

# THE INFLUENCE OF EUROPEAN INTEGRATION ON OPTIMIZATION OF THE LEGAL CONDITIONS OF SOCIAL POLICY IN UKRAINE

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## ABSTRACT

*The article is devoted to the highlighting of the influence of European integration on optimization of legal principles of social policy in Ukraine. According to the authors, the problems of Ukrainian social policy and law which Ukraine faces on the way to the EU include: problems of the Ukrainian legislation on social security; problems of regulating the labor market, employment and poverty reduction; problems of improvement of the legislation on labor protection; problems of stimulating entrepreneurship as the basis for ensuring social standards and employment of the population; problems of adaptation of socially vulnerable groups of the population; the burden of social policy and legal regulation of the armed conflict in the Donbas.*

*In view of the problems mentioned above, the purpose of this article is to develop theoretically and practically meaningful recommendations for improving the social legislation of Ukraine in accordance with the standards and requirements of the European Union.*

*According to the results of the research, the authors have determined the following ways, methods and tools of improving social policy in Ukraine and legal regulation in the social sphere. In authors' opinion, they include: ratification of the European Social Charter and its implementation plan in Ukraine; creation of a coherent strategy in the field of provision of social services; the accession of Ukraine to the European Code of Social Security; partial reform of the legal regulation of labor and employment of the population; improvement of legal regulation and social policy in the field of social protection, labor and employment of internally displaced persons from temporarily occupied territories of Ukraine.*

**Keywords:** EU Law, EU Social Policy, EU Social Law, European Integration, Social Policy of Ukraine, Legal Regulation of Social Sphere, Social Security Right, Social Protection of Ukrainian Citizens

## INTRODUCTION

The question of legal regulation of the social sphere and the implementation of effective social policy is always a priority for any state, from its creation and throughout all subsequent stages of development. That is why the social policy in Ukraine and the principles

of legal regulation in this area were formulated and systematically set out in the norms of the modern Ukrainian Constitution. In particular, in Article 46 of the constitution of Ukraine:

1. All citizens of Ukraine without exception have the right for social protection
2. The basis of such protection is social security
3. The grounds of social security are statutory social cases, including full, partial or temporary loss of ability to work, loss of breadwinner, unemployment from circumstances beyond the control of the person, old age, and other cases determined by law
4. Guarantees of this right are compulsory state insurance at the expense of insurance premiums of citizens, enterprises, institutions and organizations, as well as budget and other sources of social security and the creation of a network of state, communal, and private institutions for the care of the disabled
5. Pensions, other types of social benefits and social assistance, which are the main source of existence, shall ensure a standard of living not lower than the subsistence minimum established by law (Constitution of Ukraine, 1996).

The basis of mentioned norms consists of the provisions of the European Code of Social Security, adopted on April 16, 1964 and revised on November 6, 1990. In so doing, the member States of the Council of Europe signatory to this Code, Considering that the purpose of the Council of Europe is to achieve greater unity between its members, with the aim, inter alia, of promoting their social progress, Considering that one of the tasks of the Europe Council's social program is to encourage of all its members to the development of their social security systems, recognizing the expediency of harmonizing social security contributions in member countries, are convinced of the expediency of raising the European Code of Social Security at a higher level below the minimum rates specified in the Convention on minimum standards for social security (European Code of Social Security, 1964).

In addition, the European Code of Social Security possesses the following characteristic features:

1. Contains the general principles and principles of social security
2. Determines the general list of types of social security and the conditions for their provision to the relevant legal entities
3. Defines the basic system of European social standards
4. Stimulates the state and its participants to develop appropriate internal models of social security, taking into account national peculiarities of social and economic development.

Under such circumstances, the subsequent procedure for adopting the European Social Security Code will require Ukraine to develop an internal system of sources of law in social legislation and, above all, relevant legislation (Kostiuk & Melnyk, 2015).

Thus, from the very first stages of the proclamation of modern Ukrainian statehood, the legal principles of social policy have not only received legislative consolidation, but also envisaged an orientation towards generally recognized European social standards.

