necessary information related to the conflict. This may include documentation related to salaries, working conditions, company reports, etc. Transparency helps to reduce cases of false information and deception; b) the principle of fairness – the parties to a labour dispute must adhere to fairness, especially when resolving conflicts related to discrimination and violation of rights. Fairness can be ensured by establishing an independent and objective commission that considers the case and makes a decision; c) the principle of mutual benefit – in resolving labour disputes, the parties should seek a solution that is mutually beneficial to both parties. This may mean finding a compromise that meets the needs of both parties; d) the principle of mutual respect – the parties to a labour dispute should respect each other and observe a culture of communication. Cultural peculiarities and customs of different nationalities should be taken into account.

Developing the principles of labour disputes is very important in ensuring the effective protection of the employees' rights and maintaining a balance of interests between the employees and the employers.

To summarize, the principles of labour disputes are very important for ensuring the protection of the employees' rights and maintaining the balance of interests between the employees and the employers. The development of these principles helps to increase the efficiency of interaction between the parties to labour relations, reduce social tensions and ensure the effective resolution of labour disputes. Overall, the development of labour dispute principles plays an important role in ensuring the stability of labour relations and strengthening the principles of social justice.

References

1. Принципи розгляду трудових спорів. URL: https://studfile.net/preview/9772149/page:5/ (дата звернення: 29.04.2023).

UDC 349.2(043.2)

Demchyshyn Yu. V., seeker
for the first (bachelor's) level of higher education,
National Aviation University, Kyiv, Ukraine
Scientific advisor: Kmetyk Kh. V., PhD in Law

A SYSTEM OF BODIES CONSIDERING THE LABOUR DISPUTES

The problem of protecting the rights and freedoms of a person and a citizen, including in the field of labour, has always been one of the most important and at the same time difficult for any state. Everyone has the right to work, during the implementation of which labour relations arise. Constant

changes taking place in the labour market and in the labour legislation of Ukraine lead to the emergence of new disagreements in the field of labour law. Labour legislation provides for the protection of the rights of the employees and the employers both in court and with the help of special bodies specially created to resolve the labour disputes.

Article 55 of the Constitution of Ukraine stipulates that the rights and freedoms of a person and a citizen are protected by the court. Everyone is guaranteed the right to appeal in court decisions, actions or inaction of state authorities, local self-government bodies, officials and officials [1].

This constitutional norm extends its effect to the protection of labour rights of the employees. At the same time, although the right to the protection of rights and freedoms in court is so significant that it cannot be replaced by expediency, its implementation takes place with observance of the balance between the requirements of the public interest and the mandatory prescriptions of this right itself. In other words, the right to a trial, even when it comes to the protection of human rights and freedoms, is not absolute, but may be limited. At the same time, it is important that such restrictions do not cross the line beyond which the essence of the right to judicial protection lies.

The Labour Code of Ukraine establishes a procedure for consideration of individual labour disputes and regulates which bodies are authorized to consider such disputes. According to Article 221, they include: commissions for labour disputes and district, district in a city, city or city-district courts. Which body will consider a labour dispute depends on the type and form of the labour contract [2].

An individual labour dispute should be understood as unresolved disagreements on the application of labour legislation (and other normative legal acts) that arise between the employee and the owner of an enterprise (institution, organization) or its authorized body. Individual labour disputes are considered by commissions on labour disputes and district (city) courts. Consideration of labour disputes is regulated by Chapter XV of the Labour Code of Ukraine and the Civil Trial Code of Ukraine [3].

An important role in the system of resolving the individual labour disputes is played by bodies that are created to resolve labour disputes. According to Article 224 of the Labour Code of Ukraine, the commission on labour disputes is a mandatory body for consideration of individual labour disputes arising at enterprises, institutions, and organizations [2].

A labour dispute is subject to consideration by the commission on labour disputes, if the employee, on his/her own or with the participation of a trade union organization representing his/her interests, did not settle the differences during direct negotiations with the owner or a body authorized by him/her. A presence of this body has a number of advantages. According to scientists, these include: consideration of cases at the place of their occurrence, saving time and

resources, short consideration periods and mandatory execution of decisions (the decision should be implemented within three days after the end of ten days).

