

Sokolvak V.Y., seeker
for the first (bachelor's) level of higher education,
National Aviation University, Kyiv, Ukraine
Scientific advisor: Filinovich V. V., PhD in Law

CONFLICT BINDING LEX LOCI LABOURIS IN INTERNATIONAL PRIVATE LAW

International private law deals with legal issues that arise when a legal dispute involves parties from different countries. One of the central issues in international private law is determining which country's law should be applied to the dispute. This is known as the conflict of laws, and it can be particularly challenging when it comes to labour law. The principle of *lex loci labouris*, or the law of the place where the work is performed, is often used to determine which country's labour law should be applied in international labour disputes. However, the application of this principle can be complicated by factors such as the nationality of the parties involved, the location of the employment contract, and the place of payment.

As already mentioned above one of the formulas of connection in private international law, *lex loci labouris*, refers to the law of the place of work in labour relations. It is one of many formulas that guide on what legal order should be made for a specific relationship or a separate component of it in cases where there is an international element. The enforcer should establish the content of the law to which the formula is attached, and the meaning of a specific statutory provision should be interpreted in the context of the overall regulatory framework in national legislation [1].

Mainly in international labour relations, as in other areas of International Private Law, the collision method of regulation is used based on the conflict of laws norms of domestic law. Many countries have created large codification acts in the field of conflict law, which include special provisions on the application of the law to international labour relations. In this area, there are many conflicts of interest, but the main one is the law of the place of work (*lex loci labouris*) [2, p. 191].

The principle of *lex loci labouris* in the field of working conditions and labour law dictates that workers who move from one country to another for employment should be subject to the laws and regulations of the country where they are employed. This principle is designed to prevent discrimination based on nationality and ensure fair pay and conditions of employment [3].

There are, however, several exceptions to the *lex loci labouris* principle: 1) workers employed on sea-going vessels are subject to the legislation of the state under whose flag the vessel sails; 2) civil servants are subject to the

legislation of their employing state; 3) posted workers (i.e. workers temporarily sent to work in another country for 12 months or less) are subject to the legislation of the country of employment prior to the posting; 4) persons who regularly work in more than one state are subject to the legislation of the state of residence if the state of residence is one of the sites where the individual works; if the individual does not work in the state of residence, then he is subject to the legislation of the state where the employing entity is registered; 5) persons who regularly work in more than one state, and are employed by more than one employing entity which have their registered offices in different states, are subject to the legislation of the state of residence; 6) persons to whom the legislation of a state ceases to apply, without the legislation of another state becoming applicable, are covered by the legislation of the state of residence [4, p. 56–56].

It is important to note that the law of the state of the place of work is the most common in legal systems. This is the main binding in the Laws on International Private Law of Albania, Spain, Hungary, Switzerland, in the Law of Albania on the Use of Civil Rights by Foreigners and the Application of Foreign Law of 1964. As the main one and in various wordings, it is used in the judicial practice of some states. This link is enshrined in the 1980 European Convention on the Law Applicable to Contractual Obligations. Also, it is often included in international agreements involving Ukraine [2, p. 193].

In conclusion, the determination of which country's law should apply in international labour disputes is a challenging issue in international private law. The *lex loci labouris* principle is commonly used to determine the applicable law in such disputes, but there are exceptions to this principle. Countries have created codification acts with special provisions on the application of law to international labour relations. Despite these efforts, conflicts of interest remain in this area, and the application of the law can be complicated by factors such as the nationality of the parties involved, the location of the employment contract, and the place of payment.

References

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