

відпустками чи зміною оплати праці використання даного підходу допустиме, оскільки воно значно не вплине на трудову діяльність, то зміна правил охорони праці може вимагати часу для ознайомлення та вивчення, якого не завжди буде достатньо. Крім того, працівники можуть бути ознайомлені із локальним актом у різний час, що породжуватиме нерівність. Тому варто доповнити ст. 3 Закону України «Про охорону праці» від 14.10.1992 № 2694-XII [5] частиною 3 із таким текстом:

«3. Локальні нормативно-правові акти з охорони праці набувають чинності не раніше, ніж після спливу 14 робочих днів з моменту письмового ознайомлення з ними усіх працівників підприємства, організації чи установи».

Дана норма ще раз підкреслює обов'язок ознайомлювати у письмовій формі із локальними нормативно-правовими актами усіх працівників. Строк у 14 робочих днів фактично є тестовим для працівників щодо вивчення та застосування нових правил. Роботодавець може збільшувати строк набуття чинності локальним нормативно-правовим актом, однак 14 робочих днів є мінімальною законодавчою вимогою.

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CATEGORY OF THE TYPE "MANAGER" IN SCIENTIFIC RESEARCH

The article is devoted to review of scientific works within legal status of managers of different levels, their classification and interaction of different links in the structure of an employer. The research reveals that employees who are endowed with leadership qualities are in

priority in modern world. Importance of stability of business processes in building a clear system of interaction of managers of different liability centres is proven.

Key words: *top-manager, working owner, top manager, quality of a top-manager, responsibility of a leader.*

Introduction. Top-managers, executives, heads are persons, occupying managing positions in companies with special status of hired workers and increased responsibility for decisions, including decisions that are decisive for the company's activities. The study of understanding of the concept and legal status of this category of employees, their classification, their difference from other categories of employees has become widespread among scholars.

The purpose of this article is to study the category of top-manager in scientific upgrades, to determine the influence of modern trends on demands that relate to top-managers and personnel in general.

Main part. Heads, top-managers of enterprises have been researched lately not only by Ukrainian scholars, but by foreign scholars as well. Despite different management systems, legal systems, historic preconditions, influencing the specificity of management in a separate country, there are common scientific perspectives on managers and requirements, made for them. And even though authors focus on heads and top-managers in Ukrainian legal space, foreign scientific concepts are extremely useful for research. This can be possible due to globalization, which has made academic writings relevant for each single country.

Analysing the essence of such category like “manager”, it is important to conceive their tasks and functions. In this regard, the following scientific concepts are noteworthy. William H. Gruber’s research was one among first, where he defined general functions of top-managers: (1) Selection of corporate goals (e.g., rate of growth in profits and sales); (2) implementation of some of the corporate goals through personal actions (e.g., negotiation of acquisitions); (3) action on critical decisions (e.g., corporate debt policy, consideration of major innovations in marketing or product development); (4) attempts to attain good performance from lower levels in the corporation [1, p. 15]. Joseph Massie also explored functions of managers and distinguished recruitment, making decisions, control and communication [2, p. 4]. Francis W. Dinsmore wrote: “...a manager must also feel a very personal sense of responsibility not only for his own work, but for the work of others which can affect the results of his work. In most good business organization there is a deliberate attempt to pinpoint one individual who will be primarily responsible for achieving a specific desired objective” [3, p. 18]. John Rehfuss, starting his research work about activity of public managers, clarified, that “most traditional public management activities are included within maintenance. Personnel management, including recruitment, selection, promotion, training, safety, and labour relations, is part of maintenance; so is budget preparation and execution. Auxiliary functions such as inventory control, purchasing, and internal communications also are included, as are routine supervisory and management jobs such as discipline, supervision, and delegating authority. These are not glamorous jobs, but they are important for two reasons. First, if they aren’t done well, the agency won’t get much accomplished. Second, most managers – by design, accident, or circumstance – spend most of their time on them. These two reasons alone make the maintenance job well worth studying” [4, p. 2, 23].

