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INTEGRATION PROCESSES IMPACT ON LABOUR RELATIONS DEVELOPMENT IN UKRAINE

Abstract. The *purpose* of the article is to study and analyse integration processes and their impact on the development of labour relations in Ukraine. The concept and specificities of modern integration processes in the world and Ukraine are considered. Their influence on the development of domestic labour relations is determined. The article studies trends towards the expansion of international labour relations and international labour law. **Results.** It is stated that the process of integration in the field of employment and occupation has greatly influenced and affected the domestic legislative definition of the basic principles of Ukrainian labour law. Integration is a comprehensive and gradual process, which is a combination of legal standards of different legal systems, transformations through interaction of various legal norms and the formation of a single legal system for regulating social relations. It is established that the mere proclamation by law of the basic principles of labour relations does not solve the problem, since the State also needs to develop a mechanism for the proper implementation of these provisions by the actors engaged in labour relationship, that should be implemented in the new legislative initiatives by our country. The accession to the World Trade Organization had a significant integration impact on shaping modern labour relations in Ukraine. The process was lengthy and involved two main components: bilateral and multilateral negotiations and the signing of market access agreements for goods and services with member countries of the Working Group of the World Trade Organization; harmonization of Ukrainian legislation in accordance with the requirements of World Trade Organization agreements. It is underlined that since national and international labour law cannot exist and develop in isolation in the context of global integration processes, the issue of studying the impact of integration processes in current conditions remains relevant, as well as their impact on the development and improvement of labour law relations in Ukraine. **Conclusions.** It is concluded that the development of integration processes in the world and in Ukraine seeks to contribute to improving the adjustment of international and domestic labour law, increase the effectiveness of legal regulatory mechanisms for labour relations, and protect labour rights.

Key words: integration, labour relations, labour law, integration processes, International Labour Organization, Association Agreement with the European Union.

1. Introduction

The Ukrainian State has already took a confident course of integration into the world community, which is the prerequisite for international relations nowadays. As Ukraine aspires to be a full-fledged member of the international community, measures to join international organizations and associations are required to achieve this objective. However, in choosing foreign policy, the impact of integration processes on domestic processes should be primarily taken into account.

The accession of Ukraine to the International Labour Organization (hereinafter ILO), signing and ratification of its declaration, conventions and protocols and other harmoniza-

tion processes of domestic and international labour law are aimed at making new and amending previous provisions on labour law in order to improve domestic labour legislation.

Since domestic and international labour law cannot exist and develop in isolation in the context of global integration processes, the issue of studying the impact of integration processes in current conditions remains relevant, as well as their impact on the development and improvement of labour law relations in Ukraine.

The aim of the article is to study and analyse integration processes and their impact on the development of labour relations in Ukraine.

The general basis of studies on integration processes can be found in the works by O.V. Kar-

tunov, V.V. Kopyika, I.Yu. Matiushenko, A.O. Olefir, Yu.V. Palahniuk, A.V. Uniiat, O.A. Fursova, Yu.R. Futalo, T.M. Tsyhankov, Yu.V. Shyshkov, et al. In labour law, certain aspects of the topic have been studied in the works by legal scholars, such as M. Baimuratov, V. Butkevych, V. Denysov, O. Zadorozhnii, M. Korostarenko, I. Lukashuk, V. Mytsyk, V. Muraviov, V. Oplyszko, V. Plavych, P. Rabinovych, M. Cherkes, and others. However, the study of the impact of integration processes on labour law relations in Ukraine is poorly regulated.

2. Integration as a regular process of social and legal development

In explanatory dictionaries, the concept of “integration” is considered as: a unification into a single whole (Bilodid, Buriachok, 1973, p. 35), and a process of convergence and connection of sciences alongside the processes of their differentiation (Obnorskii, 1952, p. 489).

According to Ye.H. Potapenko, the legal integration is a regular process of social and legal development, which, due to the application of legal means and the establishment of a qualitatively homogeneous legal framework, promotes the gradual integration of social (political, economic, cultural, legal, information) systems into a higher single consolidated social system, as well as maintaining the integrity and unity of the already existing social system. The category “legal integration” is compound, which in the broadest sense covers all unifying processes mediated by law (Potapenko 2010, pp. 9-10).

Furthermore, the interpretation of integration as a process and integration as a set of relations is under discussion. Some scholars believe that “integration as a process” is global, and “integration as relations” is formed due to the transformation of the economic, political and social situation of individual territories, regions (Bulatova, 2004, p. 121).

Therefore, integration is a comprehensive and gradual process, which is a combination of legal standards of different legal systems, transformations through interaction of various legal norms and the formation of a single legal system for regulating social relations.

The basic prerequisites for the integration processes are:

1. An appropriate level of economic development and market maturity of the integrating countries.
2. Geographical proximity of the integrating countries, common borders in most cases and historical economic ties.
3. Common challenges countries are facing in economic development, financing, regulation of economy and political cooperation.
4. The demonstration effect. Integrated countries tend to positive changes: faster devel-

opment, lower inflation and unemployment that have positive psychological impact on other countries in the region.

