10.2139/ssrn.4720783](https://doi.org/10.2139/ssrn.4720783).
- [28] Krushelnytsky, M. (2020). Modeling the social orientation of the business entities activities in the agricultural sector. *Accounting and Finance*, 1, 173-177. doi: [10.33146/2307-9878-2020-1\(87\)-173-177](https://doi.org/10.33146/2307-9878-2020-1(87)-173-177).
- [29] Labor Code of Poland. (1974, June). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19740240141/U/D19740141Lj.pdf>.
- [30] Law of Poland No. 137 “On Social Security System”. (1998, October). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19981370887/U/D19980887Lj.pdf>.
- [31] Law of the Federal Republic of Germany “On the Regulating the Supply of Temporary Workers”. (1995, February). Retrieved from https://www.gesetze-im-internet.de/a_g/.
- [32] Law of Ukraine No. 1877-IV “On State Support for Agriculture of Ukraine”. (2004, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1877-15>.
- [33] Law of Ukraine No. 2694-XII “On Labour Protection”. (1992, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/2694-12>.
- [34] Law of Ukraine No. 504/96-VR “On Leaves”. (1996, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/504/96-вр>.
- [35] Leccese, V.S. (2022). Monitoring working time and Working Time Directive 2003/88/EC: A purposive approach. *European Labour Law Journal*, 14(1), 21-34. doi: [10.1177/20319525221141621](https://doi.org/10.1177/20319525221141621).
- [36] Lomey, D. (2021). Standards of employees’ right to a professional (official) career in the acts of the Council of Europe and the European Union. *New Ukrainian Law*, 3, 313-318. doi: [10.51989/NUL.2021.3.45](https://doi.org/10.51989/NUL.2021.3.45).
- [37] Makarova, O. (2013). [Social support programs: Evaluation of results and ways of improving](#). *Demography and Social Economy*, 1(19), 47-56.
- [38] Mantouvalou, V. (2022). The UK seasonal worker visa. *European Law Open*, 1(3), 711-719. doi: [10.1017/el.o.2022.39](https://doi.org/10.1017/el.o.2022.39).
- [39] Mihes, C. (Ed.). (2023). [Workers’ representatives in selected Central and Eastern European countries: Filling a gap in labour rights protection or trade union competition?](#) Geneva: International Labour Organization.
- [40] Open competition for participation in the programme for retraining women as agricultural machinery operators. (2024). Retrieved from <https://surl.lu/rgenxf>.

