

Problem space of modern society: philosophical-communicative and pedagogical interpretations. Part I

Veröffentlichungsversion / Published Version
Sammelwerk / collection

Empfohlene Zitierung / Suggested Citation:

Instytut Integracji Europejskiej. (2019). *Problem space of modern society: philosophical-communicative and pedagogical interpretations. Part I*. Warsaw. : BMT Erida. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-61813-8>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-ND Lizenz (Namensnennung-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier: <https://creativecommons.org/licenses/by-nd/4.0/deed.de>

Terms of use:

This document is made available under a CC BY-ND Licence (Attribution-NoDerivatives). For more information see: <https://creativecommons.org/licenses/by-nd/4.0>

**Institute of European Integration
(Warsaw, Poland)**



**Instytut Integracji Europejskiej
(Warszawa, Polska)**

**PROBLEM SPACE OF MODERN SOCIETY: PHILOSOPHICAL-
COMMUNICATIVE AND PEDAGOGICAL INTERPRETATIONS**

Collective monograph

Part I

Warsaw, Poland
2019

*Recommended for publication by the Program and Scientific Council of
Institute of European Integration (№ 5-07, 22.02.2019)*

Scientific Board:

Lyubomira Simeonova Popova – PhD., Professor, Faculty of Education, Department of Pedagogy, St.Cyril and St.Methodius University of Veliko Tarnovo, Veliko Tarnovo, Bulgaria.

Grażyna Dzwonkowska – Chairman of the Board of Institute of European Integration, Poland.

Jeļena Badjanova – Doctor of Pedagogy, Associate Professor, Daugavpils University, Latvia.

Elmira Uteubaeva – PhD, Associate Professor, E.A. Buketov Karaganda State University, Republic of Kazakhstan.

Reviewers:

Gina Necula – Doctor of Philology, Professor, "Dunarea de Jos" University of Galati, Romania.

Antoaneta Alipieva – Doctor of Philology, Professor, University of Belgrade, Belgrade, Serbia.

Problem space of modern society: philosophical-communicative and pedagogical interpretations: collective monograph. Part I. Warsaw: BMT Erida Sp. z o.o, 2019. 672 p.

ISBN 978-83-950153-8-0

This collective monograph offers the description of philosophical bases of definition of communicative competence and pedagogical conditions for the formation of communication skills. The authors of individual chapters have chosen such point of view for the topic which they considered as the most important and specific for their field of study using the methods of logical and semantic analysis of concepts, the method of reflection, textual reconstruction and comparative analysis. The theoretical and applied problems of modern society are investigated in the context of philosophical, communicative and pedagogical interpretations.

Publisher: BMT Erida Sp. z o.o.
erida@erida.com.pl

ISBN 978-83-950153-8-0

Authors are responsible for the content and accuracy.

Published under the terms of the Creative Commons
CC BY-NC 4.0 License

© Instytut Integracji Europejskiej, 2019
© Zespół autorów, 2019

Sofia Dembitska, Olga Kuz`menko, Serhii Radul	
FORMATION OF PROFESSIONAL COMPETENCE OF STUDENTS OF TECHNICAL SPECIALTIES IN THE PROCESS OF INDEPENDENT WORK BY MEANS OF STEM-EDUCATION.....	488
Liudmyla Davydova	
ORGANIZATIONAL STRUCTURES AND ACTIVITIES OF PUBLISHING HOUSES OF LEADING UNIVERSITIES OF THE WORLD.....	503
Volodymyr Artemov, Vasily Osodlo, Yuri Prykhodko	
INNOVATIVE MODEL OF TECHNOLOGY PERSONALITY-ORIENTED TRAINING OF MILITARY SPECIALISITS WITH HIGHER EDUCATION.....	516
Olha Borysova, Nikolai Karpitskyi, Tetiana Odyntsova	
DEVELOPMENT OF INDIVIDUALITY IN HIGHER EDUCATION SYSTEM.....	532
Borys Kreminskyi, Oleksandr Martyniuk	
CORRELATION BETWEEN TEACHING METHODS AND PEDAGOGICAL TECHNOLOGIES AND THEIR COMBINATION WITH INFORMATION AND COMMUNICATION TECHNOLOGIES IN PHYSICS EDUCATION.....	546
Hanna Spitsyna, Iryna Petrova, Ihor Shynkarenko	
SPECIFIC ASPECTS OF PERSONAL CULTURE CHARACTERISTIC OF FORENSIC SCIENTIST.....	562
Olena Afonina	
CULTURE CODES AND ARTISTIC TECHNIQUES OF “DOUBLE CODING” IN ART HISTORY.....	576
Mykola Korolchuk, Valentyna Korolchuk, Yuliia Drozdova	
DETERMINANTS AND CONSEQUENCES OF OCCUPATIONAL STRESS FOR SERVICEMEN UNDER THE CONDITIONS OF HYBRID WAR.....	591
Zhanna Myna, Tetiana Bilushchak, Roman Melnyk	
EXHIBITION AND EXPOSITION ACTIVITY USING ADVANCED INFORMATION AND ADVERTISING TOOLS AS A POWERFUL WAY TO POPULARIZE CULTURAL VALUES OF THE STATE.....	602
Sarmīte Čerņajeva, Inta Volodko	
EXPERIENCE OF MATHEMATICAL OLYMPIADS IN LATVIA.....	619
Olha Kuchma, Lyudmyla Sinyova, Galyna Kuzmenko	
THE PROBLEMS OF EMPLOYMENT AND UNEMPLOYEMENT IN MODERN LEGAL SPACE.....	633
Olga Ovcharuk	
“A PERSON OF CULTURE” IN MODERN INTERPRETATION OF CULTURAL STUDIES.....	646
Svitlana Kuchnikova	
“EMOTIONAL BURNOUT” SYNDROME AS A PROFESSIONAL DEFORMATION OF EDUCATOR.....	660