However, given the dynamics of state legal reforms, the existing problems of legal regulation in this area as well as Ukraine's further course on European integration, the issue of social policy and its legal fundamentals remains important, relevant and of practical significance at present. This is due to the fact that on the one hand, directions for the implementation of European standards in social policy and its legal principles should be formed, and on the other hand, the relevant rules in social security and labor law of Ukraine should be adopted and implemented as well.

Therefore, the main problem, which, according to the authors, needs urgent solution, is the problem of improvement of social legislation of Ukraine, as well as the problem of

harmonization of Ukrainian social legislation with the norms of European Union law. Only this way allows for the social standards of the EU to be extended to the population of Ukraine.

## RESEARCH METHODOLOGY

The following groups of materials constitute the information and methodological basis of the study:

1. Regulatory documents of European Union law
2. Regulatory documents of Ukraine;
3. Scientific works of European and Ukrainian scholars in the field of Law.

In our study, research methods that were applied depending on the nature of certain problems of social legislation and social sphere in Ukraine occupy an independent place. We consider the following methods noteworthy for the specification of the methodology of the study:

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### Historical Legal Method

The historical legal method was used to cover the issue of evolution of approaches to the unification of European countries. The historical aspects of European integration allow to identify its specific properties and interconnections inherent in the relevant stage of the unification process, to determine the specific type of changes in the EU organization that are related to the improvement of its institutional mechanism, the achievement of a higher degree of integration (from sectoral integration to political union), the strengthening of supranational principles in public power organization.

### Comparative Law Method

The comparative law method was used in comparing EU social law with that of Ukraine. The application of the institutional approach allowed us to consider the effectiveness of those social institutions that implement social policy (the state, civil society structures). As a result of a comparative analysis of EU Member States' social policy models, we identified specific features of the European social model common to most countries.

### Method of Dialectics

The method was used in the study of contradictions in the legal norms that regulate the social system of Ukraine and determine its social policy. The use of the dialectical method allowed concluding that the legal form of the state's activities is incomplete without perception and taking into account its connection with the economic, political conditions of the life of society.

### **Hermeneutical Method**

The hermeneutical method was used in interpreting the founding treaties and the legislation of the EU, the constitutions and other sources of national law in terms of clarifying the powers of the Union institutions, determining the requirements for EU membership, the legal regulation of issues related to the exercise of state sovereignty.

### **Formal Legal Method**

The formal legal method was used in the analysis of theoretical constructs and practice of the implementation of the principle of the social welfare state, constitutional and other types of regulation in the relevant field.

### **Systemic Functional Method**

The systemic functional method that underlies the study of the system of regulation of the sphere of social relations in Ukraine, the system of measures of social policy, as well as the functional interrelationships between them. The systemic method and its components are required by the principle of the rule of law, in particular, respect for human rights and freedoms, the supremacy of the Constitution, legality, limitation of discretionary powers, the principle of equality in rights and equality before the law, the principle of legal certainty, the principle of protection of trust, the principle of proportionality were used to identify the nature and essence of law enforcement activity in the system of social activity, to determine the characteristics of the influence of various factors as a system of social phenomena. The use of systemic, structural and functional methods has contributed to the consideration of the EU as an institutional and functional organization of government, the discovery of the interconnections of elements of the institutional mechanism and public order of the EU that give it the characteristic integrity, and also to the determination of the degree of complexity of the political and legal system of the EU.

### **Method of Generalization**

The method of generalization allowed systematizing and interpreting the results obtained during the study.

## **RESULTS AND DISCUSSION**

The first block of our study complements the general Ukrainian and European principles of social policy and legal regulation in this area. Here, first of all, it should be noted that the dynamism of the social sphere of society and the change in the social needs of the population determine and change the social policy and legal principles of its use both at European and national level. It is in this connection that the implementation of the agreed strategy for the modernization of social protection in the EU, the adoption of the Council of Europe in Lisbon on March 22-23, 2002 is taking place. This strategy aims to ensure the cooperation of all members of the social partnership system in addressing issues such as increasing the benefits of employment (in comparison with unemployment) and provision of guaranteed income; efficiency of pension systems; availability of health care services and prevention of social risks; environmental protection (Blyzniuk, 2002).

