ppi 201502ZU4645
Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185Depósito legal pp
197402ZU34

CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela

Vol.41
N° 79
Octubre
Diciembre
2023

Cuestiones Políticas Vol. 41, Nº 79 (2023), 485-497
IEPDP-Facultad de Ciencias Jurídicas y Políticas - LUZ

Organizational and legal aspects of the protection of labor rights in the conditions of martial law in Ukraine

DOI: https://doi.org/10.46398/cuestpol.4179.33

Pylyp Pylypenko *
Olena Rym **
Svitlana Synchuk ***
Volodymyr Burak ****
Oksana Hirnyk *****

Abstract

In this scientific research, with the help of general and special methods, the main trends in the development of labor law in the conditions of martial law introduced in Ukraine are determined. It also discusses the establishment of individual personal restrictions in the organization of labor relations, making the legal regulation of labor relations more flexible and the mobility of the worker in the exercise of the right to work, strengthening the protection of labor rights of workers, mainly of mobilized persons and guarantees of their realization. The authors' attention is focused on the fact that the legislative approach to the regulation of labor relations should take into account not only the interests of the state, but also the interests of individual citizens. The obtained results allow concluding that even in these difficult conditions the labor law prevails in the list of the basic rights of the subjects of labor relations, in accordance with international legal standards and guarantees of their implementation, along with the forms and methods of comprehensive protection of labor.

Keywords: labor relations; forms of labor; labor contract; employment; martial law.

* Head of the Department of Social Law of Ivan Franko National University of Lviv, Lviv, Ukraine. ORCID ID: https://orcid.org/0000-0002-3382-3033. Email: pylyp.pylypenko@lnu.edu.ua

** Professor of the Department of Social Law of Ivan Franko National University of Lviv, Lviv, Ukraine. ORCID ID: https://orcid.org/0000-0002-3364-2830. Email: olena.rym@lnu.edu.ua

*** Professor of the Department of Social Law of Ivan Franko National University of Lviv, Lviv, Ukraine. ORCID ID: https://orcid.org/0000-0003-2711-5919. Email: svitlana.synchuk@lnu.edu.ua

**** Professor of the Department of Social Law of Ivan Franko National University of Lviv, Lviv, Ukraine. ORCID ID: https://orcid.org/0000-0002-3511-0555. Email: volodymyr.burak@lnu.edu.ua

***** Asistent at the Department of Social Law of Ivan Franko National University of Lviv, Lviv, Ukraine. ORCID ID: https://orcid.org/0000-0001-9062-325X. Email: Hirnyk.oksana@gmail.com

Recibido 18/07/23 Aceptado el 12/09/23

Aspectos organizativos y legales de la protección de los derechos laborales en las condiciones de la ley marcial en Ucrania

Resumen

En esta investigacion científica, con la ayuda de métodos generales y especiales, se determinan las principales tendencias en el desarrollo del derecho laboral en las condiciones de la ley marcial introducida en Ucrania. Ademas se discute el establecimiento de restricciones personales individuales en la organización de las relaciones laborales, flexibilizando la regulación jurídica de las relaciones laborales y la movilidad del trabajador en el ejercicio del derecho al trabajo, reforzando la protección de los derechos laborales de los trabajadores, principalmente de las personas movilizadas y las garantías de su realización. La atención de los autores se centra en el hecho de que el enfoque legislativo de la regulación de las relaciones laborales debe tener en cuenta no solo los intereses del Estado, sino también, los intereses de los ciudadanos individuales. Los resultados obtenidos permiten concluir que, incluso en estas condiciones dificiles el derecho laboral impera en la lista de los derechos básicos de los sujetos de las relaciones laborales, de conformidad con las normas jurídicas internacionales y de las garantías de su aplicación, junto a las formas y métodos de protección integral del trabajo.

Palabras clave: relaciones laborales; formas de trabajo; contrato de trabajo; empleo; ley marcial. protección de los derechos laborales.