Olha Kuchma

*Doctor of Law, Assistant Professor,
Taras Shevchenko National University of Kyiv,
Kyiv, Ukraine*

Lyudmyla Sinyova

*Candidate of Laws, Assistant,
Taras Shevchenko National University of Kyiv
Kyiv, Ukraine*

Galyna Kuzmenko

*Candidate of Laws, Assistant,
Taras Shevchenko National University of Kyiv,
Kyiv, Ukraine*

**THE PROBLEMS OF EMPLOYMENT AND UNEMPLOYMENT IN
MODERN LEGAL SPACE**

Abstract. *Every person requires income for ensuring essential needs. Job loss and absence of opportunity for job placement, according to chosen specialty, result in financial troubles; continuous unemployment can provoke psychological problems as well. For certain group of people unemployment can become an impetus for criminal activity. The government takes measures for employment, however, nowadays there are issues, which need solvation. One of the problem is hidden unemployment (actual labour relations), that doesn't provide a person with any relations of agreement; or a civil contract, which limits his rights (comparing labour rights to civil rights). This article gives offers to a Law Draft about specification of persons, who are under regulation of the paragraph, providing exceptional features of labour relations. Also considerable attention is paid to employment problem of persons, who work under the outsourcing and outstaying contracts; corresponding recommendations about legislative changes are given; offers of preventive unemployment measures are determined thorough analyzing the demands for skills in future by the school pupils and their parents.*

Introduction.

Constitutional attitude to a person and his rights as to the highest social value, declaring Ukraine to be the social welfare state, both demand effective and high-level legal regulation of economy and social spheres. The paragraph 46 of the Constitution of Ukraine provides rights for social protection, which includes maintenance in case of full or part loss of working capacity, loss of a breadwinner, unemployment with its own cause, and in other cases, provided by the law. Thus, the Constitution determines the unemployment to be one of the social risks, which provides a person with a right for social protection.

The Law of Ukraine "About employment" of 05.07.2012 № 5067-VI determines legal, economy and organizational basics in realization of the government employment policy, state guarantees, concerning protection of labour rights and realization of the rights of the citizens for social protection against unemployment.

According to the published statistic data, the level of unemployment in the first quarter in 2018 in Ukraine achieved 9,7% among the economically active people, estimated with the ILO's methodology, or lowed to 0,4 percent points, comparing to the first quarter in 2018. Among the able-bodied population the level of unemployment is higher and it reached 10,0 %. The total number of unemployed people - 1713000, this number consists of 55 % (938 000), which are male persons. It is important to note, that more than 65% (1116000 persons) are urban [1]. The problem of unemployment is one of the main source of social instability, that increases psychological vulnerability among the lower-income people. Unemployment in Ukraine is a negative supporting factor of a high level of poverty and large-scale labour migration outside Ukraine.

