

# DISCUSSION PLATFORM 3

## EUROPEAN VECTOR OF DEVELOPMENT OF PUBLIC LAW

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### THE STATE OF IMPLEMENTATION OF INTERNATIONAL LABOR LAW STANDARDS IN UKRAINE

*The article deals with international labor law as a set of international legal norms that set standards in the sphere of labor and employment. The state and problems of adaptation of the Ukrainian labor legislation to the system of international norms in the sphere of labor rights protection are analyzed.*

**Keywords:** *international law, international labor law, international legal regulation of labor, international labor standards, implementation.*

**Альонкін Олексій. Стан реалізації міжнародних стандартів права на працю в Україні.**

*У статті розглядається міжнародне трудове право як сукупність міжнародно-правових норм, що встановлюють стандарти в сфері праці й зайнятості. Проаналізовано стан та визначено проблеми адаптації Українського трудового законодавства до системи міжнародних норм в сфері забезпечення трудових прав людини.*

**Ключові слова:** *міжнародне право, міжнародне трудове право, міжнародно-правове регулювання праці, міжнародні стандарти праці, імплементація.*

**Relevance of the research topic.** In the current conditions of globalization of the world and interregional integration processes, the importance of international legal norms and practice of their application is significantly increasing in order to realize the goals of economic and social progress, both of humanity as a whole and of each individual person. Last but not least, this is due to the fact that the universally recognized rights and freedoms of the individual in various spheres of life of society and the state are fundamental values of the modern world community. An important place in this process belongs to the field of ensuring the right to work.

It should be noted that the sphere of legal regulation of labor, its international legal regulation, the mechanism of ensuring fundamental human rights in this field are under constant influence of international organizations, both universal and regional, incl. European level. It is worth noting that today international labor law has emerged and has become an integral part of public international law.

**Formulation of the problem.** In this regard, it should be noted that Ukraine is trying to take its rightful place in the global division of labor and is actively involved in relevant integration processes. That is why further accession of our country to the world as well as to the European political, legal and economic space is possible under the condition of harmonization of normative-legal sources of national legislation to the internationally recognized international legal standards. This fully applies to the scope of employment law.

**Presenting of main material.** It should be noted that for today the important influence on the economic relations, social policy and development of the labor legislation of Ukraine is the regulation of relations in the sphere of labor precisely by the rules of public international law. Thus, certain provisions of the Universal Declaration of Human Rights of December 10, 1948 (1) and of the International Covenant on Economic, Social and Cultural Rights of December 16, 1966 (2) were reproduced in the text of the Constitution of Ukraine of June 28, 1996 (3). In particular, enshrined in Part 1 of Art. 43 of the Basic Law of our state the provision that «everyone has the right to work, which includes the opportunity to earn a living by work, which he freely chooses or agrees freely» (3) has in its essence the definition of Art. 23 of the Universal Declaration of Human Rights – «Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment» (1). In turn, Art. 44 of the Constitution of Ukraine states that «those who work have the right to strike for the protection of their economic and social interests» (3). This prescription, in its content is in line with the content of Art. 8 of the International Covenant on Economic, Social and Cultural Rights, which states that «States Parties to the present Covenant undertake to ensure:... (d) the right to strike, subject to the laws of each country» (2). The above examples demonstrate a distinct reception of the norms of international law in the norms of Ukrainian law.

Moreover, the above norms of universal international legal acts and a number of other relevant definitions can have direct application in the national law of Ukraine, or be included in one way or another to the texts of the Ukrainian legislation. At the same time, it is the consolidation of clear generally recognized legal standards in the Basic Law of our state that strengthens the legal guarantees of economic and social rights and freedoms of man, and also determines the conditions for their provision.

In turn, at the regional level, since the ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, dated 16 September 2014 (4) in our the state has intensified the process of adaptation of national legislation related to the relevant integration processes at the regional level.

It should be noted that the harmonization of the labor legislation of Ukraine with the legislation of the European Union is carried out in strict accordance with the

standards of the right to work established by the Council of Europe. In particular, the above human right to work, enshrined in Part 1 of Art. 43 of the Constitution of Ukraine, correlated with paragraph 1 of Part 1 of the European Social Charter of 03 May 1996 – «everyone must have the opportunity to earn a living in the profession he or she freely chooses» (5). And this, in turn, corresponds to Part 1 of Art. 15 of the Charter of Fundamental Rights of the European Union of 07 December 2000, which states that everyone has the right to work and to pursue a profession which he freely selects or agrees freely (6). The above definitions demonstrate a clear identity of national law with international standards at regional level.

**Conclusion.** Thus, it must be acknowledged that the right to work is enshrined in the constitution of Ukraine in strict accordance with international standards, both universal and regional. This is a testimony to the effective activity of the Ukrainian state on the in-depth analysis and practice of implementation of international legal acts governing labor relations. At the same time, further positive results of the process of legal harmonization of the Ukrainian legislation in the sphere of economic and social rights and freedoms will depend not only on the effective activity of state bodies, but also on the establishment of effective control on them by the Ukrainian society.

Moreover, our country should not dwell on the results achieved. Cooperation with other States and international organizations, including the International Labor Organization and the European Union, in the area of legal regulation of labor, its regulation and the creation of effective mechanisms for ensuring fundamental human rights in this field should be further strengthened.

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