Introduction

The Constitution of Ukraine defines the key role of the principle of equality of human and citizen rights and freedoms in any legal relationship between the state and its citizens (CONSTITUTION OF UKRAINE, LAW OF UKRAINE, 1996). In addition, the current legislation emphasizes the undeniable importance of observing this aspect in the organization of the functioning of every sphere of life, which also applies to the sphere of labor relations. It is the Code of Labor Laws of Ukraine that enshrines the unity of labor legislation regardless of race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other characteristics, etc. (CODE OF LABOR LAWS OF UKRAINE, 1971), labor relations between employer and employee are regulated, guarantees are provided for the conclusion, change and termination of an employment contract (Article 22), the grounds for

termination of an employment contract are defined (Article 36) (CODE OF LABOR LAWS OF UKRAINE, 1971).

By entering into an employment contract, employees exercise their constitutional right to work, the right to proper, safe and healthy working conditions, to a wage not lower than that determined by law, the right to timely remuneration (Article 43), the right to participate in trade unions with in order to protect one's labor and socio-economic rights and interests (Article 36), the right to strike to protect one's economic and social interests (Article 44), the right to rest (Article 45), the right to social protection (Article 46) (CONSTITUTION OF UKRAINE, 1996).

The introduction of martial law in Ukraine on the basis of the Law «On the Legal Regime of Martial Law» (ON THE LEGAL REGIME OF MARTIAL LAW, LAW OF UKRAINE, 2022) led to a new stage in the development of legal relations in the labor sphere. After all, it was this area in which the interests of citizens are intertwined that required an immediate response from the legislator in order to ensure its stable functioning. Conflicts between the interests of employers and employees in the conditions of a special legal regime required state intervention, the adoption of new laws, the introduction of appropriate changes and additions to the current legislative acts.

It must be stated that the introduction of changes to the labor legislation somewhat complicated legal relations in the specified area regarding: regulation of remote labor activity, legal regulation of the right to vacation, actions of the parties to the employment contract in case of loss of contact with one of them, responsibility for non-fulfillment of the terms of the contract, implementation fulfillment of labor obligations in the status of a refugee, etc.

1. Methodology of the study

The methodological basis of the research is represented by general scientific methods of understanding social phenomena and special methods of understanding state-legal phenomena and processes. Thus, among general scientific methods, the following were used during the research: dialectical (the process of establishing working conditions is studied in an inextricable connection with the social policy and economy of the state), analytical, and the method of specificity (applied during the analysis of current legislation and the study of court decisions); systemic (the analysis made it possible to determine the main organizational and legal aspects of the protection of labor rights in the conditions of martial law in Ukraine) and formal-logical (it made it possible to generalize problems and formulate logical conclusions). Among the special legal methods used: the

comparative legal method, the method of interpreting legal norms, method of legal modeling and others.

2. Analysis of recent research

The issues of the organization of labor relations were the subject of many scientific works, and mostly related to the protection of the rights and legitimate interests of employees and employers in peacetime conditions. At the same time, the specified question became especially relevant in the realities of wartime in Ukraine due to legislative changes in the legal regulation of labor relations.

In this publication, we will make an attempt at a scientific analysis of the organizational and legal aspects of the protection of labor rights in the conditions of martial law in Ukraine, and we will find out the trends in the development of labor relations in the specified area. Achieving the outlined goal requires a generalization of current changes in labor legislation, determination of the basics of legal support for the activities of persons who implement a remote form of work, analysis of the peculiarities of the regulation of legal relations between employers and employees, in particular, mobilized persons.

3. Results and discussion

The development of an effective sectoral mechanism for ensuring the labor rights and interests of employers and employees is the main task of labor law. First of all, it is about the proper legal definition of the system of labor rights of the employer and the employee in accordance with international standards, about guarantees of their implementation, forms, methods and means of protection and protection.

During martial law, labor legislation was adapted to new realities, as a result of which two important laws were adopted: «On the organization of labor relations under martial law» dated 15.03.2022 No. 2136-IX (ON THE ORGANIZATION OF LABOR RELATIONS UNDER MARTIAL LAW, LAW OF UKRAINE, 2022) and «On Amendments to Certain Legislative Acts of Ukraine on Optimizing Labor Relations» dated 01.07.2022 No. 2352-IX (ON AMENDMENTS TO CERTAIN LEGISLATIVE ACTS OF UKRAINE ON OPTIMIZING LABOR RELATIONS, LAW OF UKRAINE, 2022). The specified laws define the procedure for public service, service in local self-government bodies, specifics of labor relations of employees of all enterprises, institutions, organizations in Ukraine regardless of the form of ownership, type of activity and branch affiliation, representative offices of

foreign economic entities in Ukraine, as well as persons, who work under an employment contract concluded with natural persons (hereinafter – employees) during the period of martial law introduced in accordance with the Law of Ukraine «On the Legal Regime of Martial Law».