People with disabilities, women, who have children under 6 years old, parents of lower-income families, young specialists, graduated from secondary and higher education institutions, etc. need special attention from the government. According to the data, given by the State Statistics Service of Ukraine, the level of population appeal to State Employment Service doesn't exceed 50% during all the years. This is one of the lowest rates in Europe, which shows the insufficient attractiveness of state social protection of this category of citizens within the labour market. According to this, the government has low opportunities for streamlining the structure disproportions of demands and supply within the labour market and adjusting the decline in income during the job search [2].

Ukraine needs complex approaches to solution of this problem, which have to be aimed at reduction of the depth of poverty among all categories of population, namely: 1) young specialists, who do not have employment experience; 2) specialists with no-hope and under-paid jobs; 3) specialists, who are registered in employment service and work simultaneously, receiving envelope salaries; 4) citizens, who do not want to work for low wages; 5) persons, dismissed after serving their sentence or compulsory treatment, etc.

The Government policy has to be focused on creation of according legislative, legal and regulatory base and favorable social and economic conditions for tackling unemployment. It is important to note, that quality of life of the population considerably depends on state policy in the sphere of social protection. However, such problems like narrowed market of sale of products and services, monopoly, corruption, employers' reluctance to pay taxes for employees and provide them with necessary social package and so on bothers tackling unemployment and supporting official employment. It is obvious, nowadays it is needed more than special education for job search, but knowing foreign languages as well, having team working skills, constant raising personal qualities, working at self-education and achieving the goals. Deterioration of the economic situation in the country leads to declining of salaries, raising of the wage debts, growing of the number of pensioners through dismissed workers and unemployed persons, etc., which causes failing incomes of population, its stratification and increase of the part of poor people. That's why the problem of unemployment in Ukraine continues to intensify in conditions of financial and economy crisis, which significantly influences the social position of Ukraine.

International experience proves, that during the economic and financial crisis, the problem of unemployment extremely worsens and it is able to achieve the scopes of social disaster. This article is focused on search of ways to overcome the unemployment and stimulate able-bodied population to demand legal employment, that will lead to consolidation of labour and social guarantees of employers and paying taxes to government. To achieve this, the state must create new workplaces, provide training and retraining, skills development of able-bodied population, that can considerably low the level of unemployment in the country.

1. Employment and job placement: general characteristic

Employment - is a not legislatively forbidden activity of people, connected with satisfying their personal and social demands for achieving income (salary) in cash or other forms; and also activity of the members of one family, who are engaged in economic activity or work for business entity, founded on their property, and for free as well [3].

The Universal Declaration of Human Rights stipulates provision about employment and financial support in case of unemployment. Thus, paragraph 23 of the Universal Declaration of Human Rights provides, that every person has a has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. And the paragraph 25 declares that every person Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The issue of employment finds its further development in the International Covenant on Economic, Social and Cultural Rights. Thus, the paragraph 6 obliges the states, which take part in this Covenant to recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Parties to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual [4, p. 59].

Important rate, which characterize the employment, is the rate of labour activity of population or economy activeness according to the ILO terminology. First of all, its significance lies in its possibility to allocate the reasons of changing of number of working population only through its labour (economic) activity, using the analyses and projection. The allocation of the rate of labour activity gives an opportunity to identify only the factors, which condition it directly, and, thus, deepen the analysis of processes of forming and prediction of employment.

Labour activity of population stands out not only like quantitative rate of employment, but as its the most important qualitative description, which allows the dividing of population into employed and unemployed [5, p. 16-17]. Modern scientific literature identifies two main positions, concerning the legal meaning of the term “employment”. The first one – employment as activity of persons, the second – as social relations [5, p. 16-17].

S.V. Popov determines employment as relations, which occur in relation with taking part of the population in activity, connected with satisfying of personal and social demands, which doesn't contradict the legislation and, as a rule, gives income in cash or other forms [4, p. 40]. As for the taking part in the social production, a person can remain in one of the three states: firstly, employed, if he has a job; secondly, unemployed, if he doesn't have a job and is looking for it (in general, employed and unemployed constitute economically active population); thirdly, unemployed, if he doesn't have a job and is not looking for it (these people are considered to be non-active and remain outside the labour market). S.V. Popov classifies work, based on: labour agreement; agreements under the civil law, which regulate the performance of work and provision of services (refit contract, services agreements); based on election, appointment or approval to the paid position in public authorities or public organizations; the Security Service of Ukraine; military service in Armed Forces of Ukraine, State Border Guard Service of Ukraine; forces of internal and escort defense; internal affairs authorities; other armed forces, established in accordance with domestic legislation; alternative (non-military) service [4, p. 29, 37].

