

D. Shvets

Postgraduate Student
Department of Labour, Agricultural and Environmental Law,
Ivan Franko National University of Lviv

SOME TERMINOLOGICAL GAPS OF NATIONAL LEGISLATION ON EMPLOYMENT

The article considers problems of legal regulation of promoting employment. One of the problems in achieving full, productive and freely chosen employment is imperfect conceptual framework used by the national legislator. The absence of national legal definitions of certain terms leads to the emergence of different approaches to their understanding, which in turn gives rise to difficulties in the practical application of the relevant provisions of the regulation.

The author analyzes the terms “providing employment” and “promoting employment”. In particular, the author argues that they are different in their content and legal value.

The term “providing employment” can be used for legal regulation of government guarantees aimed at achieving full, productive and freely chosen employment. Instead, the term “promoting employment” includes the legal regulation of relations to attract able-bodied persons to employment within a legally binding form and to preserve and maintain the already formed employment.

The term “promoting employment” can be viewed also in the broad sense, as uniting not only measures aimed at creating the conditions for coverage of certain legislated form of employment, but also a set of interrelated organizational, legal, economic, social and other activities that contribute to the preservation and further development.

The author emphasizes the appropriateness of legislative consolidation of both terms. Legal definitions of “providing employment” and “promoting employment” will clearly delineate the boundaries of legal regulation of promoting employment, particularly in view of the provisions of international legal instruments in the field of promoting employment ratified by Ukraine.

Based on the analysis, the author concludes on the need to improve the conceptual framework of the legislation of Ukraine in the sphere of promoting employment. The author conducted a legal analysis and proposed definitions of “promoting employment” and “providing employment”.