

UDC 351.83:331.5

DOI <https://doi.org/10.32849/2663-5313/2023.4.03>**Kateryna Slabko,***Postgraduate Student, Scientific Institute of Public Law, 2a, H. Kirpa street, Kyiv, Ukraine, postal code 03055, slabko_kateryna@ukr.net***ORCID:** orcid.org/0000-0002-7496-4262

Slabko, Kateryna (2023). New dimension of state regulatory framework for recruitment activities in Ukraine. *Entrepreneurship, Economy and Law*, 4, 21–27, doi <https://doi.org/10.32849/2663-5313/2023.4.03>

NEW DIMENSION OF STATE REGULATORY FRAMEWORK FOR RECRUITMENT ACTIVITIES IN UKRAINE

Abstract. Purpose. The article describes the regulatory framework for recruitment activities of public and private entities. **Results.** It is revealed that the State regulatory framework for recruitment activities in Ukraine is currently in the process of formation. It is specified that there is a need to form a regulatory framework that will become the basis for implementing a fair recruitment policy. The author emphasises that despite the fact that under current conditions the legislative orientation in the field of employment is aimed at ensuring the exercise of the right to work, it is possible that during the recovery period the implementation of a business-oriented approach to employment and the labour market will continue. It is determined that the updated legislation should be aimed at creating an environment favourable for entrepreneurs, which will enable them to hire and support the best employees, develop their professional skills and talents for the benefit of the organisation. In the long run, this will contribute to the creation of competitive and efficient organisations and the economic growth of the entire country. It is emphasised that such business-oriented approach to employment must be based on the correlation of the organisation's benefits with the inviolability of the postulate of observance and consideration of the rights and interests of employees. In other words, when developing the relevant legislation, it is necessary to allow for both the rights and interests of the organisation and social guarantees for employees, enabling to achieve sustainable and equal opportunities for all in employment. **Conclusions.** It is concluded that, in general, a new dimension of the State regulatory framework for recruitment activities in Ukraine should be aimed at creating modern conditions for the development of an innovative and technology-oriented market for recruitment services by means of: 1) improvement of the regulatory framework for the provision of recruitment services in general, including the development of modern and implementation of international standards of recruitment activities; 2) improvement of the process of information exchange between all market parties; 3) stimulation of the use of innovative technologies in the field of employment; 4) introduction on digital platforms and recruitment tools in the public sector.

Key words: administrative regulatory framework, employment agency, recruitment, recruitment services, recruitment, labour relations.

1. Introduction

It is quite natural that economic globalisation, new information technologies and the rapid development of society (Nahorny, Kostyuk, Pernykoza, 2020) are the result of various processes and factors that contribute to the creation of a more connected and globalised world. Therefore, it is logical that changes in the structure of any organisation are inevitable: approaches to management, including HR, are being optimised.

In modern conditions, it has already become clear that one of the main competitive advantages of an organisation in the market is talented, highly qualified employees (Shy-

pulina, Kaspruk, 2012). However, the understanding of staff as a necessary component of the organisation's successful functioning and one of the key factors to be considered when developing the organisation's development strategy has taken some time. In particular, historically, human resources departments (HR departments), which have always been part of the structure of such organisations, have been responsible for the selection and recruitment of personnel for an organisation. A well-known American business analyst, Dr Jac Fitz-enz, who, while working at Monster Worldwide, wrote many books on human resource management analytics, noted

that HR departments were always treated as a “dumping ground for organisational losses”. It was seen as being staffed by nice people without any specialised training who were not able to perform other tasks (Fitz-Enz, 2009). Indeed, for years, it was believed that organisations could not assess or quantify what the HR department had achieved or its overall contribution to the organisation. As a result, most HRM departments did not have access to the organisation's strategic planning processes and were forced to react to them rather than collaborate with other management teams to make policies and set future goals. Over the years, it became clear that this approach was wrong. Studies in the private sector have revealed that the return on a balanced and strategic HRM policy can exceed the return on other resources (Fitz-enz (Fitz-Enz, 2009); Jean Paul Isson & Jesse S. Harriott (Isson, Harriott, 2016); Joan E. Pynes (Pynes, 2013)). That is why everything has changed. Today's HR professionals manage change and resilience in their organisations, ensuring that they are ready for the next stage of transformation with the right people and a culture that attracts and retains the best talent in challenging market conditions.