The issue of employment, based on agreements under the civil law, concerning the performance of work and provision of services (hereinafter called civil contracts) creates the variety of discussions in law enforcement. Nowadays, employers often hide labour relations by concluding civil contracts or contracts for outsourcing, in order to minimize cost. Legislation provides penalties for informal labour relations, although, so far employers are not ready to refuse completely from civil construction of legal relations, as they are attracted by the following:

- a) absence of the guarantee to pay minimal salary;
- b) possibility to determine the order of early termination of agreement;
- c) absence of paid annual leave;
- d) absence of obligation to provide trainings, concerning occupational safety and health, etc.

Employment Relationship Recommendation, 2006 (No. 198) provides, that for the purposes of the national policy of protection for workers in an employment relationship, the determination of the existence of such a relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties [6]. This document offers states to foresee the possibility of determination of the concrete evidences of existence of labour relations and proposed elements, which can relate to such features by domestic legislation or by other ways.

Ministry of Social Policy of Ukraine promulgated the draft Law “About amendment to some legislative acts of Ukraine concerning improved protection of the rights and counter using of informal work”, which offered to complement the Labour Code of Ukraine with the paragraph 21² “Evidences of presence of labour relations” by the following:

Work (service) considers to be a work, performed (done) within labour relations independently of name and type of contractual relationship between parties if there are three and more evidences of presence of labour relations, proposed below:

1) periodically (twice and more) remuneration in cash or in-kind for work (service) to the benefit of other person;

2) personal performance of work (provision of service) according to concrete qualification, profession, position upon instructions and under control of a person, benefiting from this performance, or a person, authorized by him;

3) remuneration for performed work (provision of service) remains the only source of income for a person or constitutes 75 or more per cents of his income during 6 months;

4) performance of work (provision of service) to the benefit of a certain person, or a person, authorized by him in the workplace under the house labour rules;

5) a person performs work (provides service) similar to work, performed by personnel of employer;

6) organization of work conditions, namely provision of production tools (equipment, instruments, material, workplace, commodity) by a person, benefiting from it performance, or a person, authorized by him;

7) lengthy working hours and rest hours are determined by a person, benefiting from it performance, or a person, authorized by him.

A person, who performs work (provides service) and has three or more evidences of presence of labour relations without concluding a labour agreement, can appeal to central executive body, which implements the policy, concerning control and supervision for labour legislation observance for establishing the existence of labour relations [7].

This draft doesn't takes into account the fact, that these evidences can match the relations with own-account worker, that's why it is necessary to mention that this paragraph doesn't expand its scope of relations between employer and own-account worker. Also it makes good sense to determine an obligation of a person (when the contract is being concluded and during its validity term) to inform the employer about the circumstances, which comply with the evidence “remuneration for performed work (provided service) remains the only source of income for a person or constitutes 75 or more per cents of his income during 6 months”.

In cases, regarding actual labour relations, courts critically treat outstaffing agreements. Thus, in a dispute about employees' jobs without concluded labour agreements, court concluded: “...according to the agreement, Ltd. “Staff-Service is obliged to provide

service in request of Individual Entrepreneur_1, concerning staff recruitment and sending workers to the Client and also make payments, charging and paying taxes and compulsory payments to budgets at all levels, estimated in connection with payment of remuneration to workers”. And, what is more, according to this agreement, Ltd. “Staff-Service sets remuneration and amount of other pay to employees. Mentioned obligations inherently are the obligations of employer, who regulates employees’ activity within the enterprise. So, such agreement determines essential conditions of employment and it can be concluded only and with the participation of employer and his consent. In other case it is a violation of rights and interests of employee. ... mentioned outstaffing contract, concluded between Ltd. “Staff-Service and Individual Entrepreneur_1 conflicts with the paragraph 21 of the Labour Code of Ukraine, as it doesn’t contain employee’s consent to performed work, envisaged by this agreement. ... Outstaffing contract doesn’t provide the performance by Ltd. “Staff-Service the intermediary service, concerning job placement of the employers of Ltd. Marinex LTD and these conditions can’t be provided by the outstaffing contract, as it contradicts the content of the treaty. ... the outstaffing contract of 18.01.2017 cannot be a reason for allowance of the employees Person_2, Person_3 and Person_4 to perform work without concluding labour agreements in accordance with paragraph 24 of the Labour Code of Ukraine, therefore, using work of these persons without concluding labour agreements by the applicant, issued by order or disposal, violates part 3, paragraph 24 of the Labour Code of Ukraine [8].

