

LABOUR LAW, SOCIAL SECURITY LAW

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SOCIAL PURPOSE OF LABOUR LAW OF UKRAINE

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The article deals with the research of social purpose of labour law in the modern conditions of development of legal system of Ukraine. On the basis of analysis of views of Ukrainian scholars, the conclusions on social purpose of labour law are substantiated.

Functioning purpose of legal-field, social purpose, interests of employees, interests of employers.

The basic issue of science of labour law is the definition of its place in the system of law of Ukraine. Its resolution is impossible without revealing of functional purpose of labour law of Ukraine in modern conditions of its legal system development. The issue of social purpose of labour law was analyzed by the N. Bolotina, P. Pylypenko, O. Protsevs'kyi, O. Panasiuk, however their views differ. Therefore the research of the mentioned issue is burning, and this article is aimed at resolution of the following tasks: the definition of the functioning purpose of legal-field; revealing of the gist social purpose of labour law of Ukraine.

The functioning purpose of legal-field is considered as one of criterion of legal-fields delineation. Meantime, there are different views concerning the definition of the gist of functioning purpose of legal-field in the society.

The scholars assert, that within the employment relations there exists interests of two different subjects: employee and employer. There are interests are different, even antagonistic. In particular, the interest of

employee deals with the salary increase, duration of working time decrease. At the same time employer is interested in the increase of income and labour productivity. From the first point of view, interests of employee and employer couldn't be conciliated. Such idea causes incorrect conclusion in accordance with which labour law should protect the interests of the employee exclusively. However interests of employee and employer could intersect and moreover coincide.

For example, employee should be interested in profitable commercial activity of the enterprise, as this will be the basic economic factor in establishing of the amount of the salary, as well as of the quality of occupational health and safety conditions. Employer is also interested in the efficient measures of occupational health and safety, as this will contribute to the decrease of the amount of the occupational accidents and diseases, and will prevent possible protests and strikes.

There are vivid examples in the history, that ignoring interests of employers in the labor law leads to the non-effectiveness of this legal-field. In the conditions of Ukraine shift to the market economy there exists blatant violation of employment relations disguise. It means the conclusion of different kinds of civil agreements on labour by the employers instead of making of labour contracts. We retain the position of O. Protsevs'kyi and P. Pylypenko that such state is a result of ignoring of employers interests in labour law, who are obliged to seek other legal ways of workload use which are not within the scope of labour law. Therefore, labour law should take into account interests of employees, as well as of employers.