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CURRENT PROBLEMS OF EMPLOYMENT OF SOCIALLY VULNERABLE SEGMENTS OF THE POPULATION: THEORETICAL AND LEGAL ASPECT

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Purpose: to consider the features of employment of persons with disabilities and persons with reduced working capacity. It is emphasized that the employment of these categories of citizens is an important aspect of their socio-economic integration. The article defines the basic rights of persons with disabilities and persons with limited working capacity in the labor sphere, as well as the features of employment of this category of citizens. The article also considers measures that can contribute to increasing the level of employment of persons with disabilities and persons with reduced working capacity. To investigate the current state of social reforms and their impact on social security in Ukraine, in particular, deserving attention to European social standards as potential guidelines for the latest model of sources of social security law. **Research methods:** the study is based on the analysis of modern research in the field of social reforms and uses methods of evaluation and comparative analysis. European experience and practice are studied as key components for understanding the optimal ways to improve social protection. **Results:** the study revealed the need for further study and implementation of European social standards to address the problems of efficiency, accessibility and inclusiveness of the Ukrainian social protection system. Analysis of current trends in social reforms provides important guidelines for further improvement. **Discussion:** the purpose of the discussion is to identify specific measures to improve social protection in Ukraine based on European standards. The need for deeper study and adaptation of best practices to increase the efficiency and inclusiveness of the system is noted. This article is distinguished by its focus on the practical application of European experience in the context of Ukrainian social reforms, creating a basis for further discussions and improving the social security sector in Ukraine.

The conclusion of the article is that the employment of persons with disabilities and persons with reduced working capacity is an important task of society. To solve it, it is necessary to ensure compliance with the rights of this category of citizens in the labor sphere, as well as to develop and implement effective measures for their employment.

Key words: employment; persons with disabilities; persons with limited working capacity; rights; features.

Problem statement and its relevance. Research into the specifics of the employment process of persons with disabilities and limited working capacity is quite significant, as it contributes to the identification and analysis of systemic problems that persons with disabilities or limited working capacity face when searching for and maintaining a job. They allow us to identify barriers that may be

not only physical in nature, but also related to perceptions and stereotypes in society. Understanding the specific needs and opportunities of these population groups allows us to create a favorable environment for their professional development and self-realization. Providing employment opportunities for these population groups leads to an increase in the economic potential of society and a reduction

in social security costs. It should be noted that research in this area identifies and reveals issues of justice, equality and dignity for all members of society, regardless of their physical capabilities, as this contributes to the formation of an educated and tolerant society.

Analysis of research and publications on the problem. It should be noted that there is a need for a deep analysis and a systematic approach to the complex process of social reforms in Ukraine. In particular, it is important to focus on strengthening the effectiveness, accessibility and inclusiveness of social rights, as well as on creating a modern system of sources of social security.

Presentation of the main material. Considering in more detail the categories of workers themselves, first of all, it is worth noting I.G. Kozub: «Essentially identifying persons with reduced working capacity with disabled people, considers it appropriate to call the latter persons with a persistent disorder of the body's functions, which is caused by diseases, injuries (or their consequences) or with congenital defects of mental or physical development, which leads to a restriction of normal life activities and causes the need for social assistance and increased social protection of such persons from the state» [1, p. 6]. In general, agreeing with this content of the concept, it should be somewhat expanded, noting also, in addition to congenital, acquired defects of mental or physical development, which can also affect the fact of reduced working capacity. In addition, taking into account the active development of non-state organizational and legal forms of social security in modern conditions, which has already been emphasized, for example, in many works by A.O. Gudzia [2] and other scientists, it is necessary to indicate the non-governmental sector as the entities supporting the studied category of persons.

According to the scientist, it is advisable to classify people with reduced working capacity depending on the established disability group, therefore, distinguishing: disabled people with reduced working capacity with disability group I; disabled people with reduced working capacity of group II; disabled people with reduced working capacity of group III. This is quite acceptable, although, as already noted

above, their circle should be expanded at the expense of the elderly.

Quite successfully in his work, N.V. Kolyadenko notes that the problems faced by persons with disabilities in the process of employment lead to the consolidation at the legislative level of a wide range of guarantees and benefits for them. Among such problems are: caused by objective and subjective reasons [3, p. 88]. Among the first group, the author names the insufficient level of professional training and qualifications, which arises due to the problem of accessibility of education for such persons, the "protectionist" policy of the state, which creates unfavorable conditions for employers when employing persons with disabilities. In contrast, the second group is formed by the consumer sentiments of the disabled themselves, psychological dependence on social services, which leads to a psychological reluctance to start work. The solution to the latter, in the author's opinion, may be a social service of "supportive employment", which will provide support in obtaining paid work and securing it, as well as possible career growth [3, p. 89].