Job placement – is the complex of legal, economical and organizational means, aimed to provide the realization of a right of a person to work [3]. S.V. Popov understands placement as complex of relations, concerning job search by persons and job placement with the participation of state and other intermediary authorities, taking into account the interests of citizens, employers and state. In view of the foregoing, job placement can be considered to be one of the means of assistance for employment. Among other means it is possible to allocate: professional orientation, training and retraining, further training of unemployed people; organization of community service for unemployed people; providing unemployed people with social care, anticipatory pensions, scholarships and other types of social support. The scientist regards it to be meaningless to identify narrow and wide understanding of the concept “employment” and, moreover, equate it with job placement [4, p. 39-40]. Also S.V. Popov considers job placement to be the way to assist achievement of full, productive and freely chosen employment through the help of state authorities to find a job for an employee and to recruit staff for an employer. He also identifies main signs of “job placement”:

1. job placement is one of the form for realization of the right to work;
2. participation of special authorized bodies (government and non- government) in job placement of citizens, which creates job placement relations. This part is missing while autonomous job placement;

3. providing assistance for citizens in job search and for employers – in staff recruitment and also in meeting the need for workforce – these are the main tasks of job placement and their successful achievement is not possible without taking into account the interests of citizens, state and employers in corresponding legal norms;

4. fulfilment of job placement in two main forms – assisting in job search and provision with job. The first form applies to all citizens, who appeal to job placement authorities, the second – only to certain categories of persons (persons with disability, minors and other citizens, who get the job under the quote system) [4, p. 41-42].

K.P. Urzhynsky mentioned, that job placement serves as one of the main link, which combines demands and supply of workforce. The more perfect mechanism of interaction between demands and supply of workforce – the more possibilities for society in the sphere of using of labour resources [9, p. 13].

There are different approaches to the meaning of the concept “job placement”. Representatives of one of them understand it in three aspects – wide, narrow and internal (within concrete enterprise). Thus, O.M. Medvedyev interpret it in wide sense as a system of organizational and legal means, conducted by authorized bodies (mainly state ones), concerning assisting and provision of citizens with job or other types of employment (enterprises – with personnel), which accompanied by settlement of special legal relations within job placement. This concept in narrow meaning (through employment service) is an intermediary activity of employment service authorities between enterprises, which have a need in staff and between citizens, who appeal for assisting in getting the job, which is finished by job placement [10, c. 32-33].

T.I. Kim notes, that the important task of state policy within the labour market is creation of general system of job placement and special – for youth and socially vulnerable categories of population. Stimulation of enterprise entrepreneurial initiate of unemployed, harnessing inactive workplaces, development of public works, creation of different programs of professional training, retraining, skills development, “business incubators”, psychological trainings and so on. Complex of state measures, concerning provision of social protection of unemployed has to include: streamlining of the system of social insurance; widening of the services of state employment service and its appropriate financial security; forming of social and market consciousness; development of financial and credit instruments for support of unemployed, etc. [11].

Nowadays, using of work under the outsourcing and outstaffing contracts is insufficiently regulated in legislation (in terms of labour relations). The mentioned Law draft about changing the Labour Code of Ukraine also does not answer this question. Taking into account the fact, that people, who perform work or provide services under the outsourcing and outstaffing contracts can be matched with three or more offered evidences, it is necessary to detail the draft, namely, whether it applies to people, who perform work or provide services under the outsourcing and outstaffing contracts.

R.I. Shabanov determines the right to employment as a subjective right, which is enshrined with a view to translate into deeds the right to work, observing its main principles. A right to employment serves, firstly, as a subjective right of every citizen, who belongs to the economically active category of population, for state assisting in getting a job or necessary professional training for it; and the state has an obligation to fulfil such assisting; and, secondly, as a deal to realize his possibilities to get the job and state assisting in different organizational and legal forms and to demand from state authorities and officials to fulfil his duties in a proper way [5, p. 50].

Effective legislation in part of regulation of labour relations will lead to full official employment and improve the situation within job placement.

2. Unemployed and unemployment: general characteristics

Unemployed – is a person, aged between 15 and 70, who, due to absence of work, doesn't have earning or other income, provided by legislation, as a source of livelihood, and is ready and able to start working [3].

