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## Retrospective analysis of legislative and regulatory framework of Ukraine in the area of social protection and social security of population emphasizing the representatives of certain professions

**Mariya Zarichkova and MV Zarichkova**

### Abstract

The analysis of the legislative and regulatory framework of Ukraine in the field of social protection and social security of the population with emphasis on representatives of certain professions (particularly pharmacy professionals) was conducted for the period since the Independence Day till nowadays in order to improve the system of social protection of Ukraine. It was found out that the formation and development of Ukrainian legislation in the area of social protection and social security could be divided into four stages with specific features and tendencies. Indicated stages have different development approaches and models of social protection and social security; Soviet and European models are main models among them. At present Ukrainian legislation implements to European standards of social protection.

**Keywords:** social services, social protection, social security, pharmacy professionals

### 1. Introduction

Ukrainian national legislation, governing social protection and social security of the representatives of certain professions, began to form before the declaration of Ukrainian independence.

It has been found out that since 1990 different approaches for the development of the system of social protection and social security have been used in Ukraine. This fact is especially observed in the legislative and regulatory acts of different periods, when fundamentally different conceptual approaches and models were used. The main models among them are the *Soviet model* (dominance of privileges and social benefits, which often substitute proper salaries and material support) and the *European model* (dominance of social services and social work, aimed to support the most socially vulnerable groups and persons in difficult straits) [17].

Non-financial form of social protection – privileges and social benefits, which are typical for the Soviet model, prevail in most analysed legislative and regulatory acts in the field of social protection and social security and dominate in the current legislation. Social services, typical for the European model are less common, because this form of social protection has started to develop recently. However, financial form of social protection is also used in the current legislation as various social benefits and reimbursement; it is widely used both in the Soviet model (financial and monetary aid, bonuses, allowances, increase in salaries, etc.), and European model (social aid, targeted compensations and reimbursement, etc.). The following measures of social protection are used in Ukrainian legislation: state social guarantees (SSG); state social assistance (SSA); social benefits (SB); financial/monetary aid (FMA); benefits on the Merit for the Fatherland (BMF); financial/monetary compensation (FMC); occupational benefits (OB); social services (SS); financial support of activity (FSA); social support (SSp); reimbursement of expenses (RE); social/health welfare (SHW); social security (SSc); state incentives (SI).

### 2. Materials and methods of research

Within the study we used methods of logical, historical, analytical analysis and sociological research. The analysis of the legislative and regulatory framework of Ukraine in the field of social protection and social security of the population with emphasis on representatives of certain professions (particularly pharmacy professionals) was conducted for the period since the Independence Day till nowadays.

### 3. Results and Discussion

Today the national legislation, governing social protection and social security of the representatives of certain professions, consists of at least 58 documents, which establish the types of benefits, social benefits, reimbursement and social services for different groups of population. We have analysed current

legislation and have found out that 27 legislative and regulatory acts provide different measures of social protection for vulnerable groups of persons; the same amount of acts establish special social protection for representatives of certain professions, and only 4 laws provide various measures of social protection on certain grounds (Figure 1) [16].