Therefore, in the context of rapid globalisation and socio-economic changes, the institution of human resource development has taken a new turn in development, and an integral part of it is now the recruitment and selection of qualified and value-oriented employees who are aligned with the culture of a particular organisation.

Aspects of the recruitment services market in Ukraine have been studied by scholars such as N. Bazaliiska, A. Vasylyk, V. Vashchenko, T. Vonberh, R. Halaz, O. Hapeieva, V. Herasimova, V. Domuschi, I. Zhyliaieva, O. Zinchenko, O. Kirianova, I. Krasko, V. Kremena, S. Kulakova, A. Lobza, V. Martovytskyi, H. Makhova, V. Petiukh, Y. Pechuliak, H. Pysarevska, N. Pryvalova, Ya. Proskurkina, S. Svetlichna, Y. Siemieniak, K. Skibska, T. Stoliarchuk, H. Tokhtar, V. Chentsov, Yu. Shchehelska, and others. However, the issues proposed for analysis are different from those proposed by these scholars. Its specificity lies in the focus on revealing the general and specific administrative and legal principles of functioning of the recruitment services market in Ukraine and identifying legislative gaps within the framework of the State regulatory framework for social relations within it.

The purpose of the article is to reveal, on the basis of a systematic analysis of current regulatory sources and established scientific positions, the new dimension of the State reg-

ulatory framework for recruitment activities in Ukraine.

2. History of recruitment agencies in Ukraine

It should be noted that in Ukraine, the first recruitment agencies began to appear only in the early 1990s, the period of formation of market relations (Kulakova, Kopeikina, Zotova, 2018). Their services were related to intermediary activities in the field of employment.

In general, with the declaration of Ukraine's independence, the issue of reforming all sectors of public life arose. The provision of employment services also needed to change. In the first version of Law of Ukraine No. 698-XII On Entrepreneurship of 7 February 1991 (Law of Ukraine On Entrepreneurship, 1991), the provision of services related to vocational guidance and employment agency services, including abroad, was not subject to licensing. This requirement was introduced in 1995 (Law of Ukraine On Amendments and Additions to Article 4 of the Law of Ukraine “On Entrepreneurship”, 1995), after amendments were made to the Law of Ukraine “On Entrepreneurship”. In 1996, a number of regulations were approved that detailed this requirement. For example, the “Instruction on the Procedure for issuing special permits (licences) to business entities for intermediary activities in employment, including abroad” and the “Instructions on terms and rules of intermediary activities in employment, including abroad and control over their compliance” were approved (Order of the Licensing Chamber under the Ministry of Economy of Ukraine and the State Employment Centre of the Ministry of Labour of Ukraine On the approval of the Instructions on the procedure for issuing special permits (licenses) to business entities for employment mediation, including abroad, and the Instructions on terms and rules of intermediary activities in employment, including abroad and control over their compliance, 1996). This was followed by Resolution of the Cabinet of Ministers of Ukraine No. 1020 of 3 July 1998 “On the Procedure for licensing entrepreneurial activities”, which was followed by the new “Instruction on terms and rules of intermediary activities in employment abroad and control over their compliance” of 22 February 1999. Such changes to the rules for employment activities have been made on a regular basis with an approximate frequency of five years. The following version was approved on 19 December 2001 (Order of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship, Ministry of Labour and Social Policy of Ukraine On Approval of Licensing Conditions for Conduct-

ing Economic Activity Mediating Employment Abroad, 2001), which was cancelled on 6 September 2010 by No. 285/271 (Order of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship, Ministry of Labour and Social Policy of Ukraine On recognizing as invalid the orders of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship and the Ministry of Labour and Social Policy of Ukraine, 2010).

Already in 2000, the Law of Ukraine “On Licensing of Certain Types of Economic Activity” (Law of Ukraine On Licensing of Certain Types of Economic Activity, 2000) was adopted, which at the legislative level defined the types of economic activities subject to licensing, the procedure for their licensing, established state control in the field of licensing, and the liability of business entities and licensing authorities for violations of licensing legislation. The novelty of this law was that it required licensing only for activities related to mediation in employment abroad (clause 32, part 3, p. 9), while other activities could be carried out without a licence. This gave impetus to the development of recruitment services in Ukraine.