The ILO classifies unemployed as people 15 and 70 years old (registered and unregistered in state employment service), who simultaneously match three conditions: don't have job (gainful occupation); who have been searching job or trying to organize own business for last 4 weeks; ready to start work during two nearest weeks. Unemployed are also people, who: are being trained according to the referral of employment service, have found job and waiting for an answer or preparing to start it, but are not working at the moment [4, c. 151].

There are different approaches to the concept “unemployed” abroad. Thus, in the USA unemployed are people, who: a) do not belong to institutional population; b) do not have job during a week; c) make concrete efforts to find a job during last 4 weeks; e) able to start work at the moment. In Japan a person is considered to be unemployed if he didn't work one hour during a week. Unemployed in Great Britain is a person, who doesn't have work during a week, searches job during this week or is not able to search it due to disease or waits for results of negotiations about job placement. Germany has the same term for unemployed as the ILO does, with the only exception about absence of the part about “readiness to start work” [4, p. 152].

The legislator allocates the notions “registered unemployed” – a person of employment age, who is registered in territorial central executive body, which implements state policy in the sphere of employment and labour migration, as an unemployed and who is ready to start work [3].

Conditions, that allow to consider a person unemployed, are the following: age restrictions, absence of job and benefit, impossibility to find suitable work, registration in employment service. Unemployed are people, who do not have salary or other incomes, provided by legislation, due to absence of work, registered in employment service and ready to start suitable work [5, p. 78].

Today, to receive a status of unemployed, it is necessary to: first of all, expression of will of the citizen in the form of appeal to the state employment service at the place of residence for registration him as a person, who is looking for job; secondly, registration of him as a person, who is looking for job by state employment service; thirdly, impossibility to provide suitable work during seven days while being registered; fourthly, application about providing of status of unemployed; and fifth, decision of the state employment service to give the status of unemployed. The legal status of unemployed – is a complex of general, special and particular rights, freedoms and obligations of unemployed, provided by laws and subsidiary legislation, which shows the specific demands of given category of population [4, p. 159, 164].

The problem of unemployment is a world-wide problem, thus, means of combating this event have to be accurately balanced and effectively matched. The essence of unemployed is in its nonrandomness; this phenomenon is logical, formed by the process of accumulation of capital in a market economy, based on private property on production tools. Market economy in such circumstances creates unemployment; engagement of population in agriculture and industry continues to decline. Positive shifts in employment can only partly decrease deficit of workplaces, if this will be accompanied by active political efforts, aimed to rise of effectiveness of workplaces and productiveness in the sphere of service [12, p. 5-6]. Unemployment – is a social and economic event, which doesn't allow certain part of people to realize their right to work and receive salary (remuneration) as a source of livelihood [3].

Unemployment is classified according to several criteria. S.V. Popov identifies following criteria.

1. By grounds of emergence: friction, structural, cyclic, seasonal unemployment.

Friction unemployment is unemployment of the economically active part of population in socially useful activity, for the reason of search of suitable job.

Structural unemployment is unemployment of the economically active part of population in socially useful activity, connected with structural changes in economy. Subspecies of structural unemployment are technical unemployment, caused by technical refurbishment of production and territorial unemployment, caused by structural changes in economy.

Cyclic unemployment is unemployment of the economically active part of population in socially useful activity, connected, with decline of production, caused by reduction of total demand for goods and services.

Seasonal fluctuations on demands for goods and services are the reasons of seasonal unemployment. And, though, this type of unemployment is close to cyclic, S.V. Popov considers, that this is an independent type of unemployment, as it is caused by namely seasonal and not any other fluctuations on demands for goods and services. This type of unemployment characterizes seasonal economic sector.

2. By forms of emergence: open and hidden unemployment.

Hidden unemployment includes: excess unemployment (when an enterprise uses labour of employees and their amount decreases the demand of enterprise, they are paid full salary); part (incomplete) unemployment (when employees have to work part-time, are paid according part salary and wish to work full-time); unregistered unemployment (when not everybody, who does not have work and search for it are registered in employment service); formal unemployment (when employees have to remain in long-term leaves without saving salary).

3. By duration: short-term (from 1 to 3 months), average-term (from 3 to 6 months), long-term (more, than 6 months) unemployment.

4. By distribution: state, regional, branch, urban, domestic unemployment.

5. By social and professional composition: professional, age, sex, social status, socially vulnerable category of citizens [4, p. 131-133, 138-142, 144, 147].