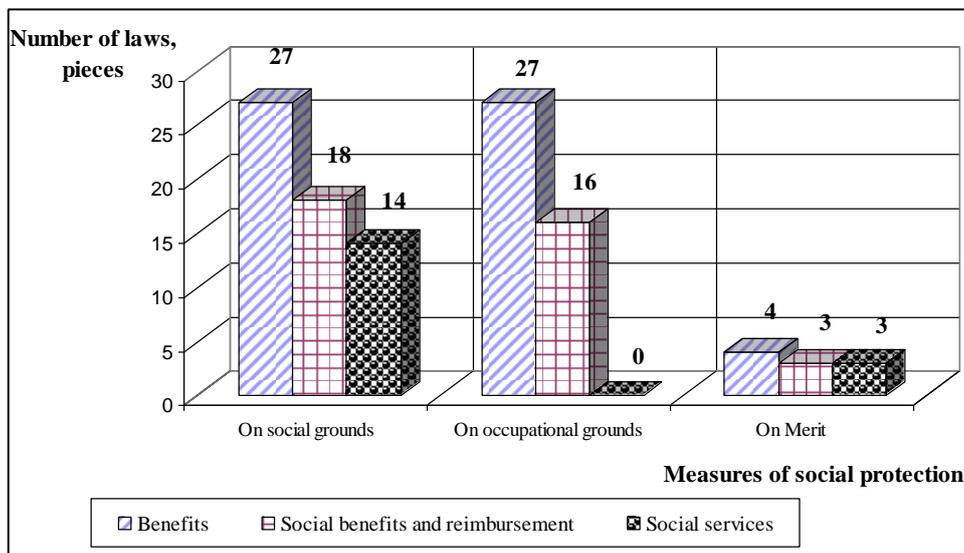


Fig 1: Legislative and regulatory acts share on the grounds of social protection for different groups of population

We have analysed performance features of the sphere of social protection and social security of employees of the pharmaceutical industry and have found out that in Ukraine it includes, first of all, regulation of working hours, granting vacation, social benefits and reimbursement, providing of special clothing and other personal protective equipment, right to a retirement pension etc. [6, 10].

Today these issues are regulated by a number of legislative and regulatory documents; the main document is Resolution No.909 of the Cabinet of Ministers of Ukraine “On the list of establishments and institutions of education, health and social

protection and work positions, which entitle you to a retirement pension” dated 04 October 1993. The retirement pensions of pharmacy professionals (PhP) (chemists, pharmacists) are granted providing the presence of specific work experience, which is at least 26 years as of 01 April 2016, and after this date the period will vary, as shown in Figure 2 [2, 4, 6].

The legislation development in the field of social protection and social security identifies two main directions: 1) solving issues of social protection of different social groups and other categories of the population; 2) transition from the Soviet model to the European model of social protection and social security.

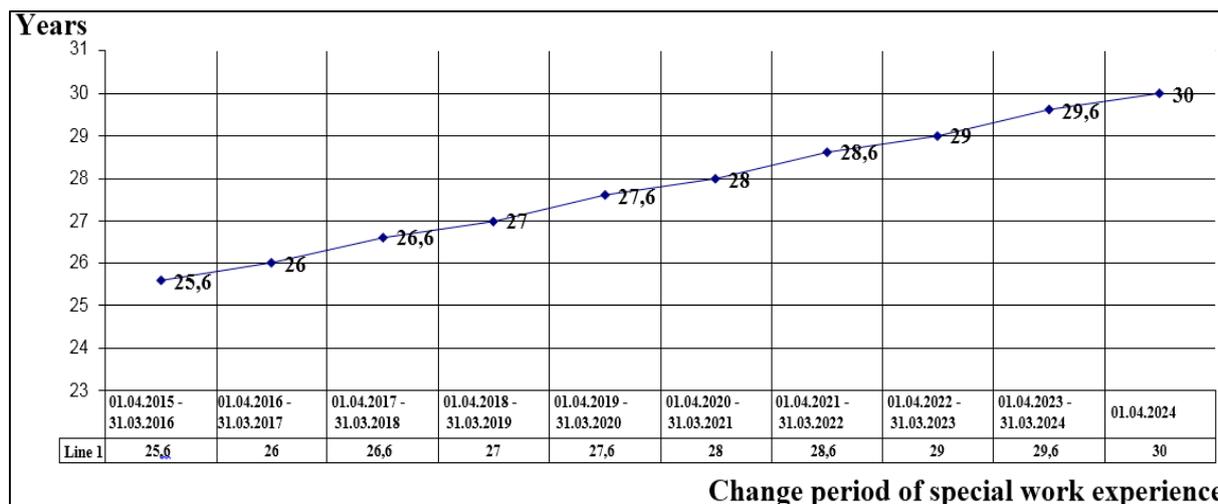


Fig 2: Increase of special work experience to receive retirement pension of PhP in years

We have studied the formation and development of Ukrainian legislation on social protection and social security, and have found out that this process can be divided into four stages with specific features and tendencies [14, 16].

