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THE CONSTITUTION - MAIN SOURCE OF LABOUR LAW

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The most important law of our country - the Constitution, also called the Basic Law. It has the highest legal force and its norms are directly applicable.

The most important Chapter of the new Constitution of Ukraine, which defines its democratic principles, is Chapter II "Human and civil rights and freedoms". It is no coincidence that constitutional recognition of the rights, freedoms and guarantees is paid such great attention, as in the Art. 3 it is declared that the adoption and protection of human rights and freedoms is the main duty of the state.

Enshrined in Part 1 of the Art. 43 the right to work is formulated in accordance with the Art. 23 of the Universal Declaration of Human Rights. Everyone has an opportunity to earn his living by work which he freely chooses or freely agrees to. An individual alone disposes of their abilities to work and chooses a particular type of activity, occupation, and can choose not to get involved in any labour activity.

Particular attention is paid to ensuring economic and social rights. Thus, in the Part 2, Art. 43 there is the State's duty to create conditions for the full exercise of the citizens' right to work, to guarantee equal opportunities in the choice of profession and types of occupation, implementation of programs of vocational education, training and retraining of personnel according to the needs of society. The norm contained in the Part 3 Art. 43 on the prohibition of forced labor corresponds to the Art. 8 of the International Covenant on Civil and Political Rights. In the Art. 44 of the Constitution the right of workers to strike to protect their economic and social interests was enshrined for the first time, which corresponds to the Art. 8 of the International Covenant on Economic, Social and Cultural Rights. The Chapter 2, Art. 44 stipulates that the exercise of the right to strike is established by the law taking

into consideration the need to ensure national security, healthcare, rights and freedoms of others.

The Art. 45 of the Constitution establishes the right of each worker to rest. This rule was proclaimed in the Art. 24 of the Universal Declaration of Human Rights and follows the requirements of the Art. 7 of the International Covenant on Economic, Social and Cultural Rights.

According to the Part. 3 Art. 36 of the Constitution, citizens have the right to participate in trade unions to protect their labor and socio-economic rights and interests. Trade unions are public organizations that unite citizens bound by common interests by virtue of their professional activities. This article of the Ukrainian Constitution reveals and specifies the provisions in Article 20 of the Universal Declaration of Human Rights and Article 22 of the International Covenant on Civil and Political Rights concerning freedom of association and provides that the right to freedom of association is an inalienable right of citizens of Ukraine, which is guaranteed by the Constitution of Ukraine.

The principle of social justice is the basis for social protection. The Art. 46 declares that the state provides social protection to those categories of citizens who really need it. It is about the right of citizens to social protection in elderly age, in case of complete, partial or temporary loss of capacity to labour, loss of breadwinner, unemployment for any reasons independent from individual.

Thus, the main source of labour law is the Constitution of Ukraine adopted June 28, 1996, which establishes the most important labour human and civil rights as well as guarantees their implementation.

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