The result of the adoption of the said Strategy was the change in the paradigm of legal regulation of the social sphere and further optimization of social policy in Ukraine in the period of social standards becoming established in 2004. It is in this connection that on March 18, 2004, the National Program of Adaptation of the Ukrainian Legislation to the European Union Legislation was adopted, which determines the mechanism of Ukraine's compliance with the third Copenhagen and Madrid countries. This mechanism includes the adaptation of legislation that creates relevant institutions and other additional measures needed for effective formation and justice (2004).

The purpose of the adaptation of the Ukrainian legislation to the legislation of the European Union is to achieve the compliance of the Ukrainian legal system (*acquis communautaire*), taking into account the criteria put forward by the European Union (EU) to the countries which intend to join it. Adaptation of the Ukrainian legislation to the EU legislation is a priority component of the process of Ukraine's integration into the European Union, which in turn is a priority area of Ukrainian foreign policy (on the National Program of Adaptation of Ukrainian Legislation to the Law of the European Union, 2004). The association agreement between the EU and Ukraine requires the Government of Ukraine to achieve the goals of strengthening the level of social protection and modernization of social protection systems, in particular regarding quality, accessibility and financial stability.

Further, in addition to the general principles of European and Ukrainian social policy and legal regulation in this area, it is necessary to proceed to the specified directions which make up the second block of our research. It should be noted that the main directions of European social policy and law are:

### **Coordination of Social Policy with Management Mechanisms**

This is manifested in the fact that the EU in the implementation of social policy solves traditional issues of expanding the competence of its bodies in the social sphere and increasing the number of social institutions of the communitarian level, the social and economic equalization of the EU member states and the convergence of national social protection systems. Nevertheless, the implementation of the idea of harmonizing living and working conditions is hampered not only by the greater gap between the social standards of the rich and poor member states, the mismatch of qualifications for jobs, the problems caused by long and youth unemployment, but also the difference in methods of social policy and the reluctance of some countries to delegate powers in this area of the EU (Butyrska, 2015);

### **Harmonious Combination of Social Policy and Legal Regulation with Real Economic Mechanisms**

In the modern world, social justice and economic efficiency can work for a single result, and the best way to achieve social cohesion in society is to ensure full employment. An effective labor market provides most of the able-bodied population with work and income, enabling the state to focus on supporting socially vulnerable categories of citizens and ensure greater social equality. The high level of employment guarantees not only the stability of individual incomes, but also the growth of total incomes of society, creates opportunities for the production of the maximum amount of collective goods (Butyrska, 2015).

Members of the European Union are developing their economies in order to ensure a high standard of living and a high level of social protection, education and quality of health, and the eradication of poverty and inequality. The model of social policy in Ukraine should be the construction of a model of a socially oriented economy, which should be based on high standards of living standards for people who are fully accountable and comply with the social norms of the EU (Sliusarenko, 2017).

In addition, the current trends in the world economy development are characterized by rapid changes that create both potential threats and new opportunities. The challenge for the European economy as a whole as well as for individual countries is the ability to remain flexible enough to take advantage of new opportunities and overcome threats. This requires, first of all, reforming the labor market and social policy. The inability to be flexible, to respond quickly to the changes not only prevents Europe from the possibility of further globalization, but also threatens the existence of unified market as well as monetary union. Social policy reforms are one of the most important issues not only for individual EU Member States but also for the European Union as a whole. The cost of economic integration in the absence of an adequate level of social protection is the rise in inequality, lack of security and marginalization among EU citizens. Gender and youth inequality, problems in the labor market and in society are holding back the economy and social progress (Sliusarenko, 2017).