5. “Domino effect,” that is, after most of the countries of the region have become members of an integration union, other countries, which have stayed outside it, have some difficulties in reorienting their economic ties (Futalo, 2016, p. 78).

Nowadays, due to convergence of the legal systems of continental law, the dominance of international law over national law should be seen as a result of the globalization impact on national law (Vasechko 2010, p. 37).

Modern integration processes have reached a high level, for example, the European Union, established in 1992 in after the signing of the Maastricht Treaty, is at the last stage of integration and is an economic union (Zahorskyi, Krasivskyi, Kyrychuk, Kohut, & Kotovska, 2016).

In addition, Decisions of European Community bodies, which are generally binding and have supreme legal force over the domestic legislation of Member States, exemplify a growing trend towards the rule of European law over domestic law.

Furthermore, these processes are present in domestic labour law. According to the Charter of the International Labour Organization (1919), each ILO member State should submit regular reports to the International Labour Office on the implementation of ratified Conventions in national law and practice. The Committee of Experts on the Application of Conventions and Recommendations of the Council examines them and prepares a joint report for the International Labour Conference. In doing so, it may comment on additional measures to implement the Conventions by Governments concerned or request the necessary information. The report of the Committee of Experts is considered by the tripartite Committee on the Application of Standards of the International Labour Conference.

However, in accordance with the Constitution of Ukraine and the Law of Ukraine “On International Treaties,” the international treaties of Ukraine in force become part of the domestic legislation after their ratification, and consequently our State undertakes to implement them.

This trend was particularly intensified after the signing of the Association Agreement between Ukraine and the European Union on 27 June 2014 through the reform of the domestic legislation of Ukraine with a view to achieving the integration of Ukraine into the legal system of supranational international organization (Petrov, 2015, p. 33).

3. Association of Ukraine and the European Union

Furthermore, since the signing of the Association Agreement and the granting of visa-free treatment to our citizens, the number of migrants to the countries of the European Union has doubled.

Considering the integration features of the Association Agreement between Ukraine and the EU, it should be emphasized that this transaction does not open free access to the labour market for Ukraine but contains rules for the employment of Ukrainian specialists in EU Member States. Part 4 of the Agreement entitles individuals to stay temporarily in the EU and Ukraine for economic purposes. Primarily, this legitimizes legal work of qualified specialists, as well as of company managers, in the EU. In addition, Ukrainian lawyers, auditors, architects, IT specialists and other specialists in twelve specialties will be able to legally provide their services in EU countries. It is believed that today the differentiation of employment of foreigners and stateless persons has become discriminatory in respect of these subjects of law in Ukraine (Chyzhmar, 2016, p. 29).

The signing or non-signing of the Agreement does not affect Ukraine's visa-free regime, and article 19 of the Agreement does not provide for the automatic authorization of Ukrainians to work legally in the EU. This requires separate agreements between Ukraine and the EU Member States on labour immigration, as stipulated in Art.18 of the Association Agreement, with mandatory application of its Section 4 (Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part, 2014).

Moreover, the process of integrating Ukraine into the world community impacts on the formation of the basic principles of labour law. The generally recognized principles of labour law are in a number of international Conventions and Declarations of the ILO, in the preamble to the ILO Constitution, and in the Declaration of the aims and purposes of the International Labour Organization, the ILO Declaration on fundamental principles and rights at work and the ILO Declaration on Social Justice for a Fair Globalization.

However, I.Ya. Kiselev argues that the issue of identifying a list of generally accepted principles of international law (including in the field of labour) is complex and controversial (Kiselev, 1999, p. 591).

For example, according to the principles relating to fundamental rights at work, the Geneva Declaration of 1998 included

the four legal categories, as follows: 1) freedom of association and the effective recognition of the right to collective bargaining; 2) the elimination of all forms of forced or compulsory labour; 3) the effective prohibition of child labour; 4) the elimination of discrimination in respect of employment.

An analysis of the ILO Constitution and its main Declarations enables to highlight generally recognized principles of international labour law, such as the principle of humanity (humanism) in the field of employment and occupation, including the granting of human working conditions to employees, which do not violate their fundamental rights and freedoms; the principle of social justice, including the provision of equal opportunities for all to participate in the fair distribution of wages, working hours and other working conditions, as well as the minimum living wage; the principle of equal pay for equal work; the principle of freedom of speech and freedom of association of workers and employers; and the principle of social partnership, including equal rights and cooperation of workers' representatives.

The process of integration in the in the field of employment and occupation has affected and reflected in the domestic legal definition of the basic principles of Ukrainian labour law.

First, the basic principles of labour law are enshrined in the Constitution of Ukraine. For example, the article 43 of the Basic Law of our State actually embodies the principle of freedom of work, as well as the principle of humanism, which is manifested in elimination of forced labour.

