

Peculiarities of the Legislative Regulation of the Protection of Rights of Workers on the Background of Russian Military Aggression (the Ukrainian Experience)

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Abstract: The objective of the article was to reveal the novelties of employment legislation adopted by Ukrainian government in order to protect rights of employers and employees on the period of Russian military aggression. The article analyzes the features of the regulation of relations between employers and employees in the period of maritime. Methods of comparison, analysis as well as systemic-structural and functional methods were used to conduct the research carried out in the article. The article describes current labor legislation changes established by the Law of Ukraine “On the organization of labor relations in martial law” and amendments to it as well as their impact on rights of workers during maritime. Were described new legislations, which were established to stabilize the labor relations affected by the armed aggression, to protect rights of employees and to provide legal guarantees to workers. As well, were described articles of the introduced legislations, which temporary worsen workers` rights in the period of martial law.

In the science paper were described labor relations of employees` activity, who have switched to remote work due to the combat activities in Ukraine. Furthermore, were reviewed the employment legislation of relations between employers and employees, who have been mobilized by a Decree of the President of Ukraine “About general mobilization”.

Keywords: Martial law, Employment legislation, Labor relations, Labor legislation, Human capital, Rights of workers.

JEL Classification: C22, C23, K31, O15, J5, J8.

1. INTRODUCTION

Political and economic changes are trend to affect the legal regulation of relations in a society. So, the crisis that has begun on 24 February 2022 with Russian full-scale invasion is having a profound effect on all processes in public life: the economy, business, manufacturing and, unfortunately, human rights. One of the consequences of the Russian military aggression towards Ukraine significant changes in the empl-

oyment protection legislation. The legislation is a milestone of political and policy debate in many countries, which require special attention during challenging times. Until 2020, the Labor Code of Ukraine was primarily comprehensive regulation of the labor law (Kudriavtsev, 2021). Answering the call made by the outbreak of the coronavirus, disease the Verkhovna Rada of Ukraine introduced a number of amendments to protect Ukrainian workers` right (Gusarov, 2021; Melnychuk, 2022).

For the majority of Ukrainian enterprises and workers, the war was a real test and created new challenges for the development of economic aspects of doing business. A significant part of Ukrainian enterprises has been relocated, resulting in the need to plan the functioning of the business in the new

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territory, to consider and cover the costs associated with the organization of work in the new location. In addition, under martial law, the demand for products or services of many enterprises is reduced, as a result - there is an objective need to reduce costs to maintain the effectiveness of the functioning of the enterprise (GORINOV, 2022). As a result, there may be a need to downsize employees, but the cost savings from laying off an employee must be compared to the long term lost benefits from the loss of a skilled worker. In this context, it is necessary to build a system that maximizes the protection of the individual's rights as a worker and allows businesses to respect their interests as well.

Labor rights as part of human rights intrinsically entitlement to each person regardless of nationality, location of residence, gender, religion, language, or any other characteristic. Armed aggressions have infringed human rights of tens of millions of residents from various nations (Pylypenko, 2021). As a result, international and national laws regarding labor are consistently violated in several violent situations.

At 5:30 a.m. on February 24, 2022 President of Ukraine Volodymyr Zelenskyy signed the Decree № 64/2022 "On the imposition of martial law in Ukraine". This decision was made due to the military aggression of the Russian Federation against Ukraine and based on the proposal of the National Security and Defense Council and in accordance with Ukrainian legislation. The introduction of the martial law formed the legal foundations of the new Ukrainian reality and has greatly restricted rights of workers in Ukraine, even though the restrictions are temporarily. As the result it provided the legal basis for the introduction of the reform of Ukrainian labor legislation. On March 15, 2022, the Parliament of Ukraine adopted the Law of Ukraine "On Organizing Labor Relations under Martial Law" (which came into effect on March 24, 2022), a locomotive that introduced revolutionary changes in the regulation of labor relations during the period of martial law. The law naturally has been accompanied by amendments, which were proposed: to stabilize industrial relations, to support employers, to provide legal guarantees for employees, and to ensure the right to safe and healthy working conditions.