**Stage I:** The formation of Ukrainian system of social protection and social security (1990–1995).

Social protection and social security of independent Ukraine originated in this period. Adopted in that period legislative and regulatory acts aimed to establish state social guarantees for the existing privileged and most vulnerable categories of

population (war and labour veterans, the disabled, people affected by the Chernobyl disaster and others). Legislative and regulatory acts, adopted at the first stage, used approaches, inherent for the Soviet system of social protection and social security. The main ones are listed in Table 1. Legislative initiative of this period can be divided into the following groups according to its direction [16, 17].

- 1) Legislation that is aimed at the rehabilitation of the citizens repressed in Soviet period;
- 2) legislation that proclaimed basic social and economic priorities of Ukraine (for example, Law of Ukraine “On Employment” – overcoming of the unemployment, and social support of citizens, who lost their jobs due to conditions beyond their circumstances etc.);
- 3) legislation that became the basis for formation of the own system of social protection and social security (for example, Law of Ukraine “On the basics of social protection of disabled people in Ukraine”, which established social guarantees and benefits for the disabled in various spheres; Law of Ukraine “On basic principles of social protection of labour veterans and other elderly citizens in Ukraine”; Law of Ukraine “On prevention of acquired immune deficiency syndrome (AIDS) and social protection of the population”, which established a number of social guarantees for people affected by HIV/AIDS, and provided special social protection for health care workers, who are constantly in contact with the mentioned categories of people, etc.).

4) legislation that determined the main approaches to the provision of financial and social protection of the representatives of certain professions (adopted during this period legislative acts concerned the regulation of the status and social protection of health care workers, including Primary Legislation on Health Care).

Choosing the form of social protection, social benefits and support of state establishments of social character were preferred; due to this fact during this period the tendency was established, which eventually caused non-transparency and reduction of the effectiveness of social protection and social security, acting in Ukraine today.

**Stage II: Development of Ukrainian social protection and social security (1996-2000).**

This period began with the adoption of the Constitution of Ukraine of 28 June 1996. The most important event of this period was the adoption of the Law of Ukraine “On state social standards and state social guarantees” in 2000, it was the first step in systematization of all activities of the state in social protection and social security of the population. On this basis a system of social protection and social security began forming, mechanisms of the implementation of social rights of citizens were also implemented. During this period a number of legislative acts were adopted, they formed the basis of Ukrainian legislation, namely.

**Table 1: Fundamental legislative acts of Stage I**

Name of the legislative act, date and number	Measures of social protection and targeted group(s)	Purpose of adoption, importance and relevance of the legislative act
<b>Social Protection of the Persons According To Social Vulnerability</b>		
Law of Ukraine “On the priority of social development of rural areas and agriculture in the national economy” dated 17 October 1990 No. 400-XII	SI, SB for people who have moved and live in labour-insufficient rural areas	It was adopted in connection with the growing urbanization of the population, reduction in fertility in rural areas, general decline of the village. The purpose was to create incentives to prevent the migration of the rural population and to encourage other citizens to settle in the rural area. It establish benefits to pay for electricity, agriculture, construction, financing.
Law of Ukraine “On the status and social protection of citizens affected by the Chernobyl disaster” dated 28 February 1991 No.796-XII	SB, SSA, RE, FMA: citizens affected by the Chernobyl disaster	This is one of the pieces of legislation that remains in force since the Soviet period. Its adoption was associated with particular critical issues concerning social protection of persons affected by the Chernobyl disaster. However, today it has partially lost its relevance.
Law of Ukraine “On employment” dated 01 March 1991 No.803-XII	FMC, FMA, SS: - unemployed - citizens of Ukraine, foreigners	Adopted during increasing of mass unemployment rate, using foreign experience. It granted the right to citizens, who lost their jobs with circumstances beyond their control, to receive state financial aid.
Law of Ukraine “On the basics of social protection of disabled people in Ukraine” dated 21 March 1991 No.875-XII	SB, SSc, SS, SHW: disabled (including disabled children, gifted disabled children, disabled since childhood)	It became fundamental in the system of social protection of the disabled. It established a number of social guarantees and benefits for the disabled in various areas of activity, created the basis for their development, by involving disabled to work, determined special aspects of providing them with health and social care.
Law of Ukraine “On prevention of AIDS and social protection of the population” dated 12 December 1991 No.1972-XII	SSG, OB: - HIV-infected and AIDS patients - health cae workers, who provide their service	Adopted at general attention to the problem of HIV/AIDS in the world. It established a number of social guarantees for persons affected by HIV/AIDS and provided special social protection for health care workers, who are constantly in contact with specified categories of persons.
Law of Ukraine “On state assistance to families with children ” dated 21 November 1992 No. 2811-XII	SSA, SI: - families with children - uninsured women	The adoption of this Law was aimed at stimulating the birth rate and establishing social protection for families with children. It provides the payment of state social assistance at birth, adoption and in several other cases.
<b>Social Protection of Persons, Who Have Some Merit</b>		
Decree of the Cabinet of Ministers of Ukraine “On the benefits for Heroes of the Soviet Union and full holders of the Glory Order” dated	BMF: Heroes of the Soviet Union and full holders of the Glory Order	It establishes a number of benefits for Heroes of the Soviet Union and full holders of the Glory Order.