At the current stage of development, the main legal regulation on the labour market is the Law of Ukraine “On Employment of the Population”, which defines the legal, economic and organisational framework for the implementation of public policy on employment, state guarantees for the protection of citizens' rights to work and the exercise of their rights to social protection against unemployment (Law of Ukraine On Employment of the Population, 2012). It also sets out the main terms and powers of the bodies responsible for the formation and implementation of public policy on employment, defines social services and measures to promote employment, and, most importantly, a whole section is devoted to employment mediation services, which are actually of two types: 1) job search for the unemployed population, which is an activity related to assisting a person in exercising his/her right to employment; 2) recruitment of employees in accordance with employers' requirements (Law of Ukraine On Employment of the Population, 2012). In particular, the latter is the current objectification of the legislative understanding of recruitment activities in Ukraine.

3. Establishment and development of the State Employment Service

It should be noted that, in accordance with international standards, the country must have a state employment service. For example, Decree of the President of Ukraine No. 19/2013 of 16 January 2013 established the State Employment Service of Ukraine and approved

its regulations (Decree of the President of Ukraine on the State Employment Service of Ukraine, 2013). The previous document that regulated the activities of the state employment service was Resolution No. 381 of the Council of Ministers of the Ukrainian SSR “On the creation of the state employment service in the Ukrainian SSR” of 21 December 1990 (Resolution of the Council of Ministers of the Ukrainian SSR on the creation of the state employment service in the Ukrainian SSR, 1990). The State Employment Service of Ukraine was recognised as a central executive body, whose activities were directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Social Policy of Ukraine (Decree of the President of Ukraine on the State Employment Service of Ukraine, 2013). Then, without cancelling the above provision, which was approved by a Decree of the President of Ukraine (the decree was cancelled only on 20 June 2019 (Decree of the President of Ukraine On recognition of certain decrees of the President of Ukraine as invalid, 2019)), a new “Regulations on the State Employment Service” was approved (Order of the Ministry of Social Policy of Ukraine Approving the Regulations on the State Employment Service, 2015) but already by Order of the Ministry of Social Policy of Ukraine No. 41 of 20 January 2015. As a result, the State Employment Service moved from the status of a “central executive body” to a “centralised system of state institutions activities thereof are directed and coordinated by the Ministry of Social Policy of Ukraine” (Order of the Ministry of Social Policy of Ukraine Approving the Regulations on the State Employment Service, 2015). It should be noted that the Regulations on the Employment Service have been constantly revised, in particular in 2016 (Order of the Ministry of Social Policy of Ukraine Approving the Regulations on the State Employment Service, 2016) and 2019 (Order of the Ministry of Social Policy of Ukraine on the approval of the Regulations on the State Employment Service, 2019). The last valid version No. 2663 was adopted on 16 December 2020 formalised by a relevant Order (Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine on the approval of the Regulation on the State Employment Service, 2020), however, the Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine (now the Ministry of Economy) Accordingly, in modern context, the State Employment Service is a centralised system of state institutions whose activities are directed and coordinated by the Ministry of Economy of Ukraine (Order of the Ministry of Economic Development, Trade and Agricul-

ture of Ukraine on the approval of the Regulation on the State Employment Service, 2020).

Such constant changes and reorganisation could not have had a positive impact on the activities of this entity, but it also indicates that the reorientation of its activities from the social to the economic sphere was expected to have such an effect in the future. In particular, it was believed that such a step would help to harmonise the activities of the bodies responsible for economic development and the regulatory mechanism for employment, since the regulatory mechanism for employment requires simultaneously allowing for the measures determined by the state to promote economic growth and improving social support and the well-being of Ukrainian citizens (Official website of the Ministry of Economy of Ukraine, 2020).