The spread of integration initiatives into the social sphere in Europe occurred much later than in other areas of legal regulation. The success of integration in the economic sphere has naturally led to awareness both at the supranational (e.g., the EEA was tasked with "creating a single social space within the Community", which meant seeking to create a single area of social protection within the EU; it was noted in the Community Charter of Fundamental Social Rights that the EU institutions are aware of the importance of the "social dimension" of integration), and a national (trade union representatives called on national governments and EU officials to pay attention to the fact that the EU competition mechanism undermines the gains in social protection and can lead to a "gradual and indirect process of social policy erosion") levels in terms of the need to improve the functioning of the social mechanism, its functioning in turn, causes the extension of the competence of the EU institutions (primarily national ones), the creation of new structures (namely, the Economic and Social Committee, the European Center for Development of Vocational Training (CODEFOP), the Foundation for the Improvement of Living and Working Conditions, the Social Policy Forum and the entire network of committees and structural funds of the Union) capable of constructively responding to the challenges of the times in cooperation with national governments (Okladna & Yakoviuk, 2016).

In implementing social policy, the EU acts in accordance with the principles of subsidiarity and proportionality sharing responsibility for social protection with the governments of the Member States. The activities of supranational institutions within the framework of the implementation of the social function of the state are coordinating, complementary and stimulating (Okladna & Yakoviuk, 2016).

### **The Objective Dependence of Social Policy and Social Security Law with Fiscal, Migration and Employment Problems**

The austerity regime, high tax burden and migration problems have led to job losses, unstable employment, worsening of working conditions and wage cuts, as well as a sharp

reduction in government spending on social protection and welfare, so reducing public spending on social protection and security, which also affects the reduction of domestic demand. This has led to significant disappointments among the population and an increase in anti-European sentiment. Because of Brexit, there are some concerns because of the potential negative impact on unemployment level, employment and working conditions for British and European workers. There is considerable inequality and imbalance between countries and within countries, particularly in the countries of Central and Eastern Europe. Social and wage dumping and discrimination in the field of social and labor rights should be solved through the creation of a social dimension of the EU, which will benefit all European countries. It is necessary to continue the convergence and further integration in the field of rights and social protection systems, bypassing effectively functioning national practices (Sliusarenko, 2017).

### **Active Introduction of Innovations in the Process of Implementation of Social Policy and Legal Regulation in this Area**

It should be noted here that social innovation concerns not only the social sphere, but also state administration, the activities of political, legal, economic, and public institutions. The increase in attention to social innovation is due to several circumstances: 1) The EU admits that most of the problems of the modern world are social; 2) Solving these problems requires an ever-increasing amount of investment; 3) Due to rising budget deficits and public debt, governments in many EU countries are forced to reduce social spending. Therefore, social innovations are connected with the latest solution of urgent social problems and more efficient use of available limited resources (Yashchyshyna, 2017).

The necessity to use innovative policy for solving social problems is admitted not only at the level of the European community, but also within the EU member states. The practice of functioning of national social innovation funds for the implementation of socially oriented innovation projects (Yaschyshyna, 2017) is becoming widespread.

EU Innovation Policy starting from XXI century is gradually transformed from traditional to renewed one and can be defined as a "social innovation policy" that is used to solve many social problems. Among the tools for implementing the renewed innovation policy of the EU, social and inclusive innovations, social entrepreneurship is becoming increasingly important. The social effectiveness of the EU innovation policy is growing, which is due to the growing cumulative effect of its consistent orientation towards solving social problems and changing priorities in the direction of sustainable development (Yaschyshyna, 2017).

Innovative development influences social progress, helps to solve social problems, promotes welfare and quality of life of citizens. The study of the positive experience of the European community is necessary for Ukraine, which is eager to integrate into Europe, but has many unsolved social problems, and provides grounds for the modernization of domestic innovative policies aimed at transforming the national economy into a social and innovative model of development (Yaschyshyna, 2017).

