

# Impact of Civil Servant Dismissals on Public Administration Reform: Judicial Practice

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*This publication examines the current state of one of the key objectives of public administration reform — strengthening safeguards against unjustified dismissals of civil servants, particularly through the lens of case law of the Supreme Court of Ukraine (hereinafter — SC).<sup>1</sup>*

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<sup>1</sup> The following criteria were used to select legal proceedings:

- period: from 1 January 2022 to 31 May 2025;
- category of civil servants: civil servants holding category ‘B’ civil service positions (heads and deputy heads of state authorities whose jurisdiction extends to the territory of the Autonomous Republic of Crimea, one or more regions, the cities of Kyiv and Sevastopol, one or more districts, districts in cities, cities of regional significance; heads of the civil service in the aforementioned state authorities; heads and deputy heads of structural subdivisions of state authorities, regardless of the level of jurisdiction of such state authorities);
- category of proceedings: administrative proceedings concerning reinstatement at work (in a civil service position) and decisions of the Supreme Court rendered in such proceedings in favour of a dismissed civil servant.

The analysis did not consider proceedings concerning dismissal in connection with the vetting of public officials (lustration).

State authorities and local self-government authorities, along with their officials, are obligated to act solely on the grounds of, within the powers of, and in the manner prescribed by the [Constitution](#) and laws of Ukraine.

Under martial law, state authorities continue to exercise the powers granted to them by the Constitution of Ukraine, [the Law of Ukraine 'On the Legal Regime of Martial Law'](#), and other Ukrainian laws. In other words, their actions must remain within the limits of their powers and comply with the defined functions and procedures.

[The Constitution of Ukraine](#) guarantees the protection of citizens from unlawful dismissal, while [the Law of Ukraine 'On Civil Service'](#) defines the grounds for termination of civil service, including at the initiative of the civil servant, the appointing authority, or by mutual agreement. Dismissal from a civil service position is also an exceptional form of disciplinary measure applicable only in cases of specific disciplinary offences.

Unjustified dismissals violate the rights of civil servants and, when challenged in court, place an additional burden on the state budget and judicial system.

Meanwhile, [according to the National Agency of Ukraine on Civil Service \(hereinafter — NAUCS\)](#), cases have been recorded **during martial law** where appointing authorities have **terminated civil service contracts** on grounds not stipulated by the Law of Ukraine 'On Civil Service'.

The following **instances of unlawful dismissals have been recorded**:

- › due to changes in essential conditions of civil service (*without complying with legal requirements, including prior notification of such changes and obtaining a resignation letter, consent to transfer to another proposed position, or agreement to continue service*);
- › at the initiative of the appointing authority (*under the pretext of staff reductions, changes in structure or staffing schedules, reorganisation of the state authority, or as a disciplinary measure, without observing the legally established procedures and grounds for disciplinary measure*);
- › without any reference to the provisions of the Law or the Labour Code of Ukraine regarding the termination of civil service or labour relations.

The SIGMA<sup>2</sup> [Monitoring Report](#) notes that courts often ‘side with’ dismissed civil servants. However, Ukrainian legislation still fails to provide full protection of the rights of civil servants in cases of dismissal:

- 1) There are no criteria for making individual dismissal decisions in cases of reorganisation.
- 2) The law allows dismissal based on a single negative score during annual performance evaluation, which represents a regression compared to 2018.
- 3) There are other provisions that create risks for ensuring the right of civil servants to work.

Some unlawfully dismissed civil servants do not pursue legal action to regain their positions.

Reinstating unlawfully dismissed civil servants by court decision constitutes another systemically ignored issue. The law does not define the procedure for state authorities if during court proceedings, the competence or structure of a state authority changes, leading to renaming, restructuring, or eliminating the position, or if other circumstances arise that make immediate enforcement of a court decision and actual reinstatement of an unlawfully dismissed civil servant impossible. As a result, state authorities are forced to comply with the court decision only formally, often reinstating employees outside the official staffing table. This practice undermines the very idea of judicial protection, devalues court rulings, and leaves civil servants in legal limbo.

Enhancing guarantees against unjustified dismissals of civil servants remains one of the key directions of Ukraine’s European integration reforms in public administration. This reform aligns with European standards, particularly the [OECD/SIGMA Principles of Public Administration](#),<sup>3</sup> which aim to:

- › protect civil servants from political or arbitrary pressure;
- › ensure stability and professionalism in the public sector;
- › increase trust in the civil service by enhancing transparency and accountability.