Research in this area is of great importance for the registration of the status of rights of workers in Ukraine during military aggression and analyzing the ways to ensure legal protection of the rights of employees and employers during the period. Such researches have been provided by a number of scientists (Oliukha et al., 2022; Makarenko, 2022; Bakina, 2022; Cherneha, 2022; Kravtsova et al., 2022; Karpenko, 2022; Lakhtionova, 2022; Pavlynska, 2022b).

The purpose of the scientific article is to summarize the employment protection legislation and amendments to it, which were adopted in order to stabilize employment relations disturbed by the Russian military aggression.

2. MATERIALS AND METHODOLOGY

The study of the peculiarities of the legislative regulation of the protection of rights of workers during the maritime conducted in the proposed article using:

- comparison method of the temporary adopted legislation with the employment legislation valid in

peaceful time to recognize changes made by Ukrainian government;

- method of analysis to give an assessment of the changes on rights of workers;
- systemic-structural and functional methods, the need for which is explained by the fact that all components of employment legislation are closely related to each other and perform their own functions.

In the course of the study, theoretical and special economic methods were used, as well as approaches to the analysis of legislative norms of protection of workers' rights under martial law. The combination of general scientific and special methods of research allowed to conduct research at the intersection of legal sciences and economics, since most aspects of protection of workers' rights in conditions of war are characterized by the need to compare both the position of the employee and the employer.

At the first stage of the study attention was paid to the peculiarities of legislative regulation of workers' rights in Ukraine, respectively, to disclose these features we used theoretical general scientific methods, in particular: analysis, synthesis, justification, generalization, systematization.

At the second stage of the study, an in-depth analysis of the components of protection of workers' rights under martial law was conducted, using the approaches of situational analysis and identification of possible scenarios of employers' and employees' actions.

The research and analysis were based on materials and data publicly available and freely accessible.

The specificity of the article is the combination of the analysis of normative documents and economic consequences of the martial law on the labor market. This combination allowed to specify more aspects related to the sustainability of the system of labor market regulation under martial law.

3. RESULTS

The Labor Code of Ukraine establishes the unity of labor legislation regardless of race, color, political, religious and other beliefs, gender, ethnic and social origin, place of residence, language, etc. During the wartime human resource and effective communication between a country, employers, and employees are especially valuable as the country needs to support economy during and after a military aggression.

According to the estimation of the International Labor Organization (ILO) the number of unemployed in Ukraine was at 1.5 million, which tripled since the start of the Russian aggression as about 4.8 million jobs have been lost in Ukraine ("The impact of the Ukraine crisis on the world of work: Initial assessments", 2022) during the invasion. Overall, estimated that the unemployment rate in Ukraine increased from approximately 10% to 27-30%, and the employment rate fell from 56% to 40%.

Of course, a significant increase in the number of the unemployed is a threatening trend for the state economy, as it is a manifestation of general depressive economic processes, while the state has regulatory opportunities to influence the

labor market and stimulate the creation of new jobs even under martial law, as the replenishment of budgets of different levels depends, among other things, on the availability of jobs also (Svitlak, 2022).

At the same time, the Ukrainian reality requires the formation of such prerequisites for the development of the labor market, in which the creation of new jobs would be beneficial not only to the state authorities, but also to the employers themselves (Bulkot, 2021).

Thus, the legislation has to react urgently and consistently adapt the labor legislation to each uprising condition in order to ensure the work of enterprises, employment of citizens and support of the economy. First adaptation was made by the Law of Ukraine # 2136-IX "On Organizing Labor Relations under Martial Law" (hereafter – "Law # 2136-IX") on 15 March (The Law of Ukraine "About the organization of labor relations in the conditions of martial law", 2022). The Law became the basis of the employment regulations during the military aggression. The Law # 2136-IX together with the Law of Ukraine # 2352-IX "On Amendments to Certain Legislative Acts of Ukraine on Optimization of Labor Relations" from 1 June (hereafter – "Law # 2352-IX") regulate labor relations for all enterprises, institutions and organizations, irrespective of their form of ownership, type of activity or industry sector, as well as to persons working under employment agreements with individuals. In accordance with it the Articles 43, 44 and 45 of the Constitution of Ukraine, which regulate the human's right to work, rest and strike are legally restricted during the martial law (Pavlynska, 2022a). The legislation temporarily, until the end of the war, worsens the conditions for the realization and protection of the labor rights of employees in comparison with the rights enshrined in the Code of Labor Laws of Ukraine and the Law of Ukraine "On Vacations".