Therefore, we can determine that the State Employment Service of Ukraine functions to provide socio-economic services that organically combine employment mediation activities with recruitment activities in its modern sense. Whether this is true is an open question, as the process of its reform is not yet complete. However, it is already declared that its activities have been reoriented to a new ideology, which is permeated with the basic tenets of fair recruitment.

In particular, according to the legislative discourse, the main tasks of the State Employment Service at the present stage are: 1) implementation of public policy on employment and labour migration, social protection against unemployment; 2) analysis of the labour market; 3) assistance to citizens in finding suitable work; 4) recruitment services provision to employers; 5) participation in the organisation of public and other temporary works; 6) assistance to citizens in organising entrepreneurial activities, in particular by providing individual and group advice; 7) participation in measures aimed at preventing mass dismissal of employees, prevention of an insured event, promotion of labour mobility and employment in regions with the highest unemployment rates, mono-functional cities and settlements dependent on city-forming enterprises; 8) organisation of training, retraining and advanced training of the unemployed, in view of current and future labour market needs, and confirmation of the results of non-formal vocational training; 9) professional orientation of the population; 10) additional assistance in the employment of certain categories of citizens who are uncompetitive in the labour market; 11) submission of proposals to the Ministry of Economy on the formation of public policy on employment; 12) control over the use of the Fund's resources by employers and the unemployed

(Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine on the approval of the Regulations on the State Employment Service, 2020).

It should also be noted that, according to a new report by the International Labour Organization, about 4.8 million jobs have been lost in Ukraine since the beginning of Russian aggression. The study estimates that if hostilities escalate, job losses will increase to 7 million. In response to the shock to the labour market, the government responded with legislative changes. On 21 April, the Verkhovna Rada adopted a law simplifying the procedure for obtaining unemployment status and unemployment benefits during the war. In addition, employers have been provided with additional economic incentives to employ internally displaced persons: they can receive an allowance of UAH 6,500 to pay salaries to such persons. Moreover, in late May, the State Employment Service, with the participation of the Ministry of Economy, signed an agreement on cooperation and information interaction with the largest job websites. This cooperation will result in the creation of a unified database with vacancies. The database will be filled by the State Employment Service and job search agencies. The resource will be updated in real time (Official website of the State Employment Centre, 2023). In other words, the focus of the State Employment Service and public policy in this field in general during the war is on employment in order to maximise the assistance to a person in exercising the right to work. However, the above does not mean that recruitment activities have been ousted from the field of view of legislators or from the practical and implementation activities of entities providing such services in general. It is logical to assume that as soon as the situation in the country stabilises, the economic development mechanisms launched will start to function with a new productive impetus, which will create conditions favourable for expanding recruitment activities. In particular, organisations will be able to actively expand their staff again, attracting talented employees rather than filling vacant positions with temporary staff. In addition, there may be a demand for specialised recruitment services, which will allow recruitment agencies to continue to play an important role in shaping the labour market and helping companies find the right employees.

4. Conclusions

To sum up, it is logical to conclude that the state regulatory framework for recruitment activities in Ukraine is currently in the process of formation. It is necessary to form an appropriate regulatory framework that will become the basis for implementing a fair recruitment

policy. Despite the fact that under current conditions the legislative orientation in the field of employment is aimed at ensuring the exercise of the right to work, it is possible that during the recovery period the implementation of a business-oriented approach to employment and the labour market will continue. In particular, the legislation should be aimed at creating an environment favourable for entrepreneurs, which will enable them to hire and support the best employees, develop their professional skills and talents for the benefit of the organisation. In the long run, this will contribute to the creation of competitive and efficient organisations and the economic growth of the entire country.

However, it should be borne in mind that such business-oriented approach to employment must be based on the correlation of the organisation's benefits with the inviolability of the postulate of observance and consideration of the rights and interests of employees. In other words, when developing the relevant legislation, it is necessary to allow for both the rights and interests of the organisation and social guarantees for employees, enabling to achieve sustainable and equal opportunities for all in employment.

In addition, in general, a new dimension of the State regulatory framework for recruitment activities in Ukraine should be aimed at creating modern conditions for the development of an innovative and technology-oriented market for recruitment services by means of:

- Improvement of the regulatory framework for the provision of recruitment services in general, including the development of modern and implementation of international standards of recruitment activities;
- Improvement of the process of information exchange between all market parties;
- Stimulation of the use of innovative technologies in the field of employment;
- Introduction of digital platforms and recruitment tools in the public sector.