Law of Ukraine No. 2136-IX «On the Organization of Labor Relations in the Conditions of Martial Law» (ON THE ORGANIZATION OF LABOR RELATIONS IN THE CONDITIONS OF MARTIAL LAW, LAW OF UKRAINE, 2022) defines that the norms of the labor legislation in the part of relations regulated by the adopted Law do not apply , and certain constitutional rights of citizens may be restricted during the entire period of martial law. The law defines the main aspects of the legal regulation of the processes of concluding and terminating an employment contract, establishing and accounting for the time of work and rest of employees, wages, vacations and suspension of the employment contract in the conditions of martial law.

In the conditions of war, it is difficult to deny the importance of non-standard, remote or home-based forms of work. The legal basis of labor relations is also a typical labor contract, but the key distinguishing feature is that these types of employment are built on the principle of flexibility of the working time regime, which allows the establishment of a different work regime than that defined by the rules of the internal labor procedure, but on the condition of compliance with the law of Ukraine «On the Organization of Labor Relations in the Conditions of Martial Law» of daily, weekly or other working hours determined for a certain accounting period (ON THE ORGANIZATION OF LABOR RELATIONS IN THE CONDITIONS OF MARTIAL LAW, LAW OF UKRAINE, 2022). The principle of self-regulation of working hours allows the employee to adjust the time of the start and end of work and the length of the working day, which is especially important in war conditions and determines the level of safety and security of the individual.

According to Art. 119 of the Labor Code of Ukraine, during the performance of state or public duties, if, according to the current legislation of Ukraine, these duties are performed during working hours, employees are guaranteed the preservation of the place of work and all conditions stipulated by the labor contract already concluded between the employer and the employee (CODE OF LABOR LAWS OF UKRAINE, 1971).

This means that for employees called up for fixed-term military service, military service by conscription of officers, military service by conscription during mobilization, for a special period, military service by conscription of reservists in a special period, or accepted for military service by contract, including by concluding a new contract for military service, during the validity of the special period for the period before its end or until the day of actual release, the place of work, position and average earnings at

the enterprise, institution, organization, farm, agricultural production cooperatives, regardless of subordination and form of ownership, and at individual entrepreneurs, in which they worked at the time of the draft. Such employees have the right to receive financial support from the State Budget of Ukraine in accordance with the Law of Ukraine «On Social and Legal Protection of Servicemen and Members of Their Families» (ON SOCIAL AND LEGAL PROTECTION OF SERVICEMEN AND MEMBERS OF THEIR FAMILIES, LAW OF UKRAINE, 1991).

One of the characteristic trends in the development of labor law and the reform of labor legislation in the conditions of martial law is the strengthening of the protection of the labor rights of employees and guarantees of their implementation.

It should be emphasized that the Law of Ukraine «On Amendments to Certain Laws of Ukraine Regarding the Functioning of the Employment Spheres and Mandatory State Social Insurance in Case of Unemployment During Martial Law» No. 2220-X of 04/21/2022 established a number of additional guarantees in the spheres of employment and mandatory state social insurance in case of unemployment in a special period. Among the novelties introduced by the specified law, in particular, the introduction of one-time financial assistance for the organization of entrepreneurial activity, simplification of the procedure for awarding unemployment benefits, regulation of the procedure for providing benefits for partial unemployment, etc. (ON AMENDMENTS TO CERTAIN LAWS OF UKRAINE REGARDING THE FUNCTIONING OF THE EMPLOYMENT SPHERES AND MANDATORY STATE SOCIAL INSURANCE IN CASE OF UNEMPLOYMENT DURING MARTIAL LAW, LAW OF UKRAINE, 2022).

Special attention will be focused on the key moments of the organization of labor relations during the war, in particular, we will consider the peculiarities of the organization of downtime, the conclusion of fixed-term contracts, transfers and changes in essential working conditions.