### **The Diversity of EU Legal Regulation and Social Policy**

According to the Council of Europe and European Union standards, social security is included in the system, which consists of other forms of social protection, apart from social

security (through social insurance), in particular, state social assistance, as well as special and additional social protection for certain categories of population (Klymenko, 2017).

The diversity of international standards of social security allows states to formulate and improve national social security systems, taking into account those that meet the economic, political, demographic and other conditions of a particular country. It is perhaps because of this that academics emphasize that international standards of social security can be divided depending on: a) the nature and extent of detail on general and special; b) spheres of social policy in which certain international standards are implemented, as well as the level of legal regulation (universal, regional, interstate), or world (universal) and regional, in particular European; c) features of the object of legal regulation (consolidated and differentiated, the first of them includes standards relating to the entire social security system and covering the majority or several of its types, while the differentiated ones have a single object of legal regulation, that is, it refers to a separate organization legal form or type of social security, social payments to certain categories of persons); d) the degree of mandatory implementation of them (recommendations, contained in soft-law documents or ratified by the state treaties that, in view of this, are only of the recommendations nature, and mandatory, which are fixed in the treaties ratified by the state and must be implemented by it as obligatory) (Klymenko, 2017).

The third block of research represents the main problems of Ukrainian social policy and law that Ukraine is facing on the way to the EU. These include the following:

### **Problems of the Legislation of Ukraine on Social Security**

There are a large number of shortcomings in the social security legislation: significant instability, as the acts concerned are constantly subject to numerous changes and additions; lack of the systematic and lack of a single terminology, when the same concepts are formulated in different ways; violation of the unity of the state system of social insurance; the intra-industry and inter-branch relations between the legal norms regulating relations on social insurance are not always felt; the number of blanket norms increases, the declarativeness of the legal regulation of these relations increases as well, etc. (Novoselskaya & Rushe, 2017).

The national legislation of Ukraine in the field of social security should be brought in line with the standards of the European Code of Social Security and properly ensure a decent level of social rights of the population of the country (Novoselskaya & Rushe, 2017).

The national social protection system includes an extensive network of social benefits and payouts with duplication of certain functions, joining the Convention will enable the system of priorities in the social sphere to be built up and become the basis for the formation of a well-balanced social policy based on international legal traditions and will take into account economic substantiation positions (Ratification of the ILO Convention 102 as a way to strengthen the social protection system in Ukraine, 2016).

### **Problems of Regulating the Labor Market, Employment and Poverty Reduction**

The existing mechanisms of state influence on the labor market situation do not meet modern requirements and require a fundamental revision. New approaches to improving the remuneration system should also be introduced, as high levels of poverty among working people remain. For nine months of 2015, it was 18.8 percent. Low wages do not allow parents



to fully support their children (in families with children, in which both parents work, the poverty level is 17.9 percent). In addition, there are gender imbalances in wages (male wages exceed women's wages by 33.5 percent) (Poverty Reduction Strategy, 2016).

### **The Problems of Improving the Legislation on Labor Protection**

In this area, no standards have been adapted to the requirements of the EU regarding safety and hygiene of workers. There are also difficulties with the adoption of the draft Labor Code of Ukraine registered by the Parliament, which covers a large number of issues that are the subject of regulation of EU acts (Akulenko & Naumenko, 2012).

### **Problems of Stimulating Entrepreneurship as the Basis for Ensuring Social Standards and Employment of the Population**

There are no favorable conditions and incentives for the organization and conduct of their own business, which provides employment and sources of income for a large number of people in economically developed countries. The system of social support for vulnerable groups of the population needs to be improved in terms of strengthening its impact on poverty reduction. Social support programs cover 58.3 percent of the poor population, with only 41 percent of social programs (excluding housing subsidies) used to meet the needs of this population. At the same time, among beneficiaries of all types of social support, only 25 percent belonged to the poor (Poverty Reduction Strategy, 2016).

