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## REGULACJA PRAWNA ZAWARCIA UMOWY O PRACĘ ZGODNIE Z OBOWIĄZUJĄCYM PRAWEM UKRAINY

**Olha Potopakhina**

*kandydat nauk prawnych, docent Katedry Dyscyplin Cywilnoprawnych  
Odeskiego Uniwersytetu Narodowego imienia I.I. Miecznikowa (Odessa, Ukraina)*

*ORCID ID: 0009-0002-6321-7488*

*Olhanikolaevna2010@ukr.net*

**Adnotacja.** W artykule naukowym przeprowadzono teoretyczne i prawne badanie regulacji prawnej zawarcia umowy o pracę zgodnie z obowiązującym prawem Ukrainy. Scharakteryzowano procedurę zawarcia umowy o pracę zgodnie z obowiązującym prawem Ukrainy. Zidentyfikowano i przeanalizowano zmiany w regulacji prawnej procedury zawierania umowy o pracę w okresie obowiązywania stanu wojennego w Ukrainie, które zostały wprowadzone ustawą Ukrainy “O organizacji stosunków pracy w warunkach stanu wojennego” z dnia 15.03.2022 r. nr 2136-IX itp.

Określono, że procedurę zawarcia umowy o pracę należy traktować jako procedurę zdefiniowaną przez prawo, składającą się z określonych czynności sekwencyjnych zarówno osoby ubiegającej się o pracę, jak i pracodawcy. Jasne uregulowanie prawne tej procedury, praw i obowiązków jej uczestników zapewnia normalne funkcjonowanie stosunku pracy, zapobiega powstawaniu sporów pracowniczych. Regulacja prawna zawarcia umowy o pracę na podstawie obowiązującego Kodeksu Ustaw o Pracy Ukrainy jest niedoskonała, co przejawia się w niewystarczająco jasnym i spójnym charakterze takiej regulacji.

**Słowa kluczowe:** umowa o pracę, pracownik, pracodawca (pracodawca – osoba fizyczna), procedura zawarcia umowy o pracę, prawo Ukrainy, stan wojenny.

## LEGAL REGULATION OF THE CONCLUSION OF EMPLOYMENT CONTRACT ACCORDING TO THE CURRENT LEGISLATION OF UKRAINE

**Olha Potopakhina**

*Candidate of Juridical Sciences,  
Associate Professor of the Department of Civil Law Disciplines  
Odessa I.I. Mechnikov National University (Odessa, Ukraine)*

*ORCID ID: 0009-0002-6321-7488*

*olganikolaevna2010@ukr.net*

**Abstract.** The research article carries out a theoretical and legal study of the legal regulation of concluding an employment contract under the current legislation of Ukraine. The procedure for concluding an employment contract according to the current legislation of Ukraine is characterized. The changes in the legal regulation of the procedure for concluding an employment contract during the period of martial law in Ukraine, which were introduced by the Law of Ukraine “On the Organization of Labor Relations in the Conditions of Martial Law” dated March 15, 2022. No. 2136-IX, etc., have been identified and analyzed.

Based on the above, we can conclude that the procedure for concluding an employment contract should be considered as a procedure defined by law, consisting of certain consecutive actions of both the person entering the job and the employer. A clear legal regulation of this procedure, the rights and obligations of its participants ensures the normal functioning of labor relations and prevents the occurrence of labor disputes. The legal regulation of concluding an employment contract under the current Labor Code of Ukraine is imperfect, which is reflected in the insufficiently clear and consistent nature of such regulation.

**Key words:** employment contract, employee, employer (employer – natural person), procedure for concluding an employment contract, legislation of Ukraine, martial law.

