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LABOUR RELATIONS DURING THE STATE OF WAR

Introduction The state of war has changed the life of every Ukrainian and individual staying on the territory of Ukraine. This specific condition has affected many areas, including employment relations between employers and employees since some participants in labour relations have left the country or are unable to perform their work duties, as well as other aspects currently provided for by legislation.

The main objective of the study is to acquire knowledge regarding the Law of Ukraine that regulates labour relations during the state of war, as well as to determine the aspects of employment relations that have some differences from those specified in the Labour Code but are provided for and revised in the Law of Ukraine "On the organization of labour relations under conditions of martial law".

According to Articles 43 (concerning the right to work) and 45 (concerning the right to rest for workers) of the Constitution of Ukraine, certain labour rights are provided. However, it should be noted that the relevant rights may be violated during the introduction of martial law in Ukraine. That is why it is worth paying attention to some special regulatory acts that regulate and optimize labour legislation to the possibilities of the present [1, Articles 43-44].

The Law of Ukraine "On the organization of labour relations under conditions of martial law" was adopted on March 15, 2022. **It provides for certain changes regarding:**

1. Conclusion and termination of employment contracts.

Therefore, it should be determined that the form of the contract can be agreed upon by the parties.

For employees who have just started working, an internship (trial period) can be applied without exceptions for certain categories of persons, as stated in Article 26 of the Labour Code of Ukraine [3, Article 26]. However, if for the period when a person, as a result of military actions by the aggressor country, obtained the status of a refugee or internally displaced person and moved to another place, then the head of the enterprise, institution, or organization may temporarily conclude a contract with a new employee.

The initiator of the termination of the contract can be either an employee (if there is a threat to life and health; the workplace is located on the territory where active hostilities are carried out), or an employer (if the person is temporarily disabled to work, is on vacation or cannot perform the amount of work specified in the employment contract due to damage caused by hostilities) [2].

2. Transfer and changes of essential working conditions for employees.

According to the Law of Ukraine "On the Organization of Labour Relations under Martial Law," the employers may change the working conditions as well as transfer their employees to another locality, but the salary should not be less than the average from the previous work, there should be no active hostilities in that area, and the employee should not have any contraindications to perform these labour duties [2].

However, if hostilities are conducted in the area where the person is being transferred to, the employee can only be transferred only at will [5].

3. Establishment of working hours, rest time, and vacation.

During a state of war, the working hours are increased to 60 hours per week. Weekends, in turn, will be reduced and a person will have only 24 hours of rest per week (instead of 42 hours).

There is also the possibility of lifting the ban on working on weekends and holidays, shortening the day before a holiday or weekend, and rescheduling such days (in case they coincide with a working day).

The duration of paid vacation is reduced to 24 days per year [2].

4. It also reveals the issue of remuneration.

Of course, employers should pay for the work of their workers. If there is a delay due to hostilities, then this does not relieve the employer from the responsibility to pay the wages after the workplace resumes work [4].

Conclusion Thus, this kind of legislation is mandatory during a state of war, as many things in the daily lives of citizens and other individuals change, regulatory legal acts should be capable of rapid adjustments following the situation.

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