The concept of downtime is legislated in Articles 34 and 113 of the Labor Code of Ukraine. Downtime is a stoppage of work caused by: the lack of organizational or technical conditions necessary for the performance of work; inevitable force; other circumstances. Therefore, layoff is an exceptional case in the production process (enterprise activity) when an employee is temporarily unable to perform his or her job functions for an objective reason. Most often, during martial law, the reasons (grounds) for the introduction of downtime are: the location of the enterprise in the temporarily occupied territory; location of the enterprise in the war zone; complete or partial destruction of the enterprise as a result of hostilities (CODE OF LABOR LAWS OF UKRAINE, 1971).

Equally relevant is the issue of payment for idle time, which is regulated by Article 113 of the Labor Code of Ukraine, in particular: idle time not due to the employee's fault is paid at the rate of no less than two-thirds of the tariff rate of the employee's grade/salary; during idle time, when an industrial situation has arisen that is dangerous for the life or health of the employee or for the people surrounding him and the natural environment through no fault of his, the average earnings are kept for him; idle time due to the fault of the employee is not paid (CODE OF LABOR LAWS OF UKRAINE, 1971).

The analysis of court practice confirms the typical mistakes of employers when registering downtime. In particular, in the Decision of the Ordzhonikidze District Court of the city of Zaporizhzhia dated August 10, 2022 in case No. 335/3371/22, the court found significant violations of the requirements of the current legislation during the declaration of idle time, in particular: lack of objective reasons for declaring idle time; illegal establishment of payment for downtime in the amount of 2/3 of the official salary; failure to acquaint the employee with the layoff decision (Decision of the Ordzhonikidzev District Court of the city of Zaporizhzhia in case No. 335/3371/22).

We believe that it is necessary to pay attention to the circumstances that would indicate the absence of organizational or technical conditions necessary for the employee to perform the work, as well as to cite evidence of such circumstances, in particular to those that would indicate the objective impossibility of the employee to perform the work precisely due to the introduction of martial law. This is a question, in particular, about the motivation and justification of the decision and compliance with the grounds for introducing downtime.

In accordance with the provisions of Art. 5-1 of the Labor Code of Ukraine, the state guarantees able-bodied citizens permanently residing on the territory of Ukraine, in particular, legal protection against illegal dismissal, as well as assistance in keeping a job. In particular, according to the content of Art. 22 of the Labor Code of Ukraine, any direct or indirect restriction of rights or the establishment of direct or indirect advantages when concluding, changing or terminating an employment contract is not allowed (LABOR CODE OF UKRAINE, 1971).

An employment contract may be terminated, and an employee may be dismissed from work only on the grounds and in the manner specified by labor legislation. According to Clause 4 of Art. 40 of the Labor Code of Ukraine, an employment contract concluded for an indefinite period, as well as a fixed-term employment contract before the expiration of its validity period, may be terminated by the owner or an authority authorized by him only in case of absenteeism (including absence from work for more than three hours during a working day) without valid reasons (CODE OF LABOR LAWS OF UKRAINE, 1971).

It is worth noting that the Law of Ukraine «On the Organization of Labor Relations in Martial Law» does not cancel or change the norms of the Labor Code of Ukraine regarding grounds for dismissal at the initiative of the employer. It is important that the labor law provides for the termination of the employment contract at the initiative of the employer in case of absenteeism precisely «without valid reasons».

In particular, the decision of the Supreme Court dated 09.11.2021 in case No. 235/5659/20 states that: «absence of an employee from work both during the entire working day and for more than three hours continuously or in total during the working day without valid reasons is recognized as absenteeism (for example, arbitrary use without agreement with the owner or his authorized body of days off, regular vacation, leaving work before the end of the term of the employment contract or the period that the employee is obliged to work as assigned after graduating from a higher or secondary special educational institution). Therefore, determining the legality of dismissal for absenteeism is not only the establishment of the fact of the employee's absence from work for more than three hours during the working day, but also the establishment of the seriousness of the reasons for the absence (Decision of the Supreme Court in case No. 235/5659/20).