### **Adaptation Problems of Socially Vulnerable Groups of the Population**

It is indicative that there are imperfect mechanisms of adaptation to independent life of orphans and children deprived of parental care, which at the beginning of 2015 in Ukraine amounted to 83716 people, as well as those who are graduates of orphanages or whose term of stay on full state maintenance in the families of caretakers, foster families, family-type orphanages ended. First of all, the absence of housing for third of them increases the risk of social exclusion and poverty of such persons, which requires immediate response from the state in terms of providing them with social support (Poverty Reduction Strategy, 2016).

### **Social Policy and Legal Regulation being Burdened by Armed Conflict in the Donbas**

In addition, the armed conflict in the east of Ukraine negatively affected the welfare of the population, the social and economic conditions of the development of the Luhansk and Donetsk regions and the social structure of the country, which led to the emergence of new vulnerable groups of the population. About 5.2 million people lived in regions affected by the conflict in the east, of which up to 4 million were directly affected by the conflict, about 15 thousand were injured, and more than 1.7 million people were registered as internally displaced. It is now necessary to develop additional mechanisms and measures to reduce poverty and prevent its spread, as well as to improve the methodology for assessing and monitoring poverty and social exclusion (Poverty Reduction Strategy, 2016).

The fourth block of research consists of ways of improving social policy in Ukraine and legal regulation in the social sphere, which, in our opinion, include:

## **The Ratification of the European Social Charter and its Implementation Plan in Ukraine**

On September 14, 2006 Ukraine ratified the European Social Charter (revised). Our state has joined 74 out of 98 items of the document. In the European Social Charter, the parties have undertaken to establish a social security system or to support its functioning; make efforts to gradually raise the social security system to a higher level; to take measures by concluding the relevant bilateral and multilateral agreements or otherwise and in accordance with the conditions laid down in such agreements, in order to ensure: equality between their own nationals and citizens of other Parties in relation to the rights to social security, including the maintenance of benefits that provided by the legislation on social security, irrespective of the movement of protected persons in the territories of the states of the Parties; provision, maintenance and renewal of social security entitlements by means such as the total score of periods of insurance or work performed under the laws of each of the Parties (European Social Charter (revised), 1996).

On May 14, 2015, the Plan of measures to ensure the implementation of the provisions of the European Social Charter (revised) for 2015-2019 was approved (Plan of measures to ensure compliance with the provisions of the European Social Charter (revised) for 2015-2019, 2015). For its implementation on March 16, 2016, the Parliament of Ukraine adopted the Law "On ratification of the Convention of the International Labor Organization on the Minimum Standards of Social Security No. 102". The authority to sign the European Code of Social Security is obtained, the date of signing is agreed with the Secretariat of the Council of Europe (Ministry of Social Policy discussed the prospects of Ukraine joining a number of provisions of the European Social Charter, 2016).

Subsequently, on May 17, 2017, the Verkhovna Rada adopted the Law "On Amendments to Clause 2 of the Ukrainian Law" On the Ratification of the European Social Charter (revised)". The purpose of its adoption is to improve, develop and enhance the system of social security of Ukraine to a higher level in line with European standards, namely, equality between citizens ... in the field of social security (On Amendments to paragraph 2 of the Law of Ukraine "On Ratification of the European Social Charter (revised), 2017).

### **Creation of an Integrated Strategy for the Provision of Social Services**

Thus, on August 08, 2012 a strategy for reforming the social services system was adopted. It determines that on the way of Ukraine's integration into the EU one of the state's priority tasks is to ensure the realization of the rights and freedoms of man and citizen, as defined by the Constitution of Ukraine, the approximation of standards of living to European ones (Strategy for reforming the system of provision of social services, 2012).

By committing itself to becoming a socially oriented state, Ukraine has directed its actions to raise the welfare of the population, paying special attention to its vulnerable groups.

This Strategy defines goals and priority directions of the reform in the sphere of providing social services, provides measures for expanding the access of people in difficult living conditions and in need of third-party assistance to social services, ensuring their quality and efficiency (Strategy for reforming the system of provision of social services, 2012).

