

The trends identified by this study within the Ghanaian sexual mores are interesting and immense. The public health implications are unimaginable. It is therefore imperative to encourage open and honest discussion of sex, sexuality and sexual activities in order to identify the gaps in the socio-cultural framework as well as in the legislative framework and address them.

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CASES OF THE EMPLOYER'S MATERIAL LIABILITY FOR THE DAMAGE CAUSED TO THE EMPLOYEE

It is not a secret that Ukraine inherited labor legislation from the Soviet Union. That is why, unlike most European countries, its norms are primarily intended to protect the interests of the employee, not the employer. In spite of this, in Ukraine, factories, institutions and organizations are increasingly facing problems in respect of labor standards by employers. Several years ago, the problem of unemployment was acute in Ukraine, and as a result, employees closed their eyes on the employer's violation, and those who frankly ignored the rules of the law, felt safe. Today the situation in Ukraine has changed. With the active development of the labor market, employees began to feel safer and, in case of violations by employers, are increasingly turning to commissions on labor disputes, or to the court. However, this trend is not enough. Very often the level of legal education of our citizens is extremely low. In this article I would like to consider what is the material

liability of the owner for damage caused to the employee and what are the cases of the use of material liability for such damage.

The material liability of the employer for the damage caused to the employee should be defined as the employer's obligation to compensate the damage caused to the employee as a result of failure or improper performance of his labor duties in the amount and in accordance with the procedure provided for by law.

Analysis of current legislation and jurisprudence gives grounds to highlight the following cases of liability of the employer to the employee in labor relations. The employer shall compensate the damage caused by: a) illegal dismissal from work; b) illegal transfer to another job; c) illegal removal from work; d) impossibility of entering into another work in case of incorrect formulation of the reasons for dismissal in the employment book; e) delay in the issuance of an employment book during dismissal; f) delayed settlement at release; g) delay in the execution of a decision or order to resume work in case of illegal dismissal or transfer; h) an unlawful refusal to accept employment; i) spoiling, destruction or loss of personal belongings during work; j) the issuance of work documents and salaries, which contain incorrect information, or delay in their issuance.

Listed cases of employer's liability in all varieties can be classified into several groups. The first group is the material liability of the employer for violating the employee's right to work ("a" - "h"). The second group is the material liability of the employer for causing damage to the employee's property (item "i"). The third group is the liability of the employer for violating the obligation to issue an employee with work documents and wages ("j"). At present, there is no reason to distinguish the fourth group of cases of employer's liability for delaying the payment of wages and other payments belonging to the employee.

At the same time in the current Labor Code there is no separate chapter on the material liability of the parties of the contract of employment. In chapter IX of the Labor Code are fixed only rules on the liability of one party of the contract of employment. Norms about the liability of the owner or his authorized body are contained in various chapters of the Labor Code (Chapter VII "Remuneration" and chapter XV "Individual labor disputes").

The liability of the employer can be either compensatory or penal.

Art. 116 of the Labor Code lays the obligation on the employer to pay the employee all the amounts belonging to him, on the day of dismissal. If the employer does not comply with this requirement, the employee is harmed by the amount of unpaid sums, as well as the fact that these funds lose their purchasing power due to the growth of the inflation rate. And if we are talking about compensatory liability, then it should be in the form of compensation for the inflation index. But Art. 117 of the Labor Code provides for fundamentally different responsibility: the employer must pay the employee the average earnings for the entire time of such a delay. One can assume that such an approach is due to the fact that there are cases where such liability will be compensatory in nature.

The draft Labor Code of Ukraine includes a separate Book 8 "Responsibility of the parties of labor relations". The rules on the liability of employees and employer are enshrined in separate chapters of one Book, which is the advantage of the bill compared to the current Labor Code. Chapter 2 includes rules on the liability of the employer (Articles 374-377). However, the content of this chapter needs to be finalized. The drafters of the Labor Code of Ukraine did not take into account the provisions of the science of labor law, the legal experience of foreign countries regarding the grounds and conditions, cases of liability of the employer for the damage caused to the employee.

Chapter 2 contains rules on the employer's responsibility. The draft provides for the following cases of liability of the employer: 1) the liability of the employer for the damage caused to the employee's property (Article 415). Failure by the employer to protect the worker's property, as well as damage to the employee's property as a result of improper working conditions, requires the employer to fully reimburse the value of the property or pay the amount for which its value has decreased; 2) the liability of the employer for the non-fulfillment of the obligations to provide the employee with material goods and services (Article 416). This is the responsibility of the employer for not fulfilling the obligations provided by the collective or employment contract to provide the employee or members of his family material goods and services; 3) the liability of the employer in other cases established by this Code, the law or an employment contract (Article 417); 4) employer's liability for moral harm (Article 418).

According to researchers, Chapter 2 makes sense to make some additions. Thus, in a separate article of chapter 2 it is necessary to affix such a case of material liability of the employer as a liability for the damage caused to the employee as a result of the violation of the right to work. It would also be in a separate article to stipulate the liability of the employer for delaying the payment of wages and other payments belonging to the employee.

Thus, the content of Chapter 2 "Employer Responsibility" needs to be finalized. The drafters of the draft Labor Code of Ukraine did not fully take into account the relevant provisions of the science of labor law, the proposals of renowned scholars on the legal consolidation of the employer's liability for the damage caused to the employee.

Thus, we can come to the following conclusions that certain norms defining the material liability of the owner towards the employee for violating the labor legislation, which caused the damage, are scattered throughout the Code. The material liability of the employer, as well as the material liability of employees, has a labor-legal nature and, consequently, must be regulated by labor legislation. Therefore, in my opinion, there is an urgent need for the adoption of the new Labor Code of Ukraine, in which the issues of liability of the employer to the employee would be fully and comprehensively regulated.

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