Doctrine identifies long-term unemployment as social and economic event in the state, when a certain part of economically active, able-bodied population remains in continuous job search during one year or more, which is connected to absence of suitable workplaces for present contingent of unemployed, due to discrepancy of their qualification, level of education and other high-quality characteristics to modern market demands. Long-term unemployment is the main premise of devaluation of human capital, it assists suspension of a person from the labour market, creates professional deskilling, declines of work motivation, outflows of the most trained workforce and intellectual potential out of the state [13, p. 5, 35]. Economical doctrine has formed five main models of employment regulation; each of it provides certain means, which assist preventing of long-term unemployment. Unquestionably, all of them have features their own countries, namely: Scandinavian (Sweden, Norway, Finland, Denmark, Iceland, Greenland), Anglo-Saxon (Great Britain, Canada, Ireland), continental (Germany, Austria, Belgium, Nederland, Switzerland, France), American (the USA), Japanese [13, p. 56].

The main reasons of emergence of long-term unemployment in a modern market economy, namely are: low level of investments; expensive credit resources; outside tax rates for wages; amount of minimal salary, enshrined legislatively; system of social insurance in the event of unemployment; discrepancy of the educational and qualifying demands to the labour market; quick temps of technology development; migration; occasional and seasonal earnings and so on. It is possible to use the USA experience in the area of improving of vocational skills of unemployed with the help of the scholarships of the Ministry of Work in order to implement programs, concerning job placement of unemployed, through improving their professional skills and knowledge and providing the conditions for receiving the education during life through distant learning. The most available social educational institution in this country is Center of career development, where unemployed have an opportunity to receive a whole package of social service, scientific and professional accompaniment, concerning job placement.

Great Britain also has an interesting experience in the sphere of stimulation of development of medium- and small-scale business through organization of industrial zones; and the local government creates different programs of involving of unemployed to labour activity. Special attention is paid to learning and consulting of unemployed population about business skills within the special business-schools; stimulation the self-employment of population through assistance of local powers, address financial support or benefit credits [13, p. 70-71]. The scientists define unemployment as phenomena, which is characterized by vacancy of economically active population, caused by inconsistency of demands and supply the workforce within the labour market. However, there are two different approaches to determine of the main criteria of unemployment. The first approach considers lack of work to be the general criteria of unemployment. The second informs the lack of workplace for those, who have desire and opportunity to work, to be the main criteria, no matter on the age of people [5, p. 61].

R.I. Shabanov allocates social and economic phenomena of unemployment and its legal aspect as well. Thus, unemployment as social and economic phenomena is a forced vacancy of economically active population, which is created not by the labour market itself, but the labour economy in general. Objective economy base for creation and development of unemployment is a group of specific labour relations, concerning the means of production. The process of alienation of property is a process or, namely, effort to transform the workforce into good, into object to be purchased and sold within labour market, and the employee itself – a carrier of workforce and its owner – into an object of recruitment and dismissal, and this puts a worker under conditions, where he can easily lose the job and become unemployed. Unemployment in legal sense – is a legal status, which is characterized by absence of the opportunity to realize the right to work in order to provide full, effective (rational), freely chosen and decent employment [5, p. 65-66].

The legislator determines the concept “partial unemployment” as a forced reduction of legislatively provided duration of work time due to stop (decline) of production for reasons of economical, technical, and structural character without termination of labour relations [3]. R.I. Shabanov is sure, that the category “underemployment” and “part-time work” are opposite, however, connected notions. Thus, part-time work is one of the possible results of forced underemployment. For its part, if “underemployment” is atypical form of employment, then “part-time work” is, first of all, insured event in the sphere of social maintenance and acts as basis of providing the employee with unemployment assistance. In turn, determination of the possibility of this atypical form of employment as forced underemployment and taking measures to minimize its consequences do not solve the problems: assisting of full employment [5, p. 225]. I.I. Sheketa determines unemployment as an extensive social situation in the country, caused by economical, political or social factors, when the considerable part of population is not able to realize its labour and creative potential through limited quantity of workplaces or lack of competitiveness within the labour market [13, p. 21-22].

Nowaday unemployment – is an event, which is innate to any modern state. Unconditionally, it is negative phenomena, which harms the society, state and every person and every state has to fight it, using legal, economic and social mechanisms [4, p. 125-126].