## The Accession of Ukraine to the European Code of Social Security

On November 10, 2016 in Strasbourg, Vice Prime Minister of Ukraine Pavlo Rozenko signed on behalf of Ukraine the European Code of Social Security. The signing of the Code is an important step for the full accession of Ukraine to Article 12 of the European Social Charter, namely the "right to social security", a party of which Ukraine is in 2007. Article 12 of the Charter stipulates that the parties undertake to "maintain a social security system at a satisfactory level, at least equal to the level necessary for the ratification of the European Social Security Code" (Ukraine has joined the European Code of Social Security).

## Partial Reform of the Legal Regulation of Labor and Employment of the Population

For this purpose, in November 2015, the Law of Ukraine "On Foreign Labor Migration" was adopted, which strengthens our positions in the accession to Art. 19 "The right of migrant workers and members of their families for protection and help (Ministry of Social Policy discussed the prospects of Ukraine joining a number of provisions of the European Social Charter, 2015) (Ministry of Social Policy, 2016).

In November 2015, the draft Labor Code of Ukraine (Reg. No. 1658) was adopted in the first reading. The provisions of the Code provide for the implementation of the provisions of the separate EU acquis (in particular, Directives 91/533/EEC, 1999/70/EU, 97/81/EU, 2001/23/EU). On April 11, 2017, it was recommended by the Parliamentary Committee on Social Policy, Employment and Pensions of the Verkhovna Rada of Ukraine to Parliament for its second reading and on the whole. In order to implement the provisions of Directive 2001/23/EU, a draft law "On Collective Bargaining Agreements and Collective Accords" was drafted (in the new edition). The draft law is aimed at the legislative consolidation of the mechanism of conclusion of a collective agreement by individuals who use hired labor, determining the mechanism for extending the scope of the sectoral (inter-sectoral) agreement (Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017).

In order to implement the provisions of Council Directive 2010/18/EU, a draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine (Concerning the Granting of Additional Guarantees Concerning the Combination of Family and Labor Obligations)" was elaborated. The draft law provides for the creation of equal conditions and opportunities for the parents to carry out their duties regarding the upbringing and care of children, support for motherhood and parenthood (Report on the implementation of the Association Agreement between Ukraine and the European Union in 2017).

At the same time, measures are being taken to implement the EU-ILO project "Strengthening the Labor Administration to Improve Working Conditions and Overcome Undeclared Work". In this regard, the emphasis on improving the effectiveness of the labor inspection work is one of the priorities of the Decent Work Country Program for Ukraine 2016-2019, signed in April 2016. As part of this result, efforts will be aimed at strengthening the capacity of the Ministry of Social Policy and State Labor Administration for more effective implementation of assigned functions and paying special attention to overcoming undeclared work.

To achieve this result, work within the framework of the Project will be conducted in three directions. First, the project will support the modernization of the State Labor Service Information System, which will help improve reporting; second, the project will provide

support to the Ministry of Social Policy and the State Labor Administration in developing a multi-year strategy to overcome undeclared work and will support its implementation; at the same time, the project will carry out work to strengthen the capacity of the State Labor Force personnel so that it can effectively perform the functions assigned to it, properly use different tools and effectively implement a strategy to overcome undeclared work (Project of strengthening of the administration of labor in order to improve working conditions and overcome undeclared work Ukraine, 2017).

### **Improvement of Legal Regulation and Social Policy in the Field of Social Protection, Labor and Employment of Internally Displaced Persons from Temporarily Occupied Territories of Ukraine**

In this area, on December 16, 2015, the relevant state program was adopted (On Approval of the Integrated State Program for Support, Social Adaptation and Reintegration of Ukrainian Citizens who Moved from the Temporarily Occupied Territory of Ukraine and Areas of Anti-Terrorist Operation to Other Regions of Ukraine for the Period until 2017; 2015) in order to solve the main problems of Ukrainian citizens who moved from the temporarily occupied territory of Ukraine and areas of anti-terrorist operation to other regions of Ukraine, and decrease the level of social tension among them and in society; to promote integration and social adaptation of such persons for the new place of residence; to assist in ensuring the creation of proper conditions for life, rights and implementation of the potential; to provide social, medical, psychological and material support; to create of prerequisites for compensation for property (material) and moral damage caused to them; to create favorable conditions for voluntary return to places of previous residence (in condition of full actual cessation of hostilities in the territories where the state authorities temporarily fail to exercise their powers) (Resolution of the Cabinet of Ministers of Ukraine, 2016).