## ПРАВОВЕ РЕГУЛЮВАННЯ УКЛАДЕННЯ ТРУДОВОГО ДОГОВОРУ ЗА ЧИННИМ ЗАКОНОДАВСТВОМ УКРАЇНИ

**Ольга Потопахіна**

*кандидат юридичних наук, доцент кафедри цивільно-правових дисциплін  
Одеського національного університету імені І.І. Мечникова (Одеса, Україна)*

*ORCID ID: 0009-0002-6321-7488*

*olganikolaevna2010@ukr.net*

**Анотація.** У науковій статті здійснено теоретико-правове дослідження правового регулювання укладення трудового договору за чинним законодавством України. Охарактеризовано процедуру укладення трудового договору за чинним законодавством України. Визначено та проаналізовано зміни у правовій регламентації порядку укла-

дання трудового договору у період дії воєнного стану в Україні, які запроваджені Законом України «Про організацію трудових відносин в умовах воєнного стану» від 15.03.2022 р. № 2136-IX та ін.

Визначено, що порядок укладення трудового договору слід розглядати як визначену законом процедуру, що складається із певних послідовних дій як особи, яка поступає на роботу, так і роботодавця. Чітка правова регламентація цієї процедури, прав та обов'язків її учасників забезпечує нормальне функціонування трудових правовідносин, попереджає виникнення трудових спорів. Правове регулювання укладення трудового договору за чинним КЗпП України є недосконалим, що виявляється у недостатньо чіткому і послідовному характері такого регулювання.

**Ключові слова:** трудовий договір, працівник, роботодавець (роботодавець – фізична особа), порядок укладання трудового договору, законодавство України, воєнний стан.

**Introduction.** The employment contract takes a special place in the life of every citizen. Based on the employment contract, there are labor legal relations of the employee with the employer, which entails the inclusion of these subjects in the whole system of relations with the use of hired labor. The employment contract continues to be the central institution of labor law, the main basis for the emergence of employment relations and the criterion for their existence. The Constitution of Ukraine defines that everyone has the right to work, which includes the opportunity to earn a living by work that they freely chooses or freely agrees to (Art. 43) (Constitution of Ukraine dated June 28, 1996 No.254k/96-vr.).

According to the second part of Article 2 of the Labor Code of Ukraine (Code of Labor Laws of Ukraine: Law No. 322-VIII dated 10.12.71), employees realize their right to work by concluding an employment contract for work at an enterprise, institution, organization or with a natural person. It follows that the most common form of realization of the right of a person to work is labor contract.

Research of the forms of realization of the right to work and the procedure of conclusion of the employment contract are devoted to scientific works of well-known scientists-workers: N.B. Bolotina, V.S. Venediktov, L.P. Vyshnovetska S.V., Garashchenko, G.S. Goncharova, O.V. Danilyuk, V.V. Gernakov, M.I. Inshina, P.D. Pylypenko, S.M. Prylypko, O.I. Protsevskyi, Rymarya B.A., S.O. Silchenko, H.I. Chanysheva, N.M. Khutorian, O.A. Yakovliev, O.M. Yaroshenko and others.

Research of the legal regulation of the conclusion of the employment contract are devoted to candidate dissertations of domestic scientists: Peresunko V. “Legal guarantees at the conclusion of the employment contract” (2002), Mishchuk M. “Reform of the labor legislation as part of the conclusion of the labor contract” (2008), Rymar B. A. “Types of employment contract according to the legislation of Ukraine” (2009), Moroz S. “Legal regulation of concluding an employment contract” (2012), Nanieva M. “Conclusion of an employment contract under the legislation of Ukraine and certain foreign countries” (2017) and others.

At the same time, despite the considerable number of scientific studies, in the conditions of the further development of Ukrainian statehood, many problems regarding the guarantee of the realization of the constitutional right to work remain unsolved.

To date, there are certain problematic issues regarding the procedure for concluding an employment contract as the main form of realization of a person's right to work, which cause a violation of the specified right, and therefore require a solution and appropriate legal regulation.