4. DISCUSSION

4.1. Peculiarities of Legislative Regulation of Workers' Rights in Ukraine

Peculiarities of the Ukrainian legislation concerning labor relations are conditioned not only by the specific economic system of the state, but also by aspirations for European integration, as a result of which the legislation is constantly being improved and adapted to the European norms. With the beginning of a full-scale war on the territory of Ukraine there was an objective necessity to introduce legislative changes concerning labor relations and protection of rights of hired workers. Further it is logical to analyze the peculiarities of conclusion of an employment contract under the Ukrainian legislation, in which the main document regulating the relationship between the employee and the employer is the employment contract.

Before implementing changes, the Labor Code of Ukraine stated that employee and employer can enter an employment agreement, only if it is represented in written form. However, according to the Article 2 of the Law # 2136-IX, the parties can determine a form of the employment agreement by mutual consent, therefore the agreement doesn't have to have a written form. However, the written form is mandatory in outlined in legislation cases (i.e. for an employment agree-

ment to remote work, an employment agreement with a minor etc.) Consequently, if another is not stated in the Labor Code of Ukraine, parties can conclude an employment contract verbally. In such case, the labor relations will be confirmed by a document in the form of an application for employment with description of all work conditions.

In order to maintain work and to eliminate personnel and labor shortages, employers are able to enter a fixed-term employment agreement with new employees during the period of martial law or for the period of replacement of a temporarily absent employees (Yakovenko; Piskorska, 2017, p. 40-48), who were evacuated to another area, are on vacation, temporarily lost their ability to work, or whose locations are temporarily unknown. Hence, if an employee is absent on a work place or unable to work during a period, for avoiding personnel deficit the employer has right to hire on the period new employee, while concluding an employment contract with him/her. What's more, the Article 23 of the Labor Code of Ukraine were changed in accordance with the Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded, and now states that employers are obliged to inform fixed-term employees about vacancies, which meet their qualifications and requiring entering an open-ended employment agreement, while ensuring equal opportunities for entering such agreement.

In compliance with the Directive (Eu) 2019/1152 of the European Parliament and of the Council the Article 29 of the Labor Code of Ukraine was amended with the aim of improving rights of workers in Ukraine as it establishes requirements to employers to inform employees before starting to work regarding:

- 1) enterprise location, position and responsibilities of the employee, date of commencement of the employment relationship;
- 2) workplace with provision of the necessary means for work;
- 3) rights, obligations and conditions of work;
- 4) the presence of dangerous and harmful factors at the workplace and their possible effect on health, as well as the employee right to be compensated for working under such conditions;
- 5) schedule, working conditions, and collective agreement (if apply);
- 6) training in labor protection, industrial sanitation, occupational hygiene and fire protection;
- 7) organization of professional training of employees (if provided);
- 8) duration of annual leave, terms and amount of remuneration; and
- 9) the procedure and terms of notice of termination of the employment agreement, established by the Labor Code of Ukraine.

Such requirements were established in the Labor Code of Ukraine before as well, the amendment has just expanded the list. However, the difference concerns remote work. If before such obligations were not applied to the conclusion of an

employment agreement on remote work, now employers have to fulfil clauses 1, 3, 5, and 7-9 from the mentioned above.

The purpose of the change is to ensure transparent and predictable working conditions, to ensure labor market adaptability. This amendment secures rights of workers to receive full information about the conditions of employment relations.

In general, the transition to remote work is a requirement of modern times, not only in Ukraine, but also in other countries around the world. The COVID-19 pandemic has shown that companies can work efficiently when a significant part of the staff performs their duties remotely, while this approach to work organization requires less cost to maintain the office and related processes to ensure work in the office premises. Certainly, it should be understood that remote work requires self-organization, first of all, from the employee, but specialists of HR department and psychologists of the company should help employees to adapt to the new realities and peculiarities of remote work.