References:

- Fitz-Enz, Jac.** (2009). The ROI of Human Capital: Measuring the Economic Value of Employee Performance. American Management Association [in English].
- Isson, Jean Paul, Jesse S. Harriott** (2016). People Analytics in the Era of Big Data: Changing the Way You Attract, Acquire, Develop, and Retain Talent. Hoboken: Wiley [in English].
- Joan E. Pynes** (2013). Human Resources Management for Public and Nonprofit Organizations a Strategic Approach. Fourth edition. Retrieved from <https://download.e-bookshelf.de/download/0000/8047/67/L-G-0000804767-0002289501.pdf> [in English].
- Kulakova, S.Iu., Kopeikina, V.V., Zotova, O.M.** (2018). Upravlinnia protsesom rekrutynhu na pidpriemstvakh v suchasnykh umovakh [Management of the recruiting process at enterprises in modern conditions]. *Efektivna ekonomika*, no. 1, pp. 51–58 [in Ukrainian].
- Nahorni, V.V., Kostiuk, T.O., Pernykoza, D.V.** (2020). On the issue of human capital development in the national economy of Ukraine [On the issue of human capital development in the national economy of Ukraine]. *Ekonomika i upravlinnia biznesom*, no. 2, pp. 51–55 [in English].
- Nakaz Derzhavnoho komitetu Ukrainy z pytan rehuliatornoj polityky ta pidpriemnytstva, Ministerstvo pratsi ta sotsialnoy polityky Ukrainy Pro zatverdzhennia Litsenziinykh umov provadzhennia hospodarskoi diialnosti z poserednytstva u pratsevlashtuvanni na robotu za kordonom: vid 19 hrudnia 2001 r. № 155/534 [Order of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship, Ministry of Labour and Social Policy of Ukraine on Approval of Licensing Conditions for Conducting Economic Activity Mediating Employment Abroad: dated December 19, 2001 No. 155/534] (2001). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0017-02#Text> [in Ukrainian].
- Nakaz Derzhavnoho komitetu Ukrainy z pytan rehuliatornoj polityky ta pidpriemnytstva, Ministerstva pratsi ta sotsialnoy polityky Ukrainy Pro vyznannia takymy, shcho vtratyly chynnist, nakaziv Derzhavnoho komitetu Ukrainy z pytan rehuliatornoj polityky ta pidpriemnytstva i Ministerstva pratsi ta sotsialnoy polityky Ukrainy: vid 06 veresnia 2010 r. № 285/271 [Order of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship, Ministry of Labour and Social Policy of Ukraine on recognizing as invalid the orders of the State Committee of Ukraine on Regulatory Policy and Entrepreneurship and the Ministry of Labour and Social Policy of Ukraine: dated September 6, 2010 No. 285/271] (2010). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0889-10#Text> [in Ukrainian].
- Nakaz Litsenziinoi palaty pry ministerstvi ekonomiky Ukrainy ta Derzhavnoho tsentru zainiatiosti Ministerstva pratsi Ukrainy Pro zatverdzhennia Instruksii pro poriadok vydachi subiektam pidpriemnytstvoi diialnosti spetsialnykh dozvoliv (litsenzii) na poserednytstvo u pratsevlashtuvanni na robotu, v tomu chysli za kordonom ta Instruksii pro umovy i pravyla zdiisnennia poserednytstvoi diialnosti u pratsevlashtuvanni na robotu, v tomu chysli za kordonom ta kontrol za yikh dotrymanniam: vid 15 serpnia 1996 r. № LP-26/51 [Order of the Licensing Chamber under the Ministry of Economy of Ukraine and the State Employment Center of the Ministry of Labour of Ukraine on the approval of the Instructions on the procedure for issuing special permits (licenses) to business entities for employment mediation, including abroad, and the Instructions on conditions and rules of intermediary activities in employment, including abroad and control over their compliance: dated August 15, 1996 No. LP-26/51] (1996). *rada.gov*.

ua. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0497-96#Text> [in Ukrainian].