23 April 1993 No.37-93		
Law of Ukraine “On the status of war veterans, guarantees of their social protection” dated 22 October 1993 No.3551-XII	BMF, SSA, SS, SSp: war veterans and citizens of Merit for the Fatherland	It establishes a number of social benefits and guarantees for certain groups of people, part of these benefits are relevant nowadays. The other part is obsolete and it requires to change the way of determination of the beneficiaries groups and to change the list of benefits, as well as the manner of their provision.
Law of Ukraine “ On the basic principles of social protection of labour veterans and other elderly citizens in Ukraine” dated 16 December 1993 No.3721-XII	BMF, SSA, SS, SSp: - labour veterans - elderly citizens and citizens of labour merit	The law is based on the traditional Soviet-era approaches and it establishes social guarantees and benefits for labour veterans and elderly people. It belongs to a group of laws, which establishes special social protection for persons of labour merit or they are elderly citizens.
<b>Social Protection of the Representatives of Certain Professions</b>		
Law of Ukraine “ On State Tax Service in Ukraine ” dated 04 December 1990 No.509-XII	OB, FMC: employees of Tax Service and Tax Police	It provides special social protection for employees of the State Tax Service of Ukraine and Tax Police. A number of benefits, social and compensation payments are established for officials of the tax service and tax police.
Law of Ukraine “On Police” dated 20 December 1990 No.565-XII	OB, FSA, FMC : policemen, their families and dependents	It provides special social protection for police officers. It determines basic principles concerning financial security and social protection of their activities. It is aimed at stimulating employment and promoting work in the state bodies.
Law of Ukraine “On Education” dated 23 May 1991 No.1060-XII	OB : pedagogical and scientific-pedagogical staff	It determines basic principles of social protection and social security of pedagogical and scientific-pedagogical staff, PhD student, etc. It stimulates researching, recognizes the priority of basic research, which is carried out in the education system.
Law of Ukraine “ On Prosecution” dated 05 November 1991 No.1789-XII	OB, FSA, FMC: Prosecutors and investigative prosecutors, their families	It regulates the special social protection of prosecutors. It determines basic guarantees of the activity and regulates issues concerning their social protection and social security.
Law of Ukraine “On scientific and technical activity” dated 13 December 1991 No.1977-XII	OB : scientists (including young scientists)	It encourages research activities, and supports and encourages researchers, including young scientists. As part of the Social Protection the Law defines the features of financial security, as well as a number of benefits.
Law of Ukraine “On social and legal protection of military servicemen and their families” dated 20 December 1991 No.2011-XII	OB, SSA, SSp, FMC: military servicemen and similar servicemen, their families	The law defines the basic principles of state policy in social protection of military servicemen and their families. It establishes basic guarantees for social and legal protection of military servicemen and aims to create appropriate conditions for their military service.
Law of Ukraine “On veterinary medicine” dated 25 June 1992 No.2498-XII	OB, FMC: professionals of veterinary medicine	As part of the Social Protection the Law establishes a number of benefits in financial and social security of professionals of veterinary medicine. Thus, the Law stimulates and encourages the work of this group of professionals.
Basic Laws of Ukraine on Health dated 19 November 1992 No.2801-XII	OB, FMC: - medical and pharmaceutical professionals - citizens of Ukraine, foreigners	The Law establishes the basic principles of functioning of health sphere in Ukraine. As part of the Social Protection the Law establishes a number of benefits in financial and social security for health workers. Thus, the Law stimulates and encourages the work of this group of professionals.
Law of Ukraine “On State Controlling and Auditing Service in Ukraine” dated 26 January 1993 No.2939-XII	OB, FMC: employees of the State Controlling and Auditing Service	It establishes a number of benefits in financial and social security for employees of the State Controlling and Auditing Service of Ukraine, when they perform their professional activities and retire.
Law of Ukraine “On Civil Service” dated 16 December 1993 No.3723-XII	OB, FMA: civil officers	It establishes a the number of benefits in financial security for civil officers according to their length of civil service and retirement benefits and social benefits in the event of unemployment, disability, accident, death, etc.