4.2. Specifics of Legislative Regulation of Labor Relations in Ukraine During the War

Changes of Essential Terms of Employment. Article 32 of the Labor Code of Ukraine defines a rather complex procedure for changing essential working conditions, one of which is advance notice not later than two months about any changes of essential terms of employment including, without limiting, working regime, amount of salary, benefits, establishment, or cancellation of part-time working hours. During the period of military aggression, the Law # 2352-IX amended the article only in regard to the period of employee's notification: during the wartime employees should be notified not later than before the introduction of such conditions. The adopted change of the employment legislation is appropriate and acceptable in the period of military aggression, when production capacity reduced due to hostilities and when employees are forced to flee, escaping the war etc. Thus, the legislation doesn't amend other elements regarding the changes of essential terms of working, i.e., such changes can only be applied resulting changes in the organization of production and work, and the specialization, qualification and position have to be conserved for the employee, even under the changes of essential terms of employment.

During the imposed martial law, employer can transfer an employee to another position, not outlined in the employment agreement, without a consent of the employee, if such position is medically permissible and only for the purpose to prevent or eliminate the consequences of combat actions, and other circumstances that pose or may pose a threat to life or normal living conditions of the employee. The legislation excludes the possibility of transfer to a position in a location with combat activities. It should be noted that this amendment duplicates Article 33 of the Labor Code of Ukraine. Both legislations define causes of transfer of employees in order to avoid circumstances that endanger or may endanger lives of living conditions of employees, and which limit the employees' freedom of will to exercise their right to work and to be provided with working conditions that are free of known dangers (Danilov, 2017). The main difference be-

tween the legislations is a clear statement of forbiddance of transfer an employee to an area with active combat actions without the employee's consent.

In fact, the amendment is a restraint for employers and their will regarding transfer of an employee on a positioned, not stipulated by the employment agreement. The necessity of the statement is based on the Constitution of Ukraine, which states that the highest social value is a person, in particular an employee. So, any transfer to a position or location which can pose a threat to the employee's life or health without the employee's consent in unacceptable and now legally inadmissible.

Termination of Employment Agreement. The dismissal procedure was simplified on the period of the military aggression. Now if a workplace is located in the area under hostilities, and when life and health of an employee are under threat, the employee can initiate termination of the employment agreement without a two-week prior notice, which is mandatory in peaceful time in accordance with Article 38 of the Labor Code of Ukraine. The exception is related to employees forcefully engaged into social beneficial activities and workers of critical infrastructures.

As well the simplification concerns also procedure of termination of employment agreement initiated by an employer, which during the maritime has the right to dismiss an employee in the period of his/her inability to work or during the employee's vacation. Yet the paragraph is not applicable if the employee is on a maternity leave or on a child (under three years old) care vacation.

Despite the simplified procedure of termination of employment agreements mentioned above, an employee's rights are protected as he/she can be dismissed only in accordance with the Labor Code of Ukraine. However, the Law # 2352-IX established the following additional reasons for termination of an employment agreement:

- 1) death of an employer (individual entrepreneur) or recognition of the employer by a court as missing or dead;
- 2) death of an employee or the entry into force of a court decision, which declare the employee missing or dead;
- 3) absence of an employee at work and information of reasons of the absence for more than four months;
- 4) inability to provide an employee with work, as a consequence of destruction (absence) of production, organizational, and technical conditions, means of production or property of the employer as a result of combat activities.

The causes #3 specifies that an employer can dismiss an employee if he/she was absent on the work place during four months in a row with corresponding acts with the registered absence of the employee. Furthermore, the dismissal will be legal only if the employer can prove that he/she has not received any explanation about the absence, regardless if the reason is reasonable. According to the comment of the Ministry of Economy of Ukraine, if the employee can provide evidence that he/she informed the employer the reason of absence, the dismissal will be overruled by a court.

In this case of dismissal due to cause #4, the employees have to be warned about the upcoming dismissal not later than ten days in advance. In the same time frame, the employer is obligated to inform primary trade unions regarding the reason of the dismissal, the number and the categories of employees, who may be affected, and periods of dismissal. If the dismissal is massive, the employee should inform also the State Employment Service about the planned dismissal and consult with unions on measures to avoid or minimize the dismissal and to adverse consequences.