- [41] Order of Ministry of Social Policy of Ukraine No. 1240 "On Approval of the Rules of Labour Protection in Agricultural Production". (2018, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1090-18#n12>.
- [42] Pasichnyk, V. (2021). Labor safety as a social component of the national security of Ukraine in the context of European integration: Legal aspect. *Democratic Governance*, 14(1). doi: 10.33990/2070-4038.27.2021.239238.
- [43] Passalacqua, V. (2022). Has the seasonal workers directive missed its target? Evidence from Italy during the pandemic. *European Law Open*, 1(3), 690-698. doi: 10.1017/elo.2022.42.
- [44] Pension Fund of Ukraine. (2024). *Information on identifying signs of the use of undeclared labour and violations of labour legislation*. Retrieved from <https://surl.lj/wihzdx>.
- [45] Pikulyk, O. (2020). Causes, peculiarities and consequences of labor migration in Ukraine. *Economy and Society*, 21, 16-20. doi: 10.32782/2524-0072/2019-20-7.
- [46] Pohorielova, O. (2020). Directions for the development of the institute of obligatory state social insurance against accidents at work and occupational diseases. *Bulletin of Taras Shevchenko National University of Kyiv. Legal Studies*, 4, 40-44. doi: 10.17721/1728-2195/2020/5.115-9.
- [47] Radzividlo, A. (2020). Features of legal regulation of employment contracts with seasonal and temporary employees. *Bulletin of Kharkiv National University of Internal Affairs*, 89(2), 69-76. doi: 10.32631/v.2020.2.06.
- [48] Reihlen, A., Wirth, O., Jepsen, D., Guhe, C., Künnemann, K.U., & Walendzik, G. (2022). Interaction of the EU Chemicals Regulation-REACH-with occupational safety and health legislation: A report from the 5th German REACH Congress. *Annals of Work Exposures and Health*, 66(6), 687-697. doi: 10.1093/annweh/wxac014.
- [49] Resolution of the Cabinet of Ministers of Ukraine No. 278 "On Approval of the List of Seasonal Work and Seasonal Industries". (1997, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/278-97-rr>.
- [50] State Labour Service of Ukraine. (2023). *Labour inspectors resume control over observance of workers' rights*. Retrieved from <https://dsp.gov.ua/main-news/inspektory-derzhpratsi-vidnovliuut-kontrol-za-dotrymanniam-prav-pratsivnykiv/>.
- [51] Taggart, S.M., Girard, O., Landers, G.J., Ecker, U.K.H., & Wallman, K.E. (2023). Seasonal influence on cognitive and psycho-physiological responses to a single 11-h day of work in outdoor mine industry workers. *Temperature*, 10(4), 465-478. doi: 10.1080/23328940.2023.2208516.
- [52] The Social Insurance Institution. (n.d.). Retrieved from <https://www.zus.pl>.
- [53] Theoretical offline training on working with modern equipment. (2024). Retrieved from <https://surl.li/dxfslh>.
- [54] Thiermann, I., Götze, H., & Lohmann, U.-L. (2024). Enhancing employment conditions for migrant seasonal workers – assessing consumer preferences for "fair-labour" apples. *Q Open*, 4(1), article number qoae012. doi: 10.1093/qopen/qoae012.
- [55] Tsybmal, O. (2017). *Employment in the formal and informal sectors of the economy*. Retrieved from <https://niss.gov.ua/sites/default/files/2018-01/zainiatist-f1000.pdf>.
- [56] Volkova, N. (2020). The Ukraine's labor market regulation in the aspect of the European integration processes. *VUZF Review*, 5, 58-70. doi: 10.38188/2534-9228.20.1.09.

Новітні виклики захисту прав сезонних працівників сільськогосподарського виробництва в ЄС та Україні

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Анотація

Дослідження було присвячене порівняльному аналізу юридичного інструментарію захисту трудових прав сезонних працівників у сільському господарстві України та Європейського Союзу. Було встановлено, що значна частина працівників цієї категорії залишається поза межами правового регулювання, що ускладнює доступ до соціальних гарантій, таких як медичне страхування, оплачувані відпустки та пенсійне забезпечення. Практика укладення трудових договорів у письмовій формі, хоча і передбачена законом, часто ігнорується, що створює нерівні умови праці та ускладнює захист прав працівників. Регулювання відпусток і тривалості робочого часу не враховує специфіки сезонної роботи, через що працівники змушені працювати без належного відпочинку, що впливає на їхнє фізичне та психічне здоров'я. Польським законодавством передбачено обов'язкове укладення письмових трудових договорів для сезонних працівників, що гарантує прозорість трудових відносин, а спеціальний закон забезпечує їхній доступ до медичних, пенсійних та інших соціальних гарантій через обов'язкову реєстрацію у системі соціального страхування. Варті уваги положення німецького законодавства, яке встановлює рівні умови праці для сезонних і постійних працівників, зобов'язуючи роботодавців забезпечувати оплату не нижчу за рівень, встановлений для постійного персоналу, а також надавати доступ до соціальних гарантій, включаючи можливості професійного розвитку. Європейські директиви встановили високі стандарти захисту працівників, включаючи письмове інформування про умови праці, обов'язкові оплачувані відпустки та чіткі норми тривалості робочого часу. Адаптація європейських стандартів до українського законодавства сприятиме зменшенню рівня неформальної зайнятості, покращенню умов праці та посиленню соціального захисту працівників, що забезпечить більшу стабільність на ринку праці

Ключові слова: трудові відносини; соціальні гарантії; робочий час; прозорість; неформальна зайнятість