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OVERCOMING UNDECLARED WORK AS ONE OF THE FIELDS OF WORK OF THE STATE SERVICE OF UKRAINE ON LABOUR

Ensuring human rights is the main objective of the legal systems of modern democratic states. By the nature and level of the guarantee of rights, one can draw conclusions about the real state of the legal system of the country.

Defined by the ILO undeclared work as “all economic activities by workers and economic units that are – in law or in practice – not covered, or insufficiently covered, by formal arrangements” [1].

Undeclared work, also referred to as ‘illegal employment’, ‘illicit work’ or ‘moonlighting’, is negatively defined as infringement of tax and social security provisions.

The main responsibility for tackling undeclared work lies with national authorities.

State supervision and control over observance of labour legislation can be defined as a special form of legal activity of the system of authorized bodies based on legislation, the purpose of which is the protection of human rights in the world of work. As the activities of special authorized bodies, state supervision and monitoring of compliance with labour legislation belongs to the jurisdictional forms of protection of labour rights and interests of employees. The types of supervision and control are: preliminary or preventive (its purpose is to check the legality and expediency of the employer’s decisions, to prevent the adoption of an illegal decision); current (it can be preliminary, if the relevant decision has not yet been taken, or the subsequent one, if the decision has already been implemented), the subsequent one (its purpose is to identify the violations of labour legislation and recovery the rights of the employee).

In this context, it should be emphasised that jurisdictional forms of protection of labour rights and interests can be classified into two main groups: national and international. The national should include judicial and administrative protection. International forms of protection include the administrative (ILO control mechanism) and judicial (the jurisdiction of the European Court of Human Rights).

Officials of the State Service of Ukraine on Labour in accordance with the tasks assigned have the right to impose fines for violation of the law in cases provided for by law.

According to article 265 of the Labour Code of Ukraine, employers are liable in the form of a fine for preventing inspection of compliance with labour

legislation, creating obstacles in carrying it out - three times the minimum wage established by law at the time of the violation; for acts stipulated by the sixth paragraph of this part, when conducting an inspection on the issues of revealing the violations specified in the second paragraph of this part, in the hundredfold amount of the minimum wage established by the law at the time of the violation.

From a labour law perspective, undeclared work is usually considered as a work without an employment contract.

For instance, during the inspection visit to the Uzhgorod mini-market, the State Inspectors of the State Labour Office in the Transcarpathian region identified two persons who actually carried out the duties of sellers - selling alcoholic beverages, food and consumer goods. None of the vendors had an employment contract with the employer.

During the inspection, other violations of labour legislation were also found. According to the results of the inspection visit to individuals - entrepreneurs, owners of the mini-market, a fine of UAH 198400 was imposed on the basis of Article 265 of the Labour Code of Ukraine [2].

Another example: During the inspection visit to the construction company, officials of the State Labor Office and the DFS General Directorate in the Khmelnytsky region found that the administration employed 10 persons without proper employment.

The employer provided civil-law agreements on the execution of works (services), but they were signs of hidden employment contracts.

According to the inspection visit, the management of the State Labour Office has imposed a fine of 960 thousand UAH on a business entity [3].

Broadly speaking, the issue of human rights has gained worldwide importance, and the world of work is especially felt her exacerbation, increasing the importance of state forms of protection of labour rights.

The Labour Inspectorate, as an integral part of the labour administration system, fulfills the fundamental function of ensuring the application of labour legislation and effective compliance with its requirements, contributes to economic development.

In fact, the institution of labour inspection has a dual character. This is evidenced by the powers defined in the Regulations on the State Service of Ukraine on Labour. On the one hand, it allows you to monitor the implementation of the provisions of the law, in particular those relating to employees' rights. This is not limited to the conditions of work and employment, occupational safety and health. Labour inspectors ensure compliance with the provisions of the law relating to social services, labour migrants, training, social security and other issues. On the other hand, labour inspection bodies provide information and conduct consultations, as well as organise training. This dual nature of labour inspection means that it plays a key role in the world of work and must be able to effectively solve a wide range of

problems in the world of work.

Consequently, one of the main objective of the State Service of Ukraine on Labour is to tackle undeclared work in its various formst and the effectiveness of supervision and control over the observance of labour legislation is ensured by many factors: regularity, the correct choice of purpose, the actual elimination of violations, and the existence of a clear legal regulation of supervisory and supervisory activities.

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ПРАВОВЕ РЕГУЛЮВАННЯ ДОГОВОРУ ПЕРЕВЕЗЕННЯ В РИМСЬКОМУ ПРИВАТНОМУ ПРАВІ

Характеризуючи історичні передумови виникнення зобов'язань з надання транспортних послуг у праві України, варто зазначити, що коріння договірної права усіх європейських країн, в тому числі України, сягають римського приватного права.

Римляни створили правову основу для широкого кола договорів. Це забезпечувало належний розвиток економічних, в тому числі торгівельних відносин. Попри таке широке коло договірних конструкцій, у римському приватному праві не було виділено ні групу договорів про надання послуг, ні окремо договору перевезення. Надання послуг врегульовувалось в межах одного із консенсуальних контрактів – договору найму (*locatio conductio*), яким у римському праві охоплювалось досить широке коло відносин по відплатному користуванню речами, виконанню робіт та наданню послуг. Розрізняли три види найму:

1) найм речі (*locatio rei*) – це надання у відплатне користування речі (в