The amendment to the labor legislation also obligates an employer to issue to the dismissed employee a copy of the order of dismissal and a written notice about timely paid severance pay, additional pay, bonuses or any other remunerations on which the employee has rights in accordance with the employment agreement and employment legislation. In the event of the death of an employee, the legislation states that such compensation have to be provided to the employee's family members and in case of their absence – to become a part of the inheritance.

Working Hours and Time Off. According to the Law # 2352-IX, for workers on critical infrastructures the normal duration of working time can be increased up to 60 (sixty) hours per week during the maritime. If according to the legislation the workers have reduced working hours, the maximum working hours is equal to 40 (forty) hours per week. What's more, the increase of the normal duration of working time is a right of employer, not an obligation. Such change of working hours is not applicable to minors.

In the case of increase of normal duration of working time, the overtime work has to be reimbursed proportionally to the increase.

With it the rights of workers were worsened as the Law # 2136-IX states that the duration of the weekly uninterrupted time off can be decreased, up to 24 hours. Again, such decrease can be initiated only by employers, so it is not mandatory for each employer to decrease the weekly time off of employees. What's more, working hours and the duration of the work week (five- or six-day work week) should be also defined by the employer.

The legislation established temporary restrictions on days off by disabling a range of employment legislations:

- Article 53 of the Labor Code of Ukraine, regarding the decrement of working hours on a day preceding a holiday;
- Article 65 of the Labor Code of Ukraine, which states that overtime has to be limited to four hours in two consecutive days and 120 (one hundred twenty) hours in a year;
- Article 67 of the Labor Code of Ukraine, which transfers holidays to the day preceding the holiday or non-working days;
- Article 71 of the Labor Code of Ukraine, regarding forbiddance to work on days off;
- Article 73 of the Labor Code of Ukraine, which establishes the list of official holidays of Ukraine; and

- Article 78 of the Labor Code of Ukraine and Part 2 Article 5 of Law of Ukraine "On Vacation" that state that holidays and days off cannot be taken in account while calculating annual leave.

During the period of the maritime was disabled Article 55 of the Labor Code of Ukraine, which prohibits to engage in work at night pregnant women, women with children younger than three years old, and other categories specified by the Law of Ukraine. The Law # 2136-IX states that during the Russian aggression to the nighttime work without employees' consent cannot be engaged only pregnant women, women with children younger than one year old and disable people who are contraindicated for such work according to medical recommendations. Thus, another categories of workers can be engaged in work at night. In the same time, the mentioned categories can work on night shifts, if they provide their consent.

Vacation. The legislation doesn't establish any limits on the duration of vacation. However, it provides an employer with the right to limit an employee's annual leave to 24 calendar days. In such case, if the employee's annual leave duration exits 24 calendar days, the unused days will be transferred after termination or cancelation of the martial law.

The exception concerns employees, engaged in work on critical infrastructures. In these circumstances employer has the right to refuse to grant the employee with any type of vacation (not applied to pregnancy and maternity leave).

In addition to it, the Law # 2136-IX states that employer can provide an employee with unpaid leave without time limitation, but within the period of martial law.. The unpaid annual due to the maritime can be granted only based on the employee's request, but the employee has right to refuse the request.

Nevertheless, the Law #2352-IX introduced new type of unpaid leave – given to the displaced workers. The difference of the unpaid leave is that employers cannot deny in such leave. However, such unpaid leave must be given for the duration, specified in an application, but not more than 90 calendar days. At the same time, based on the condition of its provision can be concluded that an employee should confirm that he/she fled Ukraine or has a status of temporary displaced citizen.

Remuneration. The Article 10 of the Law # 2136-IX protects employee's right to a fair wage, as it states that remuneration has to be paid to an employee under the conditions specified in the employment agreement. Yet an employer is released from responsibility for violating terms of employment agreement regarding the terms of remuneration, but only if he/she proves that the violation occurred due to the combat activities in the enterprise's location or the action of other force majeure circumstances. Together with it, the legislation does not cancel the employer from the obligation to pay salaries, it is only delaying the fulfillment of the obligation until the restoration of the enterprise's operation.

When the employer cannot prove the occurrence of the case of impossibility of timely payment of wages, he/she should do everything in his/her power to timely realize the worker's right. If the remuneration was paid not timely, the employer

will bear the responsibilities according to the Criminal Code of Ukraine.