**Strengthening protections against unjustified dismissals of civil servants** is a core objective of the [Strategy for Public Administration Reform in Ukraine for 2022–2025](#)

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<sup>2</sup> The SIGMA Programme conducted a follow-up monitoring assessment (the previous one was carried out in 2018) of Ukraine’s public administration in six sectors defined by the Principles of Public Administration in 2023. The assessment determines the current state of public administration and the improvements required in the framework of Ukraine’s recovery and European integration process.

<sup>3</sup> Principle 8e stipulates that civil servants may be dismissed or demoted only on the basis of impartial, legally defined criteria, in accordance with due process and subject to judicial oversight.

(hereinafter — the Strategy) under the ‘Professional Civil Service and Human Resource Management’ pillar. Its goal is to continue building a professional, ethical, and politically neutral civil service and local self-government service focused on protecting the interests of citizens.

One of the indirect indicators to track progress toward these goals is the reduction of staff turnover across all categories of civil service positions to 10% by 2025.

## State of Play and Progress of Reform

Government initiatives to improve the procedure for terminating civil service include:

- [Draft law No. 6496](#) (31 December 2021), which proposed updating the procedures for entering, serving, and leaving civil service, optimising the consequences of competitive recruitment for civil service positions, and improving the application of disciplinary measures. The Government withdrew this draft law in 2024.
- Draft law [No. 13478](#) (15 July 2025), which also aimed to improve the procedure for terminating the civil service. On 17 July 2025, the newly formed Cabinet of Ministers withdrew it following the [government’s resignation](#).

Currently, the alternative draft law [No. 13478-1](#) (16 July 2025), prepared by Members of Parliament, is under consideration. It does not differ from the withdrawn government draft in terms of civil service termination. One of the improvements proposed by recent legislative initiatives is a change in the approach to using the results of annual performance evaluations as grounds for dismissing civil servants. If a civil servant receives a negative assessment for the first time, a reevaluation can be conducted at least three months later, giving them a proper opportunity to improve and demonstrate progress.

Thus, the outcome of the reevaluation becomes decisive:

- › a positive evaluation means retaining the position;
- › a second negative evaluation may lead to dismissal.

This approach enhances the fairness of evaluations, provides civil servants with a chance to correct their performance, and aims to guarantee the protection of their labour rights.

Unlike the current regulation, which only allows reevaluation if a civil servant appeals a negative annual assessment,<sup>4</sup> the new approach introduces automatic reevaluation. This

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<sup>4</sup> Section ‘[Appealing Assessment Outcomes](#)’ of the Procedure for Evaluating Results of the Civil Servants’ Service, approved by Resolution of the Cabinet of Ministers of Ukraine [No. 640](#) dated [23 August 2017](#) (as amended by Resolution of the Cabinet of Ministers of Ukraine No. 591 dated 10 July 2019).

avoids unnecessary bureaucratic procedures, such as filing and reviewing complaints or potentially challenging its outcome in court and reduces workplace conflict by ensuring that a civil servant receiving a negative evaluation is not formally forced into a dispute with management. As a result, the risks of conflict escalation and legal disputes are reduced, allowing the civil servant to focus on improving their performance instead of engaging in lengthy appeal procedures.

Additionally, this proposal reinstates the practice of mandatory reevaluation, which was abolished in February 2020. Previously, a reevaluation had to be conducted no earlier than three and no later than five months after a negative assessment was issued. In such cases, within five working days of receiving the negative assessment, new tasks and key performance indicators were set, tailored to the scheduled reevaluation date.<sup>5</sup>

## Problems in Implementing the Reform

Despite years of implementing the Strategy, staff turnover has not been stabilised. Moreover, an analysis of court cases involving dismissals from civil service reveals systemic issues connected with challenging decisions on dismissal from civil service.

An analysis of the efficiency of justice administered by the Cassation Administrative Court within the Supreme Court, based on cassation appeals in cases concerning dismissal from civil service<sup>6</sup> (excluding cases related to lustration), shows that in [2022](#), the court reviewed 5,561 appeals (out of a total of 6,916 such cases under consideration); in [2023](#) — 6,365 appeals (out of 7,286); and in [2024](#) — 7,035 appeals (out of 8,386).

There is a clear **trend toward an increase in the number of cassation appeals filed with and reviewed by the Supreme Court**. This adds pressure to the judicial system and the state budget, as the court sometimes rules in favour of compensation for material and moral damages caused by an official found responsible for unlawful dismissals of a civil servant.