According to the Report about budget execution of the Social State Insurance Fund of Ukraine in case of unemployment, in 2017 costs of material maintenance and social service amounted to 7'398'295,4 thousand of hrivnas, which included: (1) unemployment assistance, including one-time payment for organization business activity for unemployed - 6'911'947,1 thousand of hrivnas; (2) burial insurance - 1'762,2 thousand of hrivnas; (3) professional training and retraining, skills development - 228'534,3 thousand of hrivnas; (4) issuance of vouchers for improving of competitiveness of certain categories of employees - 4'362,0 thousand of hrivnas; (5) organization of social service - 87'271,0 thousand of hrivnas; (6) job placement of unemployed through providing subsidy for employers - 191,8 thousand of hrivnas; (7) compensation of single contribution for employers - 95'139,8 thousand of hrivnas; (8) informational and consultative service, connected to job placement and its provision - 29'086,8 thousand of hrivnas; (9) vocational guidance and its provision - 4'409,8 thousand of hrivnas; prevention of ensured events, unemployment assistance - 2'841,8 thousand of hrivnas; (11) adoption of measures in assisting of employment of internally displaced people - 32'748,8 thousand of hrivnas [14].

As it is seen in the Report, the considerable part of cost is aimed to authorizing payments. It is reasonably to review the unemployment policy in part of unemployment preventive measures and professional training and retraining of personnel, which will decrease the amount of unemployed and the period of receiving unemployment assistance.

Conclusions.

Nowadays, the legal regulation of job placement within outstaffing and outsourcing is not enough.

In the first paragraph offers, concerning improvement of legislation in this part, are given. It is important to make state analysis of trends in science and technology, perspectives of robotizing of certain areas and predict the demand in specialists for the next 5, 10 years. Taking into account this research, it is necessary to provide the departments of science, schools with these forecasts in order to inform parents and students. This data will help graduates to choose those specialties, which will be requested (or, at least, not so crowded in certain segments of labour market). These preventive measures will assist in decline of amount of unemployed and decrease the number of persons, who will have to retrain, and this will lead to economy of resources of the Fund and will give an opportunity for development of those areas of employment, which will assist in reduction of unemployment. The main task of employment service is to help person in job placement; unemployment assist is a temporary support during job search, and not a way to earn.

The problem of overcoming of unemployment is necessary to solve with the help of realization of next strategy directions:

- 1) rising the employment and labour market development;
- 2) increasing the level of labour benefits;
- 3) establishment of reasonable insurance principles of social protection of employees;
- 4) improvement of the system of social legislation, effective using of budget funds and means of special extrabudgetary funds;
- 5) realization of the program of involvement of international investments and grants for social perspectives and measures;
- 6) monitoring of realization of the strategy directions of overcoming the unemployment.

References.

1. Unemployment in Ukraine and world (2018). URL: <http://edclub.com.ua/analytyka/bezrobittya-v-ukrayini-ta-sviti-i-kvartal-2018-roku> [in Ukrainian].
2. Tsymbal, O.I. (2018). Regulation of employment and labour market in the context of overcoming poverty in Ukraine URL: <http://www.economy.nayka.com.ua/?op=1&z=37> [in Ukrainian].
3. About Employment: Law of Ukraine №5067-VI (2012). URL: <http://zakon0.rada.gov.ua/laws/show/5067-17> [in Ukrainian].
4. Popov S. V. (2008). *Employment and labour market in conditions of labour economy*. Odesa [in Ukrainian].
5. Shabanov R.I. (2015) *Conceptual basics of social protection from unemployment*. Kharkiv. [in Ukrainian].
6. Rekomendaion ILO №198. URL: <http://opb.org.ua> [in Ukrainian].
7. Draft Law (2019). URL: <https://www.msp.gov.ua/projects/401/> [in Ukrainian].
8. Court decision (2018) № 821/901/18. URL <http://reyestr.court.gov.ua/Review/77825403> [in Ukrainian].
9. Urzhynskiy K. P. (1967). *Employment of citizens in USSR*. Moskva. [in Russian].
10. Medvedev O. M. (1994). *Legal problems of providing of employment of population*. Moskva. [in Russian].
11. Kim T. I. (2003). *Unemployment in transformation of economy: reasons, forms, trends*. Kharkov. [in Ukrainian].
11. Moskalenko O.V. (2018). *Legal support of social protection of unemployed in Ukraine*. Kharkiv. [in Ukrainian].
13. Sheketa Ie. Iu. (2015). *Mechanisms of prevention of long-term unemployment: imperatives of forming and directions of development (example of Carpathian region)*. Ivano-Frankivsk. [in Ukrainian].
14. Report about budget execution of the Social State Insurance Fund of Ukraine in case of unemployment. (2017). *Uriadovyi kurier* p.14. [in Ukrainian].