The current Labor Code of Ukraine has long been out of date and does not meet modern conditions, despite the fact that many changes and additions have been made to it throughout its existence, but, nevertheless, a large-scale update has not yet taken place. Instead of the outdated Labor Code of Ukraine dated 10.12.1971 No. 322-VIII, we hope that a new Labor Code of Ukraine will be adopted in the near future.

Note that Ukraine's state of war has led to the emergence and increase of significant problems related to the effective organization of labor relations, which did not exist before or remained isolated in the pre-war period. Martial law in Ukraine was introduced by the Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 (“On the introduction of martial law in Ukraine”: Presidential Decree No. 64/2022 dated February 24, 2022 (approved by Law No. 2102-IX dated February 24, 2022). It defines that, due to the martial law in Ukraine, constitutional rights and freedoms of man and citizen, provided by Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine 30- 34, 38,39, 41 – 44, 53 may be temporarily limited for the period of the legal regime of martial law. In order to solve, in ever part, the most urgent issues related to overcoming the acute military challenges faced by employers in terms of organizing labor relations and ensuring the labor rights of employees, the Parliament of Ukraine adopted a number of legislative acts. Namely, the Laws of Ukraine: “On the Organization of Labor relations under martial law” dated 03/15/2022 No. 2136-IX (hereinafter – Law No. 2136-IX) (“On the organization of labor relations under martial law”: Law of Ukraine dated March 15, 2022 No. 2136-IX.), “On amendments to Certain Legislative Acts of Ukraine on Optimization of Labor Relations” dated July 1, 2022 No. 2352-IX (hereinafter – Law No. 2352-IX) (“On making changes to some legislative acts of Ukraine regarding the optimization of labor relations”: Law of Ukraine dated 01.07.2022 No. 2352-IX), “On Amendments to Certain Legislative Acts of Ukraine Regarding the Regulation of Labor Relations with Non-Fixed Working Hours” dated July 18, 2022 No. 2421-IX (hereinafter- Law No. 2421-IX)) (“On making changes to some legislative acts of Ukraine regarding the regulation of labor relations with non-fixed working hours: Law of Ukraine dated 07/18/2022 No. 2421-IX), “On Amendments to Certain Legislative Acts of Ukraine on Simplifying the Regulation of Labor Relations in the Field of Small and Medium-Sized Entrepreneurship and Reducing the Administrative Burden on Entrepreneurial Activity” dated July 19, 2022 No. 2434-IX (hereinafter- Law No. 2434-IX) (“On making changes to some legislative acts

of Ukraine on simplifying the regulation of labor relations in the field of small and medium-sized entrepreneurship and reducing the administrative burden on entrepreneurial activity”: Law of Ukraine dated 07/19/2022 No. 2434-IX), as well as “On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine and other legislative acts of Ukraine regarding the peculiarities of military service in conditions of martial law or in a combat situation” dated 13.12.2022 No. 2839-IX (hereinafter – Law No. 2839-IX), which entered into force on January 27, 2023. (“On making changes to the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine and other legislative acts of Ukraine regarding the specifics of military service in conditions of martial law or in a combat situation”: Law of Ukraine dated 13.12.2022 No. 2839-IX).

Taking into account the peculiarities of martial law, Law No. 2136-IX (as amended by Law No. 2352-IX) that during the period of the military state the restrictions of the constitutional rights and freedoms of man and citizen provided for in Articles 43, 44 of the Constitution of Ukraine, in connection with which particular attention is paid to the labor rights of workers who are restricted for this period.

**The purpose of** the scientific article is to study the procedure for concluding an employment contract according to the current labor legislation, taking into account the amendments to the legislation of Ukraine in the conditions of martial law.