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<sup>5</sup> [By Resolution of the Cabinet of Ministers of Ukraine No. 58](#) dated 5 February 2020, amendments were made to the [Standard Procedure for Evaluating Results of Civil Servants' Service](#), in particular, the section 'Reevaluation' was excluded.

<sup>6</sup> Civil service — activity in state political positions, in state collegial bodies, professional activity of judges, prosecutors, military service, alternative (non-military) service, other state service, patronage service in state bodies, service in the authorities of the Autonomous Republic of Crimea, local self-government bodies (paragraph 17 of part one of Article 4 of the Code of Administrative Procedure of Ukraine).

According to the NAUCS [statistics](#), the number of dismissals of civil servants from 2022 through the first quarter of 2025 remains high:

- › 30,440 persons (including 5,957 of category 'B') in 2022;
- › 40,193 persons (including 7,985 of category 'B') in 2023;
- › 37,673 persons (including 6,462 of category 'B') in 2024;
- › 9,216 persons (including 1,541 of category 'B') in the first quarter of 2025.

As of 31 March 2025, [cumulative data](#) published on NAUCS's official website show that over 9,000 civil servants have been dismissed in Ukraine since the beginning of 2025, including more than 1,500 of category 'B'.

By the end of the first quarter of 2025, the number of vacant civil service positions in Ukraine exceeded 30,000, with more than 8,000 of category 'B', which represents 17% of the total staff for this category (over 46,000 positions).

This significant number of vacancies is partly linked to Russia's armed aggression against Ukraine, which forced many civil servants to change their place of residence (relocating within the country, moving abroad, being trapped in occupied territories, serving in the Armed Forces of Ukraine, going missing, being captured or killed, etc.). However, staffing issues in the public sector had already existed before the full-scale invasion.

Statistical data on the number of unlawfully dismissed civil servants reinstated in their positions are unavailable. Similarly, no data are provided on the grounds for their dismissal. Data on job vacancies indicate a shortage of skilled professionals in civil service positions, especially in category 'B', highlighting the need for human resources. A comprehensive analysis of the available statistical data may point either to an increase in unlawful dismissals or a growing number of court cases where civil servants challenge their dismissals as unlawful.

An analysis of Supreme Court case law confirms a **recurring trend in rulings on illegal dismissals of civil servants**. A significant portion of these rulings concerns violations of legislation related to changes in the essential conditions of civil service, in particular:

- failure by the appointing authority or head of the civil service to offer the civil servant another equivalent (in exceptional cases, lower-ranking) position matching their professional training and competencies;
- a formal attempt by the appointing authority to comply with the Law of Ukraine 'On Civil Service', rather than a genuine intention to retain the civil servant.

Another substantial share of Supreme Court rulings concerns dismissals initiated by the appointing authority under the pretext of staff reductions, changes in structure or staffing schedules, or the reorganisation of a state authority.

When the court establishes that a dismissal violated legal procedure, it orders the civil servant to be reinstated in their previous position. However, mechanisms for reinstating civil servants by court order are lacking, and legislative proposals do not address this legal gap.

Although one of the objectives of the Strategy is to strengthen safeguards against the unjust dismissal of civil servants, its implementation plan lacks specific measures directly aimed at tackling this issue. The focus remains on general tools for assessment, selection, and professional development, while legal protections for civil servants remain secondary.

## Recommendations

Unlawful dismissals of civil servants undermine public trust in state institutions, risk losing highly qualified personnel (particularly category 'B' civil servants) and erode institutional memory, reduce the prestige of civil service and the appeal of the state as a competitive employer, may lead to a decrease in the overall talent pool of the public administration system, and risk demotivating both current civil servants and potential candidates for these positions. The integrity and professionalism of civil servants are essential for delivering quality services to citizens and ensuring effective governance. Further progress in public administration reform concerning unlawful dismissals requires the following measures:

- 1) strengthening personal accountability of appointing authorities and heads of civil service for complying with legal requirements when making decisions related to the termination of civil service (at the employer's initiative);
- 2) establishing a legally defined mechanism for reinstating unlawfully dismissed civil servants by court decision. Such a mechanism should outline the employer's obligations and provide a clear procedure in cases of structural changes within a state authority (e.g., offering an equivalent position with similar functional responsibilities);
- 3) conducting awareness-raising campaigns for civil servants about their rights during the dismissal process to prevent and/or challenge unlawful dismissals;
- 4) organising training programmes for HR personnel in state authorities on the legal grounds and procedures for terminating civil service;
- 5) implementing regular monitoring of case law, particularly Supreme Court decisions, to ensure their consideration in applying civil service legislation and to support its further improvement.