Nakaz Ministerstva rozvytku ekonomiky, torhivli ta silskoho hospodarstva Ukrainy Pro zatverdzhennia Polozhennia pro Derzhavnu sluzhbu zainiatosti: vid 16 hrudnia 2020 roku № 2663 [Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine on the approval of the Regulation on the State Employment Service: dated December 16, 2020 No. 2663] (2020). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z1305-20#n8> [in Ukrainian].

Nakaz Ministerstva sotsialnoi polityky Ukrainy Pro zatverdzhennia Polozhennia pro derzhavnu sluzhbu zainiatosti: vid 20 sichnia 2015 roku № 41 [Order of the Ministry of Social Policy of Ukraine Approving the Regulations on the State Employment Service: dated January 20, 2015 No. 41] (2015). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0141-15#Text> [in Ukrainian].

Nakaz Ministerstva sotsialnoi polityky Ukrainy Pro zatverdzhennia Polozhennia pro derzhavnu sluzhbu zainiatosti: vid 15 hrudnia 2016 roku № 1543 [Order of the Ministry of Social Policy of Ukraine Approving the Regulations on the State Employment Service: dated December 15, 2016 December No. 1543] (2016). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z1723-16#Text> [in Ukrainian].

Nakaz Ministerstva sotsialnoi polityky Ukrainy Pro zatverdzhennia Polozhennia pro derzhavnu sluzhbu zainiatosti: vid 14 chervnia 2019 roku № 945 [Order of the Ministry of Social Policy of Ukraine on the approval of the Regulations on the State Employment Service: dated June 14, 2019 No. 945] (2019). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/z0733-19#Text> [in Ukrainian].

Ofitsiynyi sait Derzhavnoho tsentru zainiatosti [Official website of the State Employment Center] (2023). *dcz.gov.ua*. Retrieved from <https://www.dcz.gov.ua/publikaciya/rynok-praci-pid-chas-viynychy-ye-u-ukrayinciv-shansy-znayty-sobi-novu-robotu> [in Ukrainian].

Ofitsiynyi sait Ministerstva ekonomiky Ukrainy [Official website of the Ministry of Economy of Ukraine] (2020). *me.gov.ua*. Retrieved from https://www.me.gov.ua/News/Detail?lang=uk-UA&id=f1c6bd26-079e-47bd-a96d-23db7eb54934&title=TeperOfitsiino-RinokPratsi-IntegrovanoZEkonomichnoiuPolitikoIUderzhavi&fbclid=IwAR1Lh6i3xLUDjkzzD98mnMIVM--tXW-fidEBIRZ_roeU79O5ntoIVkIdICLg [in Ukrainian].

Postanova Rady Ministriv Ukrainskoi RSR Pro stvorennia derzhavnoi sluzhby zainiatosti v Ukrain-

skii RSR: vid 21 hrudnia 1990 roku № 381 [Resolution of the Council of Ministers of the Ukrainian SSR on the creation of the state employment service in the Ukrainian SSR: dated December 21, 1990 No. 381] (1990). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/381-90-%D0%BF#Text> [in Ukrainian].

Shypulina, V.O., Kaspruk, O.V. (2012). Novitni pidkhody do zaluchennia kadrovkyh resursiv [The latest approaches to attracting human resources]. *Visnyk Khmelnytskoho natsionalnoho universytetu*, no. 3, pp. 111–117 [in Ukrainian].

Ukaz Prezydenta Ukrainy Pro Derzhavnu sluzhbu zainiatosti Ukrainy: 16 sichnia 2013 r. № 19/2013 [Decree of the President of Ukraine on the State Employment Service of Ukraine: January 16, 2013 No. 19/2013] (2013). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/19/2013/ed20130116#Text> [in Ukrainian].

Ukaz Prezydenta Ukrainy Pro vyznannia takymy, shcho vtratyly chynnist, deiakykh ukaziv Prezydenta Ukrainy: vid 20 chervnia 2019 roku № 419/2019 [Decree of the President of Ukraine on recognition of certain decrees of the President of Ukraine as invalid: dated June 20, 2019 No. 419/2019] (2019). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/419/2019#n98> [in Ukrainian].