International academic research distinguishes three lines of management: first-line management, middle management and top management. Thus, Okafor Obiefuna emphasizes, that

first-line managers coordinate the work of others who are not themselves managers. Those at the level of first-line management are often called Supervisors, office managers, or foremen. First-line managers are in daily or near daily contact with their subordinates, and they are ordinarily assigned the job because of their own subordinates and with other first-line supervisors whose tasks are related to their own. Middle managers are known in many organizations as the departmental managers, plant Managers, or Director of operations. Unlike first-line managers those in middle management then plan, organize, lead, and control the activity of other managers yet, like first-line managers, they are subject to the managerial efforts of a superior. Top management is responsible for the performance of the entire organization through the middle managers. Unlike other managers, the top managers are accountable to none other than the owners of the resources used by the organization. Of course, the top level manager is dependent on the work of all, of his or her subordinates to accomplish the organization's goals and mission. The designation top, middle, first line classifies managers on the basis of their vertical rank in the organization. The completion of a task usually requires the completion of several inter-related activities. As these activities are identified, and as the responsibility for completing each task is assigned, that manager becomes a functional manager [5, p. 95-95].

Foreign authors show negative side of management as well. Guido Friebel and Michael Raith refer to problem of abuse: "the abuse of personnel authority is recognized as a problem both among practitioners and in the more applied management literature" [6, p. 236]. Social responsibility of managers has also been an object for academic research of business management in Russia and Greece for authors like Pletnev D. and Barkhatov V. [7, p. 1338]. We regard, that the problem of abuse in different countries can be caused by the complex of factors: moral characters of the manager, "rules of the game" in the company, absence of proper control and responsibility (from social to criminal).

Responsibility of managers is very important "otherwise the detachment and irresponsibility would undermine the whole community and also the company, which is of course a part of it" [8, p. 313].

In research work «Top executives of big business in Ukraine: sociological portrait» O.A. Rakhmanov draws attention to demands, declared for the owners of enterprises, concerning engagement of top executives into the global space, due to the integrational processes of Ukrainian economy [9]. Also, in other work, called «The Concept of top executive in big business: The Problem of category differentiation», O.A. Rakhmanov justifies the classification of leaders on functional and linear [10, p. 66-76]. In tutorial «Administrative law of Ukraine» V.B. Averianov analyses the legal status of a leader of an enterprise and determines the necessity of using the powers as the element of the legal status of the leader of an enterprise [11].

A.P. Denysenko determines the dual position of a leader of an enterprise as the peculiarity of his legal status that is different from other employers in the work «Peculiarities of legal status of a head of an enterprise» [12, p. 159-163].

Also N.M. Vapniarchuk considers the legal status of an employer to be the complex social and legal phenomenon in the work «The Head of the Enterprise: Peculiarities of legal status» and simultaneously explaining, that a head has powers for administration and plays a role of a representative of a legal person, secondly, this is a wage-earner, who has labour relations with the employer [13, p. 78].

Modern Ukrainian scientific and editorial literature, legislation and practice, Ukrainian enterprises use different terms for defining higher leadership of a big enterprise. The classifier «Sociology: short encyclopaedic dictionary» gives the following definition for this term – «Manager – is a professional managerial worker, hired by an owner of the enterprise (company, firm, etc.) for direct leadership of industrial process, relations between its participants» [14, p. 309]. Simultaneously, it has been mentioned, that industrial and educational functions of a manager in terms of establishment of market relations in our country slightly transform under subjective and objective factors influence. Western experience of management of business and industry can't be moved to domestic enterprises and need critical thinking [14, p. 310].

V.B. Averianov thinks that legal status of the head of the enterprise covers: 1) clarifying his space and meaning in the system of management of the enterprise, which are characterized by organizational, legal, financial, economy and technical means of management of labour staff; 2) responsibility of a head of the enterprise for non-compliance or inappropriate compliance of the duties; 3) determination of the content of head's duties. The necessity of using of powers as an element of legal status of the head of the enterprise results from the fact, that this category is typical for only authorities and official's activity. In general, terms (about different forms of property), the powers of a head of the enterprise are formed by the government with the help of legal norms, which regulate the relations between organs, empowered by the state and the head of the enterprise; between a head of the enterprise and the management units; between a head of the enterprise and other management bodies [11, p. 225].