It can be seen from the foregoing that the determination of the validity of the plaintiff's absence from work is a determining factor for resolving the issue of the legality of the plaintiff's dismissal from work under Clause 4, Part 1 of Article 40 of the Labor Code of Ukraine. An exhaustive list of valid reasons for absence from work is not defined in the labor legislation of Ukraine, therefore, in each individual case, an assessment of the validity of the reasons for absence from work is given based on specific circumstances. According to established judicial practice, the reason for absence from work can be considered serious if the return to work was prevented by significant circumstances that cannot be eliminated by the employee himself.

Reasons that exclude the fault of the employee are recognized as valid. Important reasons for absence from the workplace include such circumstances as: natural disasters, illness of the employee or members of his family, irregular operation of transport, participation of the employee in the rescue of people or property, refusal of illegal transfer and absenteeism in connection with this for a new job. The following are not considered absenteeism: absence of an employee not at the enterprise, but at the workplace; refusal of illegal transfer; refusal to work, contraindicated due to health conditions, not stipulated by the employment contract or in conditions dangerous to life and health; failure to report to work after the expiration of the warning period upon termination of the employment contract at the initiative of the employee (CODE OF LABOR LAWS OF UKRAINE, 1971).

Therefore, failure to report to work as a result of military operations and related circumstances cannot result in dismissal under Clause 4 Part 1 of Art. 40 of the Labor Code of Ukraine on the grounds of «absenteeism», because it is due to the need to preserve the life and health of employees and their families and is considered to be absent from work for valid reasons, in such a case, the employees retain their workplace and position. And the lack of proper notification of the termination of the previously introduced layoff is also a valid reason for absenteeism, since the announced layoff relieves the employee from the obligation to be present at the workplace.

The court in case No. 554/2454/22 dated 06/28/2022 came to the conclusion that there are grounds for declaring illegal and canceling the orders on bringing to disciplinary responsibility and terminating the employment contract (contract), since there was no room for «absenteeism» as such, but the employee had good reasons for not showing up to work. The employee was reinstated at work, and the average earnings for the period of forced absenteeism were also collected (Court decision in case No. 554/2454/22).

Dismissal of an employee for absenteeism is possible only if there are credible circumstances that confirm absence from the workplace without valid reasons. The decision to end the downtime must be communicated to the employee in advance so that the latter has the opportunity to start work on time. The lack of notification of the employee about the termination of the downtime excludes his responsibility for not appearing at work.

In order to quickly attract new employees to work, as well as to eliminate personnel shortages and labor shortages, in particular due to the actual absence of employees who were evacuated to another area, are on vacation, idle, temporarily disabled, or whose whereabouts are temporarily unknown, the employer may conclude with new employees, fixed-term employment contracts during the period of martial law or for the period of replacing a temporarily absent employee (On the organization of labor relations under martial law, Law of Ukraine, 2022). In this way, the legislator established the right of the employer during the absence of a «permanent» employee to conclude a fixed-term employment contract with a new employee without the consent of the permanent employee.

Also, Article 3 of the aforementioned Law regulates the specifics of transferring and changing essential working conditions in wartime conditions. In particular, during the period of martial law, the employer has the right to transfer the employee to another job that is not stipulated by the employment contract, without his consent (except for transfer to another area where active hostilities are ongoing), if such work is not contraindicated for the employee due to the state health, only to avert or eliminate the consequences of hostilities, as well as other circumstances that pose or may pose a threat to life or normal living conditions of people, with wages for

work performed not lower than the average wage for previous work (ON THE ORGANIZATION OF LABOR RELATIONS UNDER MARTIAL LAW, LAW OF UKRAINE, 2022).

According to Art. 13 of the Law of Ukraine «On the Organization of Labor Relations in the Conditions of Martial Law», the suspension of the employment contract is a temporary termination by the employer of providing the employee with a job and a temporary termination of the employee's performance of the work under the concluded employment contract. The employment contract may be suspended in connection with military aggression against Ukraine, which excludes the possibility of providing and performing work.

The suspension of the employment contract does not entail the termination of the employment relationship. If possible, the employer and the employee must notify each other of the suspension of the employment contract in any available way. Reimbursement of wages, guarantee and compensation payments to employees during the suspension of labor is fully entrusted to the state carrying out military aggression against Ukraine (ON THE ORGANIZATION OF LABOR RELATIONS UNDER MARTIAL LAW, LAW OF UKRAINE, 2022).