Zakon Ukrainy Pro litsenzuvannia pevnkykh vydiv hospodarskoi diialnosti: vid 01 chervnia 2000 roku № 1775-III [Law of Ukraine On Licensing of Certain Types of Economic Activity: dated June 1, 2000 No. 1775-III] (2000). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/1775-14#Text> [in Ukrainian].

Zakon Ukrainy Pro pidpriemnytstvo: vid 07 liutoho 1991 r. № 698-XII [Law of Ukraine On Entrepreneurship: dated February 7, 1991 No. 698-XII] (1991). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/698-12#Text> [in Ukrainian].

Zakon Ukrainy Pro vnesennia zmin i dopovnen do statii 4 Zakonu Ukrainy “Pro pidpriemnytstvo”: vid 22 hrudnia 1995 r. № 497/95-VR [Law of Ukraine On Amendments and Additions to Article 4 of the Law of Ukraine “On Entrepreneurship”: dated December 22, 1995 No. 497/95-BP] (1995). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/497/95-%D0%B2%D1%80#Text> [in Ukrainian].

Zakon Ukrainy Pro zainiatist naselennia: vid 05 lypnia 2012 r. № 5067-VI [Law of Ukraine On Employment of the Population: dated July 5, 2012 No. 5067-VI] (2012). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/5067-17#Text> [in Ukrainian].

Катерина Слабко,

аспірантка, Науково-дослідний інститут публічного права, вул. Г. Кірпи, 2а, Київ, Україна,
індекс 03035, slabko_kateryna@ukr.net

ORCID: orcid.org/0000-0002-7496-4262

НОВІТНИЙ ВИМІР ДЕРЖАВНОГО РЕГУЛЮВАННЯ РЕКРУТИНГОВОЇ ДІЯЛЬНОСТІ В УКРАЇНІ

Анотація. Мета. У статті схарактеризовано нормативне підґрунтя для здійснення рекрутингової діяльності публічними та приватними суб'єктами. **Результати.** З'ясовано, що державне регулювання рекрутингової діяльності в Україні наразі перебуває в процесі становлення. Уточнюється про необхідність формування нормативного базису, який стане основою для впровадження політики справедливого рекрутингу. Акцентується, що попри те, що за сучасних умов законодавча орієнтація у сфері зайнятості населення спрямована на забезпечення реалізації особи права на працю, невиключним є те, що в період відновлення буде продовжено реалізацію впровадження бізнес-орієнтованого підходу до сфери зайнятості та ринку праці. Визначено, що оновлене законодавство має бути спрямоване на створення сприятливого середовища для підприємців, що забезпечить можливість останнім наймати й утримувати найкращих співробітників, розвивати їхні професійні навички та таланти з користю для організації. У перспективі означене сприятиме створенню конкурентоспроможних та ефективних організацій і економічному зростанню країни загалом. Акцентовано, що такий бізнес-орієнтований підхід до зайнятості обов'язково має базуватися на кореляції вигід організації з непорушністю постулату дотримання та врахування прав та інтересів працівників. Тобто під час розроблення відповідного законодавства потрібно враховувати як права й інтереси організації, так і соціальні гарантії для працівників, що дасть змогу досягти сталих і рівних можливостей для всіх у сфері зайнятості. **Висновки.** Узагальнено, що новітній вимір державного регулювання рекрутингової діяльності в Україні має бути спрямований на створення сучасних умов для розвитку інноваційного та технологічно-орієнтованого ринку рекрутингових послуг шляхом: 1) удосконалення нормативного регулювання надання рекрутингових послуг, зокрема формування сучасних і впровадження міжнародних стандартів рекрутингової діяльності; 2) удосконалення процесу обміну інформацією між усіма сторонами ринку; 3) стимулювання використання інноваційних технологій у сфері зайнятості населення; 4) впровадження цифрових платформ та інструментів рекрутингу в публічному секторі.

Ключові слова: адміністративно-правове регулювання, посередництво у працевлаштуванні, рекрутинг, рекрутингові послуги, рекрутмент, трудові відносини.

The article was submitted 17.10.2023

The article was revised 08.11.2023

The article was accepted 28.11.2023