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WORKING CONDITIONS AND TERMS OF EMPLOYMENT CONTRACT

Issues of legal regulation of working conditions are always important in practice because they reflect both interests of the employer and interests of the worker. In modern conditions the state establishes only the main principles of regulation of working conditions, the basic minimum of labor rights and their guarantees for employees, unlike the period of the Soviet Union, when the state was both a monopoly owner of enterprises and the only employer that set all working conditions in a centralized way. Questions of changing working conditions remain relevant and cause many interesting discussions in the Labor law.

The absence of a single point of view in the legal literature on the definition of the term "working conditions" necessitates the specification of this concept. While concluding an employment contract, people (residents of Ukraine) implement not only the principle of freedom of work in accordance with Art. 43 of the Constitution of Ukraine, but also the right to choose a profession, speciality, position, place of work.

The Code of Labor Law prohibits the owner to require the employee to perform work not stipulated by the employment contract (Article 31 of the Labor Code of Ukraine). Any changes in the working conditions, in accordance with the concluded employment contract are generally possible only with the agreement of the employee.

The working conditions are a set of environmental factors that influence the health and efficiency of a person in the process of work. Capacity is determined by the ability of a person to perform a certain job within a given time and depends on the factors of both subjective and objective nature (sex, age, state of health, level of qualification, conditions under which labor takes place, etc.). The working conditions may be:

a) optimal - they preserve human health and create prerequisites for maintaining a high level of efficiency;

b) acceptable - they determine the level of environmental factors that do not exceed the norm;

c) harmful - they are divided into four degrees of harm. From the point of view of safety of work we distinguish the acceptable level of these factors, which is set by special rules.

Conditions of the employment contract characterize the content of the employment contract as the agreement between the employee and the owner, and essential conditions of work.

Working conditions have both positive and negative effects on the ability of a person to work. Labor conditions at work are differentiated depending on the actual levels of factors of the production environment in comparison with sanitary norms, rules, hygiene norms, and also taking into account the possible harmful influence on the health of workers.

Creating normal working conditions means provision of favorable working environment, elimination of heavy physical work, work in harmful and emergency conditions, reduction of monotony, and nervous tension.

Labor protection as the institution of labor law is represented by a set of legal norms regulating relations in the field of ensuring safe and healthy working conditions. The direct connection and interaction of labor protection institute takes place with the institution of employment contract aimed at ensuring realization of the rights of people to proper and safe working conditions when concluding an employment contract.

There is a possibility to change conditions which were written down in a contract. But it can be made only if two parties agreed on it.

Taking everything into account, it is necessary to indicate that there is a big need of continuous development of measures to increase the level of healthy working conditions. We all need to understand that creating safe and decent conditions for the people is the priority task for every person, society, and state.

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