**Basic content.** The current Ukrainian Labor Code contains the concept, the parties and the general procedure for the conclusion of the employment contract. The mentioned norms are contained in the chapter III “Labor Agreement” of the Code. According to the first part of Art. 21 of the Labor Code of Ukraine, an employment contract is an agreement between an employee and an employer (employer – natural person), by which the employee undertakes to perform the work set out in this agreement, and the employer (employer – individual) undertakes to pay the employee wages and ensure working conditions, necessary to carry out the work, provided by the labor legislation, the collective agreement and the agreement of the parties. An employment contract may establish conditions for the performance of work that require professional and/or partial professional qualifications, as well as conditions for the performance of work that do not require a person to have a professional or partial professional qualification.

In the science of labor law, there is no single definition of the very concept of concluding an employment contract. Yes, this concept is defined in educational literature. For example, Egorov V. and Kharitonova Y. (Ehorov, Kharitonova, 2009:212) consider the conclusion of an employment contract to be the process of acceptance by an employer (natural or legal entity) of a citizen for work under an employment contract as an employee – a worker or an employee. Prylypko S., Yaroshenko O., Moroz S., Malynovska K. consider methods of concluding a labor contract, which relate to the achievement of the agreement between the employee and the employer as the main way of concluding the contract, as well as the actual work permit (Prylypko, Yaroshenko, 2013: 88). In our view, we should agree with Nanyeva M., who defines the conclusion of the employment contract as 1) a legal procedure, i.e. a combination of actions, measures and prohibitions stipulated by the legislation, necessary for the admission of a person to work as an employee; 2) as a legal fact, which is the basis of individual labor legal relations between the employee and employer, as well as certain types of collective labor legal relations (Nanieva, 2017: 182–185). Therefore, the procedure for signing an employment contract is established by the current legislation procedure of signing and execution of the labor contract. The specified procedure is implemented in practice by carrying out actions defined by the law in a certain sequence provided by legislation. The procedure for concluding a labor contract begins with the submission of the necessary documents by the person entering the job.

When concluding an employment contract, the person applying for a job must submit a passport or other identity document, an employment record, and in cases provided by law, a document on education (specialty, qualification), health status and other documents. When concluding a labor contract, a citizen, who is hired for the first time, has the right to submit a request for registration of an employment book. Article 25 of the Labor Code of Ukraine prohibits requiring persons applying for work, an information about their party and national affiliation, origin, registration of place of residence or stay, as well as documents, the submission of which is not provided by law.

The list of documents and information submitted during the conclusion of an employment contract is fixed in the second part of Art. 24 of the Labor Code of Ukraine, which is not exhaustive.

When hiring an employee in accordance with the first part of Art. 24 of the Labor Code of Ukraine, an employment contract is concluded, as a rule, in written form. Observance of written form is obligatory: in case of organized recruitment of employees; when concluding an employment contract for work in areas with special natural geographical and geological conditions and conditions of increased health risk; when concluding a contract; in cases where the employee insists on concluding an employment contract in writing; when concluding an employment contract with a minor (Art. 187 of the Labor Code of Ukraine); when concluding an employment contract with an individual, as well as in other cases provided for by the legislation of Ukraine. Therefore, to date, the legislation provides for two forms of an employment contract, namely written and oral, and in cases provided for by the Labor Code of Ukraine-written only. In our opinion, the conclusion of an employment contract in oral form, which is not excluded by the Labor Code of Ukraine, may lead to the violation of certain rights and interests of the employee. We emphasize that during the period of martial law, the parties determine the form of the employment contract by agreement.

It is necessary to consider that when concluding an employment contract, the employer has the right to introduce restrictions on joint work at the same enterprise, institution, organization of persons who are close relatives or in-laws (parents, spouses, brothers, sisters, children, as well as parents, brothers, sisters and children of spouses), if in connection with the performance of labor duties, they are directly subordinated or under the control of each other (Art. 25<sup>-1</sup>).

After discussing the terms of the employment contract, choosing its form, as well as submitting all the necessary documents for employment, which are provided for by law and concluding the contract itself, the employer (employer – a natural person) must issue a disposal or an order on the employment of the relevant employee.