It should be emphasized that the provisions of the Law of Ukraine «On the Legal Regime of Martial Law», which regulate some aspects of labor relations differently, the Code of Labor Laws - have priority application during the period of martial law. The existence of a threat to the life and health of the employee, as a result of which the employer is unable to guarantee the safety of the latter, the lack of the ability to perform the indicated work remotely is a reason for suspending the employment contract even if there is a desire of the employee to continue working at his own risk (Court decision from 18.08.2022 in case No. 279/1611/22).

The legislative approach to solving the issue when an employee has lost contact with an employer who, as a result of hostilities, cannot organize work for such an employee (destruction, destruction of the premises of a legal entity, death or disappearance of a natural person-entrepreneur) is relevant in the aspect of the investigated problems.

In accordance with Part 1 of Art. 21 of the Labor Code of Ukraine, an employment contract is an agreement between an employee and the owner of an enterprise, institution, organization, or a body or natural person authorized by him, under which the employee undertakes to perform the work specified in this agreement, and the owner of the enterprise, institution, organization or an authorized with it, the body or individual undertakes to pay the employee a salary and provide the working conditions necessary for the performance of work, provided for by the labor legislation, the collective agreement and the agreement of the parties. In view of the above, as rightly

noted by some specialists, if the employer is unable to provide the employee with the necessary working conditions, the latter is not obliged to perform his labor duties (Bakonina, 2022).

In the case of communication with the employer, as well as the possibility of this, the employment contract may be terminated in accordance with Art. 38 of the Labor Code of Ukraine within the period requested by the employee (LABOR CODE OF UKRAINE, 1971). In our opinion, the conduct of hostilities in the relevant area is a valid reason for such a shortening of the deadline. In the absence of any contact with the employer, in particular, in the case of the death of the employer of a natural person-entrepreneur or for other reasons that make it impossible to terminate the employment contract, we believe that the fact of termination can be established in the order of a separate proceeding provided for by the Civil Procedure Code of Ukraine labor relations.

In accordance with Part 7 of Art. 19 of the Civil Procedure Code of Ukraine, a separate proceeding is intended for consideration of cases on confirmation of the presence or absence of legal facts that are important for the protection of the rights and interests of a person or the creation of conditions for the exercise of personal non-property or property rights by him or confirmation of the presence or absence of undisputed rights (CIVIL PROCEDURAL CODE OF UKRAINE, 2004). Clause 5, Part 2, Art. 293 of the Civil Procedural Code of Ukraine stipulates that the court considers in a separate proceeding cases on the establishment of facts of legal significance (CIVIL PROCEDURAL CODE OF UKRAINE, 2004).

Conclusions

Modern labor law in the conditions of martial law introduced in Ukraine remains the guarantor of ensuring the labor rights of employers and employees and does not change its essence, social significance and social purpose. Its main task is the proper legislative consolidation of the list of basic rights of subjects of labor relations in accordance with international legal standards and guarantees of their implementation, forms and methods of protection and protection.

In the conditions of a special legal regime, when the freedom of labor has a limited nature of work in favor of the public needs and interests of the state, the key task of modern labor law is the development of an effective sectoral legal mechanism for ensuring the labor rights and interests of employers and employees.

The main trends in the development of labor law in Ukraine include: the establishment of individual personal restrictions in the organization

of labor relations with an emphasis on the implementation of state needs in their regulation; increasing the flexibility of the legal regulation of labor relations and employee mobility when exercising the right to work; strengthening the protection of labor rights of workers, primarily mobilized persons, and guarantees of their implementation.

Analysis of the current legislation that regulates labor relations allows us to conclude that its optimization during the war in Ukraine made it possible to significantly organize the order of interaction between the employee and the employer, eliminate the potential occurrence of labor disputes, and ensured the appropriate level of flexibility of labor relations. At the same time, the legislative approach to the adoption of new laws, amendments and additions to current regulations should regulate labor relations taking into account not only public interests, but also the interests of individual citizens.