A special role in the process of employment of persons with disabilities belongs to the state employment service and the MSEK, which conduct an examination, the results of which determine the degree of loss of health and the degree of limitation of a person's vital activity on the basis of this - the reasons and time of its occurrence, the body gives a conclusion on the establishment of a disability group and recommendations on the relevant types of work and special working conditions, which are covered by the "individual rehabilitation program". persons with disabilities, taking into account which in the future the employment center provides such a person with employment services. The biggest problem in all this is the lack of proper and effective monitoring of the processes of employment and employment of representatives of the studied group, which needs to be resolved [4, pp. 81-82].

Turning to the legal guarantees that apply to persons with disabilities (as well as elderly people) during employment, that is, those that arise from their exercise of the right to employment and following the established procedure for concluding an employment contract, it is advisable to divide them

into two groups: 1) general guarantees - that is, those that apply to all future employees without differentiation depending on the objective or subjective characteristics of the person being employed, type of work, etc.; 2) additional - that is, those that provide for an improvement in the position and working conditions of persons with limited working capacity compared to others.

The first group of guarantees is represented by a wide range of measures that can be used by anyone who is employed: assistance in choosing a suitable job and employment on a free basis in accordance with vocation, abilities, professional training, level of education and employment. taking into account social needs and the needs of the labor market by all available means, for example, through professional orientation or retraining; b) providing young people with their first job and providing young specialists with work in their specialty; c) the presence of a ban on unjustified refusal to hire.

The allocation of guarantees of the second group is due to the decrease in the competitiveness of the studied category of persons during employment, and therefore, the emergence of the need for social protection in the form of benefits.

In general, the norms devoted to the benefits provided to the disabled in the sphere of employment are concentrated in the Law of Ukraine "On the Fundamentals of Social Protection of the Disabled" dated March 21, 1991, No. 875-XII [6] and the Labor Code (in which they are scattered among various norms: Art. 26 – on the non-extension to them of the possibility of establishing a probationary period; Art. 51 – on the possibility of establishing a reduced working time at the expense of the employer – the possibility of involving them in night work and overtime work (Art. 63); Art. week at their request and create preferential working conditions) [7].

The Law of Ukraine "On the Fundamentals of Social Protection of Disabled Persons" contains a separate section IV "Employment, Education and Vocational Training of Disabled Persons", devoted to the issues of exercising the right to work by persons with disabilities, the employer's obligations to ensure the necessary conditions for such persons, interaction with employment centers and the possibility of obtaining unemployed status, work quotas,

employment standards, preschool education, obtaining education, in particular, professional (vocational and technical), professional pre-higher and higher education, etc. [6]. Despite the fact that the subject of legal regulation of the described norms is not directly labor relations with a person with disabilities, their presence is an important guarantee of increasing the competitiveness of representatives of this population group in the labor market.

Thus, a workplace for a disabled person is recognized as "a place or production area of permanent or temporary stay of a person in the process of work at enterprises, institutions and organizations". At the same time, "a special workplace for a disabled person is a separate workplace or area of production space that requires additional measures to organize a person's work, taking into account their individual functional capabilities due to disability by adapting basic and additional equipment, technical equipment, etc." [8].

The next category of people with reduced working capacity, as already proven above, are the elderly.

According to S.G. Kuzmenko, «Employment of the elderly is a specialized service of relevant social and labor rehabilitation services for persons with partially reduced working capacity» [10].

Instead, I.O. Kirnos in his work emphasizes that the tendency to increase the retirement age in Ukraine leads to an increase in the working life of the elderly. However, the presence of chronic diseases and deterioration of health often do not allow such individuals to work with the same degree of intensity as in youth, which necessitates the creation of more favorable working and labor conditions for such individuals [11, p. 149].

The results of scientific research indicate that with age, the speed of movements, reactions, information processing, muscle strength, physical endurance, vision and hearing capabilities decrease, and changes occur in the cardiovascular system, which affect the reduction of heat tolerance. The indicators of working memory, abstract thinking, attention and, in general, fluid intelligence deteriorate [12, p. 187]. However, the ability to concentrate and adapt, general mental state, creativity, the ability to solve problems without time pressure, etc. do not change with age. Only the level of the so-

called crystallized intelligence is developed and improved - empathy, loyalty, general and professional knowledge, the ability to focus on positive experience, communication skills and other social competencies, balance in risk assessment, etc. [11, p. 150]. All this indicates the ability of this category of people to work, be useful and effective, although it does not cancel the need to create special conditions for them.

