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PROSPECTS FOR LABOUR COURTS IN UKRAINE

The main conclusions of this study are as follows:

1. Labour disputes over rights must be considered by the courts of general jurisdiction on the basis of specialization set out in the Civil Procedure Code of Ukraine and in the special law on the procedure for settling labour disputes.

2. The following cases of individual complaint should only be considered in the courts: reinstatement regardless of the grounds for termination of labour relations, changes in the wording of the reasons and the date of dismissal, wage recovery for the period of forced absenteeism caused by the illegal dismissal of workers; unpaid salaries and other payments owed to the worker; when employment is refused; invalidation of a protest; nullification of a decision of the labour arbitration in cases specified by law.

3. According to the parties of the labour dispute and in other cases stipulated by the Civil Procedural Code of Ukraine, the labour dispute must be considered collectively including professional judges and lay judges,

which are submitted by the parties in proportion to the employees and employers and have experience in social and labour issues.

4. At the preliminary hearing, a pre-trial conciliation procedure with the mandatory involvement of labour mediator can be set. The mediator of the labour dispute may be appointed by the court from the relevant register of the National Mediation and Conciliation Service.

5. The court may overrule the decisions of labour arbitration in exceptional cases stipulated by the Civil Procedural Code of Ukraine.

6. The court's decision on a labour dispute over the rights provides for its immediate execution.

Taking into account these and other positions that have already been published and have been discussed for some years by the parties to the social dialogue will bring justice to the level of real protection of the rights and freedoms of the parties of labour relations in Ukraine.