The novelty established by Article 15 of the Law # 2136-IX, which states that employees and employers should be compensated if an amount of money related to employment relations was lost as result of armed aggression towards Ukraine. Such reimbursements are carried out at the expense of funds of the aggressor state or funds for restoration of Ukraine. The procedure is to be determined by the Cabinet of Ministers of Ukraine.

Remuneration of labor is one of the most important components of economic relations between the employer and the employee, because material remuneration is the main motivator and stimulant of employees' development in the workplace, so it is important for companies to set a salary that would meet the market trends and satisfy the needs of employees. Certainly, in a situation of martial law, companies can reduce labor costs within the limits of current legislation, but must take all measures to ensure that employees are paid their salaries on time and in full.

Suspension of an Employment Agreement. The Law # 2136-IX defines a new element of settling labor relations – suspension of an employment agreement. The suspension can take place if both parties are not able to fulfill their responsibilities in accordance with the employment agreement due to the Russian military aggression. It can be initiated by a party on the period not longer than the period of martial law.

Suspension of an employment agreement is a temporary termination of parties' responsibilities stated by the agreement, for employer to provide an employee with work and for employee to fulfill a relevant work. However, the legislation states that such suspension doesn't result in termination of the employment. Thus, the parties are still engaged in the labor relations. Which implies that when the suspension is terminated, the employment will continue in accordance with the employment agreement.

Such suspension of an employment agreement has to be formalized in an order of the employer, with clearly stated reason of the suspension, and submitted to the state. Nonetheless, the employment legalization enhancing workers' right as an employee or a union can appeal such order of suspension to the state. If the state reveals that there is no legal ground for the suspension, the order will be declined.

For additional protection of rights of workers and employers during the wartime, the legislation declares that all salaries, guarantees, and compensation payments for the period of suspension should be fully reimbursed by the aggressor-state.

Worth mentioning that even though the suspension is not equivalent to termination, during the period an employee can retire from work or can be dismissed, but only in accordance with the Labor Code of Ukraine.

From an economic point of view, the termination itself has the most complicated consequences for both the company and the employee, because after losing a job, the employee starts looking for another one, or becomes unemployed and can claim corresponding payments from the state. Therefore,

termination of employment must be a financially and economically balanced and justified decision.

Employment Protection Legislation for Mobilized Employees. According to the data from 3 July 2022, about one million citizens have been mobilized. The legislation regarding the employment relations with employees, which are involved in the performance of duties, is provided by the Law of Ukraine "On military duty and military service" and "About mobilization preparation and mobilization", and the Labor Code of Ukraine. The amended Article 119 of the Labor Code of Ukraine states that during performing state duties, if the duties are performed during work time in accordance with the legislation of Ukraine, the employee is guaranteed the preservation of their position and workplace. Which means, if an employee was mobilized, his/her position and workplace will continue to be preserved till addressing the military aggression or till end of the period of their duties (Krysovaty; Valihura, 2022). The warranties are applied to all mobilized employees regardless where they were working at the time of the draft (in an enterprise, on factory, on farm, agricultural production cooperative, etc.), of subordination and form of ownership.

As well, the mentioned rights are warranted for workers, which: a. were injured while performing duties and are treated in medical institutions; b. were captured; and c. recognized as missing. In such case, the guarantees are provided from the day of their military registration till: a. finishing their treatment in medical institution; b. return from capture; c. the day when the court declared them dead.

The Law # 2352-IX introduced the amendments to the Law #2136-IX which have worsened the rights of mobilized workers. If before the changes the workers were guaranteed to be preserved with their average salaries during their military service, from 19 July such warranties are not taking place in the legislation. In fact, such amendment affects all mobilized workers regardless if they started the duty before or after introducing the Law #2352-IX. Which means that if before employers were obligated to pay average salaries to mobilized employees and pay taxes from them, since 19 July an employer is not obliged to pay the salaries and responding taxes for an employee on the period of his/her military service. However, such workers are compensated at the expense of the State Budget of Ukraine in accordance with the Law of Ukraine "On social and legal protection of servicemen and members of their families".