The solution to the problems of legal and socioeconomic support is offered by providing legal assistance, raising the level of legal literacy among the resettled citizens, improving the laws and developing clear guidelines for their implementation, working out a mechanism for the protection of rights and compensation to resettlement citizens caused to them property (material) and moral harm; preservation of guarantees of state social security and protection of resettled citizens, provision of material support to them in order to ensure a standard of living and prevention of poverty, promoting job creation, employment and self-employment, ensuring access to educational services, promoting construction of permanent, temporary and social housing, supporting statutory activities of public associations of resettled citizens (On Approval of the Integrated State Program for Support, Social Adaptation and Reintegration of Ukrainian Citizens Who Moved from Temporarily Occupied Territory of Ukraine and Areas of Anti-Terrorist Operation to Other Regions of Ukraine until 2017; 2015).

In addition, at the 20-th Ukraine-EU Summit, the following statement was approved: "Taking note of the efforts already made by the Ukrainian authorities, we agreed on the need to continue to address the socio-economic and humanitarian consequences of the conflict in an inclusive manner. We agreed on the urgent need to lend our support to the most vulnerable people in the east of Ukraine, including internally displaced people. We highlighted the importance of further facilitating the access and movement of people and humanitarian goods across the line of contact as well as to ensure that Ukrainians living in the area not currently under the control of the Government fully benefit from their rights as citizens of Ukraine. The

EU expressed its readiness to engage in support of reconstruction efforts once the conditions allow. We welcomed ongoing initiatives, including by EU Member States, to provide targeted assistance to cities and districts of the conflict-affected region"(Statement following the 20th EU-Ukraine Summit, 2018).

## CONCLUSION

The study of social policy and legal regulation of the social sphere of society in Ukraine made it possible to draw the following conclusions and generalizations:

1. The general Ukrainian and European principles of social policy and legal regulation in this area have many common features at the level of constitutional and legislative consolidation. Their content is properly reflected both in the Constitution of Ukraine in 1996 and in the European Code of Social Security of 1964 (as amended in 1990).
2. The main areas of European social policy and law are:
  - a. the coordination of social policy with management mechanisms;
  - b. a harmonious combination of social policy and legal regulation with real economic mechanisms;
  - c. the objective conditionality of social policy and social security law with fiscal, migration and employment issues;
  - d. active introduction of innovations in the process of implementation of social policy and legal regulation in this area;
  - e. a variety of EU legal regulation and social policy mechanisms.
3. The problems of Ukrainian social policy and law faced by Ukraine on the way to the EU include the following:
  - a. The problems of the Ukrainian legislation on social security
  - b. The problems of soft regulation of the labor market, employment and poverty reduction
  - c. The problems of improving the legislation on labor protection
  - d. The problems of stimulating entrepreneurship as the basis for ensuring social standards and employment of the population
  - e. Problems of adaptation of socially vulnerable groups of the population
  - f. Social policy and legal regulation being burdened by armed conflict in the Donbas.
4. The main ways of improving social policy in Ukraine and legal regulation in the social sphere include:
  - a. Ratification of the European Social Charter and its implementation plan in Ukraine
  - b. Creation of a coherent strategy for the provision of social services
  - c. The accession of Ukraine to the European Code of Social Security
  - d. Partial reform of the legal regulation of labored employment of the population
  - e. Improvement of legal regulation and social policy in the field of social protection, labor and employment of internally displaced persons from temporarily occupied territories of Ukraine.

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