According to the third part of Art. 24 Labor Code of Ukraine an employee cannot be allowed to work without concluding an employment contract drawn up by an order or decree of the employer, and notification of the central executive body on issues of ensuring the formation and implementation of state policy on the administration of a single contribution to the universally mandatory state social insurance on the acceptance of an employee in the manner established by the Cabinet of Ministers of Ukraine. However, it is necessary to emphasize that exclusively a person who has the necessary authority for this must sign the corresponding order (disposal); otherwise, such an order will not have the appropriate legal consequences.

To draw up the order, you can use either the standard form No. P-1 “Order (disposal) on hiring”, which was approved by the order of the State Statistics Committee of Ukraine No. 489 of December 5, 2008 (“On approval of standard forms of primary accounting documentation for labor statistics”: order of the State Statistics Committee of Ukraine dated December 5, 2008 No. 489), or draw it out on the letterhead of the enterprise (of course, such a form must contain all the details contained in standard form No. P-1).

According to the fourth part of Art. 24 of the Labor Code of Ukraine, a person invited to work in the order of transfer from another enterprise, institution, or organization by agreement between the heads of enterprises, institutions, or organizations cannot be refused to conclude a contract of employment. According to the fifth part of Art. 24 of the Labor Code of Ukraine, it is prohibited to enter into an employment contract with a citizen, who, according to a medical conclusion, proposed work is contraindicated due to his state of health. The content of the last two parts should be criticized, because the law provides other categories of workers who, first, cannot be refused to conclude a contract of employment, second, with whom the conclusion of a contract is prohibited. As it appears, the lawmaker has failed to combine in one article several norms, which should be fixed in separate articles of the Labor Code of Ukraine. At the same time, other articles regulate the conclusion of an employment contract: Art. 22, Art. 25, Art. 25-1, Art. 26-28, Art. 184, Art. 188, Article 196, Art. 197 of the Criminal Code of Ukraine.

After hiring the relevant employee, employers (employers – natural persons) are obliged to notify the State Fiscal Service in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated 17.06.2015 No. 413 “On the procedure for notifying the State Fiscal Service and its territorial bodies about hiring an employee” (“On the procedure for notifying the State Fiscal Service and its territorial bodies about hiring an employee”: Resolution of the CMU of June 17, 2015 No. 413). According to the resolution, the owner of the enterprise, institution, authorized body (person) or individual submits to the territorial bodies of the State Fiscal Service at the place of their registration as a payer of a single contribution to the mandatory state social insurance in the form according to the appendix before the beginning of employee’s work under an employment contract in one of the following ways: by means of electronic communication using the electronic digital signature of responsible persons in accordance with the requirements of the legislation in the field of electronic document circulation and electronic signature; on paper media together with a copy in electronic form; on paper media, if employment contracts are concluded with no more than five persons.

The written form of the employment contract must be distinguished from the procedure for its execution. The procedure for drawing up an employment contract, concluded both in oral and written form, consists of the following stages: 1) submission by the employee of an application for employment with the provision of all necessary documents; 2) visas of certain officials and the resolution of the owner or official, who has the right to hire; 3) issuance by the owner or a body authorized by him of an order or decree on the enrollment of an employee for work; 4) presentation of a disposal or order to an employee on receipt; 5) making a record of employment in the employment book; 6) acquaintance by the owner or the authorized body of the employee with the record in the work book under the receipt in the personal card (standard form No. P-2).

When concluding an employment contract, the employer can establish a test period in order to check the employee's suitability for the work assigned to him. The trial condition must be kept out in the order (disposal) on hiring. Article 27 of the Labor Code of Ukraine stipulates that the test period for employment, unless the other is not established by the legislation of Ukraine, cannot exceed three months, and in some cases, upon agreement with the relevant elected body of the primary trade union organization, – six months. The test period when hiring workers cannot exceed one month.