What's more, the Law #2352-IX states that the period of mobilization is no longer included to the seniority. So, if in accordance with the Labor Code of Ukraine an employee is entitled for an annual leave for a full year of work, the mobilized workers will have to complete the work year after returning from duty to have a right for a vacation.

Inspections of the State Labor Service of Ukraine. The Law # 2352-IX introduces the amendments to the Law # 2136-IX regarding cancelation of the suspension of inspections of the States Labor Service of Ukraine during the military aggression. In regards with the introduction even during the period of martial law a work place can be inspected on the subject of legal employment or dismissal of an employee. Also, the legislation indicates that unscheduled inspections

of a work place by legal entities to control of compliance with the employment protection legislation can be conducted at a request of an employee, a union, or a state representative. For an example, if an employee was dismissed not in accordance with the Labor Code of Ukraine, he/she has right to submit a request to the States Labor Service of Ukraine for an additional inspection of the dismissal. And the States Labor Service will have legal ground to examine the work place for each subject of the submitted request.

However, in the event when employers properly and timely address violations revealed during unscheduled inspections, the Law # 2352-IX cancels the application of applied fines, provided by the Labor Code of Ukraine.

Remote Work. In the case of military aggression on a country, the most optimal form of work is remote. In context of the wartime employees should be able to be mobile in the case of evacuation from a territory with hostilities and at the same time to be preserved with their rights as workers. The introduced temporary employment legislation, applicable during the martial law, does not implement any changes in respect of remote work. Thus, the legislations adopted in 2021, such as the Law of Ukraine “On Amending Certain Legislative Acts to Improve Legal Regulation of Remote Work”, in response to lockdown restrictions are applicable.

This legislation states that an employee can be transferred to remote work without an obligatory prior notification two months in advance (Asadzade; Izadi, 2022). So, for the period of the military aggression or an emergency of another kind, the remote work can be introduced without implementing changes in an employment agreement about remote work in writing.

Under the legislation, employees are not obligated to notify employers about their location, as well as they are able to work from abroad. Thus, if an employee flees Ukraine due to combat activities, no additional paperwork is required to work remotely.

As well, the Law # 2352-IX establishes that during the period of martial law, the parties of the employment agreement can agree on using alternative methods of creating, storing and forwarding orders of employers, notices and other documents regarding employment. Such novelty corresponds to the temporary situation in Ukraine, as a lot of employees were displaced and now working remotely. Thus, under this legislation employees are able to enter employment agreement, undergo a training, receive employer's orders by mail or an agreed messenger.

As already noted, remote work creates many opportunities to continue working both under martial law and during economic recovery after it ends, because it minimizes the company's expenses for organizing the workplace, and the employee has the opportunity to plan his or her own workload and location.

For most companies, remote work can be just the compromise that will allow them to keep their jobs during martial law without significant staff reductions. Of course, remote work is not acceptable for all professions, but those who can work remotely - doing so is just as much a part of the company's work as other professionals.

CONCLUSION

In the course of the study was analyzed a number of employment legislations developed by the Ukrainian government for resolving conflicts between employers and employees, to protect rights of each party of labor relations, and to make sure that the risks associated with employees' work are minimized. Together with the implemented changes into the Labor Code of Ukraine were analyzed the Law of Ukraine “On Organizing Labor Relations under Martial Law”, which became the basis for the employment regulation during Russian military aggression.

Considerable attention in the adopted legislations is paid to the legal aspects of labor protection to regulate relations between employers and employees by defining the degree of freedom for each party for implementing necessary changes to employment agreements, by simplifying the procedure for applying the transfer of the employee and introducing essential working conditions, in order to address the consequences of military aggression.

From an economic point of view, the question of regulating the labor market under martial law is one of the key issues for both the state and employers, since it is related to the protection of human rights and the right to work, and from the perspective of macroeconomic development, the availability of jobs is a guarantee of economic development and the replenishment of budgets at different levels.

With the legislation the Ukrainian government expanded the meaning of the concept of the workers' right for safe and healthy working conditions by establishing prohibition of transferring an employee to an area with ongoing combat activities.

Special impact on the level of employment during a war has mobilization, and therefore in the introduced legislations special attention is paid to the regulation of the employment relations with mobilized citizens.

CONFLICT OF INTEREST STATEMENT

The authors declare that they have no conflict of interest

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