

зростання масштабів самозайнятості, неповної і нелегальної зайнятості – ось неповний перелік викликів ХХІ ст., до яких право соціального забезпечення повинно адаптуватись.

Глобалізація, зміна технологій, перехід до постіндустріального, інформаційного суспільства, утвердження пріоритетів сталого розвитку зумовлюють потребу в забезпеченні пріоритетності розвитку науки трудового права і права соціального забезпечення, першочерговості розв’язання їх нагальних проблем.

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MODERN TRENDS IN THE DEVELOPMENT OF SCIENCE OF EMPLOYMENT AND LABOR LAW

Under the influence of globalization, national legislation is also changing, therefore, it is possible to single out not only global, but also national trends in the development of employment and labor law under present-day conditions.

1. Employment law changes in terms of employer-employee relationship

As global experience shows, the so-called atypical employment, usually mediated by atypical employment contracts, is becoming increasingly common. Atypical employment is employment that differs from standard or “typical” model of employment in one or several ways. It may include fixed-term employment contracts, part-time work, home-based work, telework etc., that do not require the permanent presence of the employee in the workplace. The list of forms of atypical employment may vary depending on the country and historical period. For example, in Europe one can find categories of atypical employment that are not common in the USA and Japan (for example, “vocational trainees”) [1]. Moreover, the need to increase labor flexibility in current social and economic context has led to the emergence of new forms of employment in Europe, which also differ from standard labor relations. Among them, for example, is “employee sharing”, when one employee works for a group of employers, and “job sharing”, when several employees “share” one workplace [2].

Changes in the employment law concerning employer-employee relationship, are first of all, reflected in the subject of study of employment and labor law, as it now includes employment models that go beyond the standard employment relations. This trend corresponds to the global practice of expanding the scope of employment and labor law, which cannot but have positive consequences, since it will allow extending guarantees provided for by labor legislation to a larger number of employees.

2. Changes in the system of methods of legal regulation of labor relations

The method of any industry is not set randomly; it is determined by the subject of the industry. In this regard, it is logical to conclude that changes in the subject of employment and labor law influence the method of legal regulation of labor relations. In this case, we can talk about several areas of further development of the method of labor law.

In the regulation of labor relations in the 21st century, an increasingly important role is given to collective, local and individual agreement regulation. The concept of “flexibility”, which has long been used in the scientific literature, means the flexibility of legal regulation of labor. Ability of the parties to independently determine the necessary working conditions at local or individual levels is considered to be one of the tools to achieve such flexibility.

At the same time, flexible legal regulation should ensure that the labor rights and guarantees of employees are maintained at the proper level. To indicate this trend, the term “flexicurity” was introduced into scientific use. This term reflects the flexibility of labor relations while protecting the legal status of employees, primarily by establishing at the legislative level the limits of such flexibility (for example, a ban on civil law contracts that actually regulate labor relations between the employee and the employer; a ban on reducing the level of labor rights and guarantees of employees established by law).

The manifestation of the concept of flexicurity can be illustrated by the example of teleworking. Flexibility of the legal regulation of remote working means that some terms and conditions mandatory for “regular” workers are absent in the labor contracts while some new ones designed to ensure the remote nature of work appear. Thus, in labor contracts with remote workers, the following terms and condition are becoming less significant: place of work, working hours, as they are determined by the remote worker at his/her discretion. In contrast to what has been said, procedure and terms of soft- and hardware provision to enable employee to perform his/her duties must be agreed upon in the labor contract with a remote employee.

Thus, the main trends in the development of the method of labor law are conveyed in the further differentiation of the legal regulation of labor and the emergence of new types of labor contracts that generally ensure the work of atypical employees. Another manifestation of the development of the labor law method is the increasing importance of local, collective and individual contractual regulation and ensuring of a minimum level of employees’ rights and guarantees.

3. Changes in the system of principles of labor law

In the context of globalization, the role and significance of universally recognized principles and norms of international employment and labor law is growing.

We can also talk about strengthening of the importance of the principles of

employment and labor law that protect the personal rights of an employee. For example, this is the principle of ensuring equal opportunities for employees without any discrimination in training and further professional education.

The importance of the principle of ensuring the right of employees to protect their dignity during the period of employment is growing. This right, enshrined in the European Social Charter, implies the obligation of the state to promote the cessation of aggressive, abusive actions against employees in the workplace or in connection with work and the adoption of necessary measures to protect employees from such actions on the part of the employer.

In conclusion, we note that globalization influences the legal system of each state, causing changes in existing legal institutions and the emergence of new ones. But in the context of globalization, one should not forget that the law of each state was formed and is shaped under the influence of its historical and social and cultural characteristics, and therefore, the borrowing of foreign experience, as well as development in line with global trends, should not lead to the leveling of national values.

References

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СОЦИАЛЬНО-ПРАВОВЫЕ АСПЕКТЫ ЗАЩИТЫ ПРАВ ДЕТЕЙ

Каждый ребенок имеет право на услуги в сфере здравоохранения, образования и социальной защиты. Будущее любой страны напрямую зависит от благосостояния и возможностей развития детей. К сожалению, миллионы детей в мире лишены возможности стать полноправными членами общества. Согласно статистике за 2019 год, в мире насчитывается 7,67 миллиарда человек, 30% из них (около 2,3 миллиарда) в возрасте от 0 до 18 лет, другими словами дети [4].

В 2017–2018 годах более 10 000 детей были убиты или ранены в вооруженных конфликтных центрах и зонах активных военных действий. Такие конфликты происходили в основном в Ираке, Сирии, Афганистане и Мьянме. По данным ООН, в январе-декабре 2017 года было зарегистрировано более 21 000 случаев жестокого обращения с детьми,