Articles 37-40 of the draft Labor Code of Ukraine provide for the establishment of a test for employment. In Art. 38 fixed a narrower circle of persons who are not subject to a test upon hiring, compared to the list provided for in Art. 26 of the Labor Code of Ukraine. What is more, the list provided for in Art. 38 of the draft law is comprehensive in contrast to the third part of Art. 26 of the Labor Code of Ukraine, which refers to other cases, if this is provided for by legislation.

The current Labor Code of Ukraine provides for the right of the employer, in the event that the employer establishes that the employee is not suitable for the work performed or the position held during the probationary period, to dismiss such an employee after giving him three days' written notice.

Article 26 of the Labor Code defines the list of employees who are not subject to a probationary period when concluding an employment contract. The above-mentioned Law No. 2136-IX establishes that, during the period of martial law, the condition of testing an employee at the time of hiring may be established for any category of employees. We note that in order to quickly attract new employees to work, as well as to eliminate personnel

shortages and labor shortages, including due to the actual absence of employees who were evacuated to another area, are on vacation, idle, temporarily lost their working capacity or whose location is temporarily unknown, employers may enter into fixed-term employment contracts with new employees during the period of martial law or for the period of replacing a temporarily absent employee.

In addition, Part 2 of Article 33 of the Labor Code in the normal period gives the right to the employer to transfer the employee for a period of up to one month to another job, not stipulated by the employment contract, without his consent, if it is not contraindicated for the employee due to his health, only to divert or liquidation of the consequences of natural disasters, epidemics, epizootics, industrial accidents, as well as other circumstances that endanger or may endanger the lives or normal living conditions of people, with wages for work performed, but not lower than the average earnings for previous work. During the period of martial law, the employer has the right to transfer the employee (without any time limit) to another job, not stipulated by the employment contract, without his consent (except for transfer to another area where active hostilities are ongoing), if such work is not contraindicated for the employee due to his health, only to avert or eliminate the consequences of hostilities, as well as other circumstances that pose or may pose a threat to the life or normal living conditions of people, with wages for work performed not lower than the average salary for the previous work (“On the organization of labor relations under martial law”: Law of Ukraine dated March 15, 2022 No. 2136-IX).

We observe certain restrictions on the labor rights of employees in the changes to the current legislation regarding the application of an employment contract with unfixed working hours (According to Law No. 2421-IX, the current Labor Code was supplemented by Art. 21-1 “Labor contract with non-fixed working time”) and a simplified regime for regulating labor relations (According to Law No. 2434-IX, the current Labor Code was supplemented with Chapter III-B “Simplified mode of regulation of labor relations”).

An employment contract with non-fixed working hours is a special type of employment contract, the terms of which do not establish a specific time for the performance of work, the obligation of the employee to perform which arises only in the event that the employer provides the work provided for in this employment contract without guaranteeing that such work will be provided continuously, but in compliance with the terms of payment of labor stipulated by the Labor Code of Ukraine (Part 1 of Article 21-1). When concluding an employment contract with non-fixed working hours, the employer independently determines the need and time of the employee's involvement in work, the scope of work and, within the period stipulated by the employment contract, agrees with the employee the mode of work and the duration of working hours necessary to perform the relevant work, with mandatory compliance with the requirements of the law regarding the duration of working time and rest time.

An employment contract with non-fixed working hours must contain, in particular, information about: the method and minimum period of notifying the employee about the start of work, which must be sufficient for the employee to start performing his duties in a timely manner; method and maximum period of notification from the employee about readiness to start work or refusal to perform it in cases where the employee has the right to refuse to perform work, if the employer requires the performance of work outside the basic days and hours, or if he was notified of the availability of work with violation of the minimum terms specified in the employment contract with non-fixed working hours; intervals during which the employee may be required to work (base hours and days).

An exemplary form of an employment contract with non-fixed working hours is approved by the central executive body, which ensures the formation of state policy in the field of labor relations.