According to the Law of Ukraine “On the Fundamentals of Social Protection of Labor Veterans and Other Elderly Citizens in Ukraine” dated December 16, 1993 No. 3721-XII “persons who have reached the retirement age established by Art. 26 of the Law of Ukraine “On Compulsory State Pension Insurance”, as well as persons who have no more than one and a half years left before reaching the established retirement age” [13]. It is advisable to supplement the definition by abolishing the category “citizen”, since the elderly and pensioners, in particular, may also include foreigners and stateless persons.

According to Art. 11 of the Law, these persons have the right to work on an equal basis with others. This may be additionally guaranteed by state target programs, territorial and local employment programs. The law prohibits refusal to hire and dismissal at the initiative of the employer in connection with reaching retirement age [13].

An important guarantee for older people is the possibility of receiving professional reorientation and employment services provided by enterprises, which, in addition, can provide, taking into account age opportunities and adaptation requirements, training such persons in new professions at their request.

In addition, older people, on an equal basis with others, can apply for employment assistance to the state employment service.

According to the Law of Ukraine “On Employment of the Population”, persons with disabilities and persons who have less than ten years left before reaching retirement age have the right to additional guarantees in promoting employment, which are provided in the form of a quota (Article 14) [14].

Therefore, the proposal to expand the circle of persons with limited working capacity, including in addition to persons with disabilities (which is ac-

tively supported in academic circles) also elderly persons, is quite justified, because their working capacity is obviously also lower compared to other categories of workers, but, of course, it is difficult to convey this in a percentage ratio, as, for example, in the case of establishing the MSEC disability group, according to the current Instruction [15]. All this creates the need not only to develop guarantees in the field of employment of such persons, but also a real mechanism for their implementation.

Conclusions. Taking into account the above, one of the directions for improving the situation of the studied category of persons on the labor market in Ukraine could be changes to the legislation, which would provide for the “adaptation” of persons with limited working capacity in the workplace (in particular, elderly people), who are currently given almost no special attention at the legislative level. Perhaps this could be reflected in a separate section of the draft Labor Code.

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Сергій Стадніченко

АКТУАЛЬНІ ПРОБЛЕМИ ЗАЙНЯТОСТІ СОЦІАЛЬНО НЕЗАХИЩЕНИХ ВЕРСТВ НАСЕЛЕННЯ: ТЕОРЕТИКО-ПРАВОВИЙ АСПЕКТ

Державне некомерційне підприємство
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Мета: розглянути особливості працевлаштування осіб з інвалідністю та осіб зі зниженою працездатністю. Наголошується, що працевлаштування цих категорій громадян є важливим аспектом їх соціальної та економічної інтеграції. У статті визначено основні права осіб з інвалідністю та осіб зі зниженою працездатністю у сфері праці, а також особливості працевлаштування цієї категорії громадян. У статті також обговорюються заходи, які можуть сприяти підвищенню рівня працевлаштування осіб з інвалідністю та осіб зі зниженою працездатністю. Дослідити сучасний стан соціальних реформ та їх вплив на соціальне забезпечення в Україні, зокрема, заслуговують на увагу європейські соціальні стандарти як потенційні орієнтири для новітньої моделі джерел права соціального забезпечення. **Методи:** дослідження базується на аналізі сучасних праць у галузі соціальних реформ і використовує методи оцінки та порівняльного аналізу. Європейський досвід та практика вивчаються як ключові компоненти, щоб зрозуміти оптимальні шляхи вдосконалення соціального забезпечення. **Результати:** дослідження виявило, що необхідно докладніше вивчити та впровадити європейські соціальні стандарти для вирішення проблем ефективності, доступності та інклюзивності української системи соціального забезпечення. Аналіз сучасних тенденцій у соціальних реформах надає важливі вказівки для подальших покращень. **Обговорення** спрямоване на визначення конкретних заходів для вдосконалення соціального забезпечення в Україні на основі європейських стандартів. Зазначено необхідність глибшого вивчення та адаптації кращих практик для підвищення ефективності та інклюзивності системи. Ця стаття вирізняється своєю спрямованістю на практичне застосування європейського досвіду в контексті українських соціальних реформ, створюючи основу для подальших обговорень та вдосконалень в галузі соціального забезпечення в Україні.

Висновок статті полягає в тому, що працевлаштування осіб з інвалідністю та осіб зі зниженою працездатністю є важливим завданням для суспільства. Для його вирішення необхідно забезпечити дотримання прав цієї категорії громадян у сфері праці, а також розробити та реалізувати ефективні заходи з їх працевлаштування.

Ключові слова: працевлаштування; особи з інвалідністю; особи зі зниженою працездатністю; права; особливості.

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