A condition for the creation and functioning of the commission on labour disputes is the presence of at least 15 employees at the enterprise, institution, or organization. Due to the lack of the required number of employees, the commission on labour disputes is not created, and employees turn to the primary trade union organization (Article 45 of the Labour Code of Ukraine) with controversial issues regarding the protection of the right to remuneration, and in its absence – to the court [2].

The absence of this body at the enterprise is one of the reasons for overloading the courts with cases related to the protection of labour rights. According to the prevailing opinion of the researchers, the problem of consideration of individual labour disputes in the commission on labour disputes is that this primary body is only nominal in nature and practically does not perform the functions of resolving a labour dispute, let alone preventing it.

The next reason for the employee's appeal to the commission on labour disputes is failure to settle differences directly with the employer or the body authorized by him/her. It should be noted that disputes in which "the confrontation is not between the employee and the employer" are not subject to consideration by the commission on labour disputes. The employee is obliged to apply to the commission on labour disputes in order to take measures to settle the differences that arose due to unsuccessful negotiations with the employer [4].

The decision of the commission on labour disputes could be appealed in case of disagreement within 10 days from the date of delivery of an extract or a copy of the minutes of the meeting of the commission on labour disputes. The court is a body that considers individual labour disputes. According to the Labour Code of Ukraine, it is possible to apply to the court in a clearly defined manner, if the employee or the employer does not agree with the decision of the commission on labour disputes, or the decision of the commission on labour disputes contradicts the effective legislation.

Labour law is one of the most important links of the legal system of Ukraine, which to the greatest extent ensures social and legal protection of a person in the field of work. Consideration of labour disputes in Ukraine is regulated by the Labour Code of Ukraine and the Civil Trial Code of Ukraine. The resolution of individual labour disputes is entrusted to the commission on labour disputes and the courts. This body is primary for consideration and protection of violated labour rights. An analysis of the procedure for resolving individual labour disputes under the legislation of Ukraine shows the lack of a legal framework that would meet international standards in the field of labour.

References

1. Конституція України: Закон України від 28 чер. 1996 р. № 254к/96-ВР. URL: https://zakon.rada.gov.ua/laws/card/254%D0%BA/96-%D0%B2%D1%80 (date of access: 29.04.2023).
2. Кодекс законів про працю України: Закон України від 10 груд. 1971 р. № 322-VIII. URL: https://zakon.rada.gov.ua/laws/card/322-08 (date of access: 29.04.2023).
3. Індивідуальні трудові спори: Юридична енциклопедія / за заг. ред. Ю. С. Шемшученко, 1998. 744 с.
4. Трудові спори та порядок їх розгляду: навч. посіб. / за заг. ред. В. В. Жернакова. Харків: Нац. ун-т «Юрид. акад. України ім. Ярослава Мудрого», 2013. 110 с.

УДК 349.22(043.2)

Дереза В. О., здобувач вищої освіти
першого (бакалаврського) рівня,
Одеський державний університет внутрішніх справ,
м. Одеса, Україна
Науковий керівник: Дибань М. П., к.ю.н.

ОСОБЛИВОСТІ РЕГУЛЮВАННЯ ТРУДОВИХ ПРАВОВІДНОСИН В УМОВАХ ВОЄННОГО СТАНУ

Донедавна законодавство України про працю не передбачало окремого регулювання у період військового стану, тому у перші тижні війни продовжували діяти всі звичні правила, у тому числі й про оформлення дистанційної роботи, відпусток, тощо. Роботодавцям необхідно було ламати голову над оформленням тих чи інших аспектів відносин із працівниками та вигадувати креативні рішення (наприклад, оформляти неоплачувану відпустку в період карантину, оскільки законодавство не передбачало можливості оформлення такої відпустки на значний термін саме через військові дії, військову агресію чи військовий стан).

Однак нові реалії вимагали від законодавця швидкої реакції у різних сферах життя, у тому числі й у трудовій сфері. Закон України «Про правовий режим воєнного стану» розпочав новий етап у розвитку трудового права, який бере свій початок після 24 лютого 2022 року. Виявилося, що саме сфера застосування праці, в якій переплітаються життєво важливі інтереси мільйонів громадян України, потребувала негайної реакції від законодавця з метою забезпечення її нормального функціонування.

У зв’язку з цим трудове законодавство України зазнало значних змін,