1) legislation that established the process of forming of the system of compulsory state social insurance (for example, Basic laws on compulsory state social insurance dated 14 January 1998 No. 16/98-BP were adopted, and the state system of compulsory social insurance was implemented. Measures of social protection: SSG, SSA). The following laws are also important: the Law of Ukraine “On state social assistance to poor families” dated 01 June 2000 No.1768-III; The Law of Ukraine “State social assistance to persons disabled from birth and to disabled children” dated 16 November 2000 No.2109-III; Law of Ukraine “On compulsory state social insurance in the event of unemployment” dated 02 March 2000 No.1533-III; 2) legislation that controls some issues of financial security and social protection of representatives of certain professions (such

as the Law of Ukraine “On State Executive Service”, adopted in 1998; a number of legislative acts aimed at promoting employment in the areas that have started to lose their economic attractiveness – for example, the Law of Ukraine “On protection of plants”), which established a number of social guarantees and benefits for of representatives of certain professions; 3) legislation that is aimed at establishing a special social protection for certain groups of people of some merit, acquired during professional activities (for example, the Law of Ukraine “On the veterans of the military service, veterans of the bodies of internal affairs and other persons and their social protection” dated 24 March 1998 No.203/98-BP. Measures of social protection: BMF, SSA, SS, SSp); 4) legislation that is aimed at social support to minors and crime

prevention among them (established the legal basic principles for relevant authorities, social services and specialized social institutions, which were empowered for social protection and social support of children and adolescents, as well as crime prevention among people under eighteen) <sup>[1, 3, 16, 17]</sup>.

Financial form of social protection prevailed during this stage, benefits and social payments were its main method.

**Stage III:** Modernisation of the existing system of social protection and social security (2000-2008).

In 2000 the Law of Ukraine “On state social standards and social guarantees” was adopted, it created the basis for consistent improvement of the current system of social protection and social security in accordance with the European model. The main legislative acts, which regulated social protection of persons on the grounds of social vulnerability at this stage include <sup>[16, 17]</sup>:

1. The Law of Ukraine “On compulsory state social insurance in relation with temporary loss of working capacity and expenses due to burial” dated 18 January 2001 No. 2240-III, adopted with the purpose to regulate the salary during illness and to provide financial assistance to relatives in case of death of the insured person. It belongs to a group of laws, which, first of all, regulates labour relations. It is one of three laws of Ukraine, which make the basis for operating of the State Social Insurance Fund for temporary disability. Measures of social protection: SSG, SB, FMC. Target group: temporarily disabled citizens (including pregnant women).
2. The Law of Ukraine “On social integration of persons having served a sentence in the form of limitation of freedom or imprisonment for a certain period of time” dated 10 July 2003 No.1104-IV. Adoption of the Law was caused by the necessity to form a system of social support and to create conditions for social adaptation of persons who have been released from deprivation or restriction of liberty. Today most provisions of the Law are only declarations. Measures of social protection: SS, SSp, SHW. Target group: persons released from deprivation or restriction of liberty.
3. The Criminal and Executive Code of Ukraine dated 11 July 2003 No.1129-IV, which determines a number of issues concerning social support of persons released from deprivation or restriction of liberty and creates the basis for their social adaptation through assistance in housing obtaining, employment, reissuance of lost documents, etc. Measures of social protection: SSp, SSA. Target group: persons released from deprivation or restriction of liberty.
4. The Law of Ukraine “On the Rehabilitation of the Disabled in Ukraine” dated 06 October 2005 No.2961-IV. It fills gaps in the system of social protection and social support of disabled people. It is based on new approaches of development of social protection and aimed to develop social services for the disabled. Measures of social protection: SSA, SS, SHW, SSP. Target group: disabled people (including disabled children, disabled from birth) and their families.

The main legislative act, which regulate social protection of people of certain occupations at this stage, include: the Law of Ukraine “On service in local government bodies” dated 07 June 2001 No.2493-III. It establishes benefits in financial provision for officials of local governments according to their length of service and retirement benefits. Measures of social protection: OB, FMA. Target group: officials of local government bodies.

Most legislative acts, adopted in the third stage, are focused on the implementation of main provisions of the Law of Ukraine “On state social standards and social guarantees” and, in particular, on the establishment of new social benefits for the most vulnerable groups of citizens. The most important event of the third stage was the adoption of the Law of Ukraine “On social services” dated 19 June 2003, which became the basis for the development of social services as one of the new ways of social protection.

**Stage IV:** Implementation of European values to the system of social protection and social security of Ukraine (2008–2016).

This stage is characterized by the adoption of a number of legislative and regulatory acts using new European approaches to the development of the system of social protection and social security, aimed to expand the further use of social services.

According to the standards legally adopted in the previous stages, the new law creates necessary conditions and infrastructure for the provision of social services to different categories of citizens, who are in difficult straits. Legislative and regulatory acts, adopted during this stage, can be grouped as follows:

- 1) Legislation that is aimed at social protection of children and young people, as well as orphans and children deprived of parental care;
- 2) Legislation that is aimed at the state care of the most vulnerable categories of the population;
- 3) Legislation that introduced new approaches to social protection of certain categories of citizens;
- 4) Legislation that governs some issues of financial security of the activities and social protection of representatives of certain professions <sup>[5, 11-13]</sup>.

#### 4. Conclusion

1. It was found out that the formation and development of Ukrainian legislation in the area of social protection and social security could be divided into four stages with specific features and tendencies. Main approaches to the regulation of the system of social protection and social security include Soviet and European models.
2. The Soviet model was mainly used during the first stage, because legislators preferred financial form of social protection; benefits were the main type of social security at the first period. Since the Soviet period there has been a network of inpatient institutions, which provided care and social security for relevant socially vulnerable categories of citizens. Such type of social protection as social services provision in the specialized institutions, can be considered as non-financial (in kind) form of social protection.
3. Legislative and regulatory acts adopted during the second stage were focused on forming a system of compulsory social insurance, establishing a number of benefits for financial and social support of representatives of certain professions, as well as creating of the necessary infrastructure for the social protection of children and adolescents and prevention of minor crime.
4. Most legislative and regulatory acts, adopted during the fourth stage, were based on the new approaches, and were the step to European integration in the development of the system of social protection and social security, and introduced new European forms of social protection.
5. The current Ukrainian legislation combines modern European and Soviet approaches and basing on them reforms the system of the social protection and social

security implementing European standards of social protection. European integration reforms, which came into force in Ukraine, provide social protection both in financial form (some types of privileges and social benefits) and in kind (new types of social services).

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