The main difference between a head of the enterprise legal status and the status of other workers is a double position of a such subject of legal relations. The head of the enterprise fulfils not only representational functions towards the third parties, supervises staff and determines the essence of labour function of every worker, but also reports the owner of the enterprise or his authorized body [12, p. 161].

Different degree (level) of inclusion of the worker into the property relations determines the differentiation of the legal relation not only civil, but labour relations as well [15, p. 80]. Besides, the specificity of legal status of a head of the enterprise shows that a head – the first person of the enterprise – has a right to administer enterprise property, thus, property of owner, and a certain degree of trust makes this possible. That's why a head of the enterprise simultaneously acts as a deputy of the owner of the enterprise [12, p. 161].

The legal status of senior employee should be considered to be a complex social and legal phenomenon, it has a twofold character; firstly, a head has powers for administration and plays a role of a representative of a legal person, secondly, this is a wage-earner, who has a labour relations with the employer [13, p. 78].

O.A. Rakhmanov distinguishes a head of the enterprise and other senior leaders. He divides the last ones, in turn, into functional heads, who are responsible for certain area, which may not belong to the main activity of the enterprise, and linear heads (or senior employees), who are responsible for certain area of the main activity [10, p. 68].

In «Legal status of a head of an enterprise as an employee» D.V. Mohyla reveals the problem of the absence of the accurate meaning of the term «head» of the enterprise, establishment and organization in general legal usage, is connected with reluctance of law-making organs to bring up the subject, as solving of this question will drag along the necessity to solve other problems [16]. R.L. Krychevskiy in tutorial «Psychology of leadership» underlines features, that show the

difference between a top executive from other employees and play important role for fulfilling duties [17].

Leader positions foresee both - big remuneration and enhanced responsibility. Thus, separate demands to persons, who apply to be heads, have been provided. The necessity of research of legal status of a head in general and heads of separate enterprises in particular is highly needed.

Conclusions.

The analysis of this work allows to distinguish the key characteristics that must be inherent in top-managers: independence in decision making, control, communication, responsibility for a collective result. In Davos, business representatives (employers) express considerations about qualities employees that are inherent in managers: critical thinking, leadership, stability, etc. The modern business world prefers employees who can be easily transformed from ordinary employees to managers, heads of the group, the of business development, sometimes erasing the faces between managers and performers for operational tasks. Personal and professional qualities, the ability to adapt to new today's challenges are valued more than a long experience of guiding work.

Distribution of managers by links and levels allows to build a transparent and clear coexistence system in a company without excessive discussions on spheres of influence and regulation. The more clearly a structure with specific distributions of development and control system in a company is built, the less discussion will arise in a company's activities which is useful for financial stability and for psychological climate in a team that affects performance and final result of command work.

Innovations in the field of business management, preventive measures, aimed to termination of managers' abuse, as well as requirements for the future manager require further scientific research.

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ВИДИ ЗАХИСТУ ПРАВА НА ПРАЦЮ ДЕРЖАВНИМИ СЛУЖБОВЦЯМИ В УМОВАХ ЄВРОІНТЕГРАЦІЇ УКРАЇНИ

У статті проаналізовано специфіку захисту права на працю державними службовцями в умовах євроінтеграції України. Розкрито види захисту права на працю державними службовцями. Охарактеризовано зміст і значення кожного із них.

Ключові слова: *правовий захист, права, праця, державні службовці, державна служба.*

In the article the specifics of the protection of the right to work by civil servants in the context of Ukraine's European integration are analyzed. Types of protection of the right to work by civil servants are revealed. The content and significance of each of them are described.

Key words: *legal protection, rights, labor, civil servants, civil service.*

Порушення права на працю державних службовців може відбуватися з різних причин. Це може бути й невірне тлумачення та застосування норм права через недоліки юридичної техніки написання норм права до законодавства. Також, причиною можуть бути особисті чи ж корупційні мотиви вищого керівництва державної служби, або ж низький рівень правосвідомості колег, які створюють психологічно небезпечні умови праці. Проте,