With regard to the Labour Code of Ukraine, no single article makes a list of all the principles governing labour relations. These principles should be embodied in a new codified instrument and formulated in accordance with generally recognized international legal principles in the field of employment and occupation.

In addition, the elimination of discrimination in employment is an important issue in the integration of domestic labour law with international law. In Ukraine, the legal regulatory mechanism for the prohibition of discrimination in labour relations remains unsettled.

The Charter of Fundamental Rights of the European Union, in addition to enshrining the principle of the elimination of discrimination in international instruments, also contains these provisions (Charter of Fundamental Rights of the European Union, 2000). In particular, they contain provisions on basic principles, which embody a single general principle of non-discrimination: equality between people without regard to racial or ethnic origin; the establishment of common standards,

aimed at ensuring equal rights in employment and occupation; the principle of equal opportunities and equal treatment of men and women in employment and occupation.

Therefore, the mere proclamation by law of the basic principles of labour relations does not solve the problem, since the State also needs to develop a mechanism for the proper implementation of these provisions by the actors engaged in labour relationship, that should be implemented in the new legislative initiatives by our country.

The accession to the World Trade Organization (hereinafter WTO) had a significant integration impact on shaping modern labour relations in Ukraine. The process was lengthy and involved two main components: bilateral and multilateral negotiations and the signing of goods and services market access agreements with member countries of the WTO Working Group; harmonization of Ukrainian legislation in accordance with the WTO requirements.

It is the scope of international trade that is an important indicator of the degree of integration of the countries of the world. Current international trade is characterized by:

- First, the dynamic integration process resulting from the liberalization of international

trade on the basis of the WTO trade rules harmonization and new regional trade agreements;

- Second, a slower growth due to a slower economic development of the industrialized countries and of the world economy in general;

- Third, the uneven intensity of trade caused by differences in the socio-economic development of countries and regions of the world (Hordieva, 2017, p. 29).

4. Conclusions

Therefore, Ukraine's accession to the WTO has contributed to: first, Ukraine's status as a full-fledged participant in international trade enabling to participate in regional unions and associations; second, access to the international dispute settlement mechanism; third, the impact of the activities of international trade organizations on the Ukrainian labour market, that requires to adopt new legal regulations on their work in our territory and the development of an effective mechanism for resolving labour disputes that may arise in the course of their activities.

Thus, the development of integration processes in the world and in Ukraine strives to contribute to improving the adjustment of international and domestic labour law, increase the effectiveness of legal regulatory mechanisms for labour relations and protect labour rights.

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ВПЛИВ ІНТЕГРАЦІЙНИХ ПРОЦЕСІВ НА РОЗВИТОК ТРУДОВИХ ПРАВОВІДНОСИН В УКРАЇНІ

Анотація. Метою статті є аналіз стану інтеграційних процесів та їх впливу на розвиток трудових відносин в Україні. **Результати.** У статті розглянуто поняття та особливості сучасних інтеграційних процесів у світі й Україні, визначено їх вплив на розвиток національних трудових відносин. Досліджено тенденції щодо розширення міжнародних трудових відносин та міжнародного трудового права. Зазначено, що інтеграційні процеси в галузі праці значною мірою вплинули на вітчизняне законодавче визначення основних принципів трудового права України та відобразились на ньому. Інтеграція є комплексним і поетапним процесом, який полягає в поєднанні правових стандартів різних правових систем, проведенні трансформаційних процесів за допомогою взаємодії різних норм права та формуванні єдиної правової системи регулювання суспільних відносин. Визначено, що тільки законодавче проголошення основних принципів здійснення трудових відносин не вирішує проблему, оскільки державі також необхідно розробити механізм, який забезпечував би належне виконання суб'єктами трудових правовідносин вказаних положень, що має втілюватися в нових законодавчих ініціативах нашої держави. Значний інтеграційний вплив на формування сучасних трудових відносин в Україні здійснив вступ до Світової організації торгівлі. Цей процес був тривалим і передбачав два головні складники: по-перше, проведення двосторонніх і багатосторонніх переговорів та підписання угод із доступу до ринків товарів і послуг із країнами – членами Робочої групи Світової організації торгівлі; по-друге, гармонізацію законодавства України відповідно до вимог угод Світової організації торгівлі. **Висновки.** Наголошено на тому, що оскільки національне та міжнародне трудове право в умовах глобальних інтеграційних процесів не можуть існувати й розвиватися ізольовано одне від одного, то актуальним залишається питання дослідження впливу інтеграційних процесів, які відбуваються в умовах сьогодення, на розвиток і вдосконалення трудових правовідносин в Україні. Зроблено висновок про те, що розвиток інтеграційних процесів у світі та Україні покликаний сприяти вдосконаленню адаптації міжнародного й національного трудового права, підвищити ефективність механізмів правового регулювання трудових відносин, забезпечити захист трудових прав.

Ключові слова: інтеграція, трудові відносини, трудове право, інтеграційні процеси, Міжнародна організація праці, Угода про Асоціацію з Європейським Союзом.

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