In 2021, two separate articles are included in the current Labor Code of Ukraine: Art. 60-2 “Distance work” and Art. 60-1 “Homework”.

In accordance with the second part of Article 60<sup>1</sup>, the second part of Article 60<sup>2</sup> of the Code of Labor Laws of Ukraine and the fifth paragraph of Clause 1 of the Regulation on the Ministry of Economic Development, Trade and Agriculture of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine dated August 20, 2014 No. 459 (in the wording by Resolution No. 124 of the Cabinet of Ministers of Ukraine dated February 17, 2021), standard forms of employment contracts on home and remote work were approved (“On the approval of standard forms of employment contracts on home and remote work”: Order of the Ministry of Economic Development, Trade and Agriculture of Ukraine dated 05.05.2021 No. 913-21, reg. Ministry of Justice of Ukraine July 6, 2021 under No. 886/36508).

The Labor Code of Ukraine defines remote work as a form of work organization in which the work is performed by the employee outside the workplace or the employer's territory, in any place of the employee's choice and using information and communication technologies (“Code of Labor Laws of Ukraine”: Law No. 322-VIII dated 10.12.71).

It is worth mentioning that the concept of homework is enshrined in Art. 1 of the ILO Convention No. 177 on Homework of June 20, 1996, according to point a) in which the term “homework” means work that a person called a home worker performs: at his place of residence or in other premises of his choice, but not in the employer's production premises; for a reward; production of goods or services, according to the employer's instructions, regardless of who provides the equipment, materials or other resources used, unless the person has such a degree of autonomy and economic independence, it is necessary for him to be considered an independent worker in accordance with national legislation or court decisions.

In the literature, attention is drawn to the imperfection of the current Labor Code of Ukraine regarding the regulation of the procedure for concluding an employment contract, which causes a violation of the rights and interests of persons entering work. It is noted that due to the imperfection of the Labor Code of Ukraine and the illegal actions

of employers, the most common violation of the right to work is an unjustified refusal to hire an employee, as well as any limitation of rights or establishment of advantages when concluding, changing or terminating an employment contract depending on a person's origin, social and property status, race and nationality, gender, language, political views, religious beliefs, membership in a trade union or other united citizens, type and nature of occupation, place of residence, which directly contradicts the Constitution of Ukraine, and Art. 22 Labor Code of Ukraine.

**Conclusion.** Based on the above, we can conclude that the procedure for concluding an employment contract should be considered as a procedure defined by law, consisting of certain consecutive actions of both the person entering the job and the employer. A clear legal regulation of this procedure, the rights and obligations of its participants ensures the normal functioning of labor relations and prevents the occurrence of labor disputes. The legal regulation of concluding an employment contract under the current Labor Code of Ukraine is imperfect, which is reflected in the insufficiently clear and consistent nature of such regulation.

Unfortunately, the specified restrictions on labor rights do exist in the current labor legislation, but they are of a temporary nature, since Law 2136-IX is valid during the period of martial law and ceases to be valid from the date of termination or cancellation of martial law.

The number and presence of contradictions, the duplication of certain norms, their declarative nature, insufficiently clear definition of the specific rights of employees and the duties of relevant bodies distinguish the current legislation of Ukraine in the field of regulation of employment contracts. These shortcomings make it necessary to systematize the current legislation. Despite all the innovations in the regulation of the order of conclusion of the employment contract, it is necessary to pay attention to the necessity at the legislative level to define the concept of "the order of conclusion of the employment contract" and to establish norms on conclusion of the employment contract in a separate chapter "Conclusion of an employment contract" of the Labor Code of Ukraine. If the conclusion of an employment contract will be a procedure defined by law, then the norms regulating this procedure should be consistently placed in the specified chapter. Norms on the concept of an employment contract must precede the definition of employment relations, because the employment contract is the basis of the latter.

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