Bibliographic References

ON THE ORGANIZATION OF LABOR RELATIONS UNDER MARTIAL LAW. 2022. Law of Ukraine No. 2136-IX. Government Courier. No. 69.

ON MAKING CHANGES TO SOME LAWS OF UKRAINE REGARDING THE FUNCTIONING OF THE SPHERES OF EMPLOYMENT AND MANDATORY STATE SOCIAL INSURANCE IN CASE OF UNEMPLOYMENT DURING MARTIAL LAW. 2022. Law of Ukraine No. 2220-IX. Available online. In: https://zakon.rada.gov.ua/laws/show/2220-IX#Text. Consultation date: 04/07/2023.

KAIDA, Natalia. 2023. Certain aspects of the protection of labor rights under martial law. Available online. In: https://advokatpost.com/okremi-aspekty-zakhystu-trudovykh-prav-v-umovakh-voiennoho-stanu-advokat-nataliia-kajda/. Consultation date: 04/07/2023.

DECISION OF THE ORDZHONIKIDZE DISTRICT COURT OF THE CITY OF ZAPORIZHIA. 2022. In case No. 335/3371/22. Available online. In: https://reyestr.court.gov.ua/Review/105725481. Consultation date: 04/07/2023.

RESOLUTION OF THE SUPREME COURT. 2021. In case No. 235/5659/20. Available online. In: https://verdictum.ligazakon.net/document/100956877?utm_source=biz.ligazakon.net&utm_medium=news&utm_content=bizpress05. Consultation date: 04/07/2023.

COURT DECISION. 2022. In case No. 279/1611/22. Available online. In: https://reyestr.court.gov.ua/Review/105810619. Consultation date: 04/07/2023.

COURT DECISION. 2022. In case No. 554/2454/22. Available online. In: https://reyestr.court.gov.ua/Review/105204539. Consultation date: 04/07/2023.

BAKONINA, Olena. 2022. Information on the field of labor relations under martial law. Available online. In: https://jurliga.ligazakon.net/ru/news/209854_nformatsya-shchodo-sferi-trudovikh-vdnosin-v-umovakh-vonnogo-stanu. Consultation date: 04/07/2023.

CONSTITUTION OF UKRAINE. 1996. adopted by the Verkhovna Rada of Ukraine No. 254к/96-ВР. Available online. In: https://zakon. rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80/. Consultation date: 04/07/2023.

THE LABOUR CODE. 1971. Approved by Law No. 322-VIII dated 10.12.71 of the State Government, appendix to No. 50, Art. 375. Available online. In: https://zakon.rada.gov.ua/laws/show/322-08#Text. Consultation date: 04/07/2023.

ABOUT THE LEGAL REGIME OF MARTIAL LAW. 2015. Law of Ukraine No. 389-VIII. Available online. In: https://zakon.rada.gov.ua/laws/show/389-19#Text. Consultation date: 04/07/2023.

ON MAKING CHANGES TO SOME LEGISLATIVE ACTS OF UKRAINE REGARDING THE OPTIMIZATION OF LABOR RELATIONS. 2022. Law of Ukraine No. 2352-IX (entered into force on July 19, 2022). Available online. In: https://zakon.rada.gov.ua/laws/show/2352-IX#Text. Consultation date: 04/07/2023.

ABOUT SOCIAL AND LEGAL PROTECTION OF MILITARY PERSONNEL AND THEIR FAMILY MEMBERS. 1991. Law of Ukraine. Resolution of the Verkhovna Rada No. 2012-XII dated 12.20.91. Available online. In: https://zakon.rada.gov.ua/laws/show/2011-12#Text. Consultation date: 04/07/2023.

CIVIL PROCEDURE CODE OF UKRAINE (Reports of the Verkhovna Rada of Ukraine (VVR) . 2004. Nos. 40-41, 42, Article 492) 1618-IV. Available online. In: https://zakon.rada.gov.ua/laws/show/1618-15#Text. Consultation date: 04/07/2023.

CUESTIONES POLÍTICAS

Vol.41 Nº 79

*Esta revista fue editada en formato digital y publicada en octubre de 2023, por el **Fondo Editorial Serbiluz, Universidad del Zulia. Maracaibo-Venezuela***

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org