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NEW CHALLENGES FOR THE SCIENCE OF LABOR LAW UNDER CONDITIONS OF RUSSIA'S INVASION OF UKRAINE AND THE POST-WAR PERIOD

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Introduction. Russian invasion of Ukraine, the announcement on the 24-th of February 2022 of martial law in our country and its extending to next periods, its imposition on all the territory of Ukraine, the process of mobilization as well, all this caused lots of adverse consequences for all spheres of life of Ukrainian society. These adverse effects concern humanitarian, economic, social and international global issues in general, and legal issues in particular. Many people left our country, many Ukrainians lost their jobs, and only few of them could find temporary earnings to support themselves. Nowadays, the situation is not getting better. These urgent issues also affected the legal science.

Among the problems of legal science, some of the most painful became those connected with the process of using human labor. According to International Labor Organization estimates, 30 percent of all jobs (that is, almost 4.8 million) have been lost since the beginning of the war. As the conflict drags on, more and more Ukrainians may lose their jobs; millions of Ukrainians may find themselves in a situation of poverty. All of that will negate years of development efforts in Ukraine [1].

The Science of labor law faced the general issue of finding models of legal regulation of labor relations under war conditions. The task to find effective methods of improving labor legislation also emerged. Searching of concept of changes into the legislation, the assessment of practical effectiveness of implementation of principles of labor law in war conditions and post-war period belong now to the main aims of science of labor law. A new relevant subject of study for the science of labor law of Ukraine has become the extent to which the new changes have corresponded to real labor relations, and the comparison of national and foreign labor legislation in the field of employment.

The most important scientific issues have become legal guarantees of realization of right to employment during the war; local acts of regulations of

labor relations in war conditions (termination of the employment contract, employees transfer, recovering the lost employment record books etc.); legal regulation of working hours, salary payments and the annual basic paid vacation during martial law in Ukraine; labor disputes and their resolution under conditions of war; certification and use of the personnel during the war; labor discipline and social protection and insurance of employees during the war [2]. All-mentioned above proves the relevance of study of the labor law science role during the war and post-war period.

The aims of this study are to highlight the role and significance of labor law science of Ukraine during the war and in the past-war period, and also to determine the main trends of its global influence.

Methods and materials. In the process of study there were used philosophical and general scientific methods of cognition, in particular the general sociological method, the formal-logical method, the historical method, the system-functional method, as well as the special-legal method.

In the course of the research, changes in the labor legislation of Ukraine, changes in the labor legislation of foreign states, that regulates the employment of Ukrainian citizens abroad, as well as materials of law enforcement practice on this issue, were analyzed.

Results and discussions. After the imposition of martial law in Ukraine, labor relations have changed considerably. Regarding the General part of labor law, the scope of legal regulation and subject of labor law have extended. New patterns of employment have appeared, in particular remote employment for many categories of employees. During the war, many aspects of labor relations need special regulation: organization of employment, salary payment, the annual basic paid vacation, employees transfer, termination of the employment contract etc. Obviously, the scope of the subject of labor law has broadened.

The system of labor law has broadened, too. New institutions of wartime labor law and cross-border labor law [3; 4] have appeared, along with the revival of international labor law. Many Ukrainians have received the status of refugee or displaced person abroad, that caused clarification of legal norms regarding their employment opportunities in many foreign countries, and regarding requirements to Ukrainian employees. In the future, that will entail a review of scientific views on the labor law system.

The main principles of labor law and their significant meaning under war conditions must be rethought. The new changes to labor legislation should provide the implementation of principles of labor law in war conditions and post-war period. New changes to the labor legislation should not violate the main approaches and exceptions in the regulation of human and citizen rights and freedoms.

Among the most important functions of labor law during the war period became the function of ensuring stability of labor relations and the function of protection of labor relations and its participants.

Adoption of Law of Ukraine «On Organization of Labor Relations under Martial Law» № 2136-IX [5] and issuing recommendations and comments regarding the application of new changes in the legislation have extended the scope of sources of labor law.

Many of individual employers and employees were mobilized or joined territorial defense, or received the status of temporarily displaced person, or migrants, or refugees abroad. That caused the appearance of new categories of employees and the need to define their status in labor legislation and to regulate organization of the process of their labor. So, the system of participants of labor relations and their status have changed too in a certain way.

The war and its direct consequences (employees transfer, employees displacement, changes in their status etc.) are those legal facts, that change the dynamics of labor relations. These are events and other types of legal facts, that require deep scientific analysis and reflection.

The accents of social dialogue and the national and foreign trade union organizations activities have changed considerably. International cooperation became the main direction of their activity. The main areas of integration of national and foreign trade union organizations of various levels are charity, assistance to displayed persons and refugees. In my opinion, development of cooperation between participants of social dialogue in Ukraine and International Labor Organization as to the questions of assistance to employees and individual employers, who became victims of war, is extremely important.

Separate and special issues of the organization of the labor process in military conditions are resolved in the Special Part of Labor Law, which has an extremely large number of legal norms.

Conclusions. Russian invasion of Ukraine, the announcement on the 24-th of February 2022 of martial law in our country caused essential legal consequences for labor relations and labor law as well. The searching of concept of changes into legislation, the assessment of practical effectiveness of implementation of principles of labor law in war conditions and post-war period belong now to the main aims of science of labor law. The institutions of wartime labor law and transborder labor law should find their place in the system of labor law and even in some parts of the Labor Code of Ukraine. The accents of social dialogue and the national and foreign trade union organizations activities have changed considerably, too. The development of cooperation between participants of social dialogue in Ukraine and International Labor Organization as to the questions of assistance to

employees and individual employers, who became victims of war, is extremely important.

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