

THE PROBLEM OF DISCRIMINATION IN LABOR RELATIONS IN THE CONDITIONS OF THE MODERN LABOR MARKET

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The modern labor market is undergoing transformational changes caused by both the processes of globalization and internal socio-economic challenges. Under these conditions, the issue of preventing discrimination in the field of labor becomes particularly relevant, as ensuring equal opportunities for all citizens is a fundamental condition for the sustainable development of society. The problem of discrimination in labor relations is especially acute in Ukraine, where economic crises, martial law, and legislative reforms are accompanied by the need to ensure social justice and equality of rights [1].

The concept of discrimination in labor relations was formed as a result of the long-term development of legal thought. In general terms, discrimination means a deliberate restriction or deprivation of rights of certain persons based on characteristics not related to their professional qualities [2]. It can manifest both in the form of direct actions by the employer and through indirect or hidden mechanisms both that create unequal conditions for certain categories of employees. At the international level, this phenomenon is defined by ILO Convention No. 111 "On Discrimination (Employment and Occupation)", which emphasizes that discrimination includes any distinctions or preferences that undermine equality of opportunity or treatment in employment or occupation [3].

International legal standards of equality are a key guideline for countries aspiring to integrate into the European Union. The European community has enshrined the principle of equal treatment of all persons regardless of gender, race, age, or beliefs in a number of directives, among which the most significant are Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation [4]. These documents became the foundation for reforming Ukrainian labor legislation toward ensuring equality of rights and preventing discrimination.

Ukrainian national legislation enshrines the principle of equality in labor in the Constitution (Art. 24), the Labor Code (Arts. 2-1, 22), and the Laws of Ukraine "On the Principles of Prevention and Combating Discrimination in Ukraine" and "On

Ensuring Equal Rights and Opportunities for Women and Men.” Particularly important was the adoption in 2022 of Laws No. 2253-IX “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Protection of Employees’ Rights” and No. 2352-IX “On Amendments to Certain Legislative Acts of Ukraine on the Optimization of Labor Relations.” These normative acts are aimed at improving mechanisms for protecting employees from discriminatory actions, increasing employment guarantees, and aligning Ukrainian legislation with European standards [5].

Under modern conditions, discrimination in the labor market manifests in various forms. Firstly, gender inequality has become widespread, expressed in unequal pay between women and men, limited career advancement, and persistent stereotypes about “female” and “male” professions. Secondly, age discrimination is observed when young specialists face bias due to a lack of experience, while pre-retirement individuals encounter stereotypes of declining productivity. Thirdly, biased attitudes toward persons with disabilities, representatives of national minorities, and internally displaced persons remain common, making it difficult for them to compete in the open labor market [6]. These manifestations not only violate citizens’ rights but also negatively affect the efficient use of the country's labor potential.

As shown in Figure 1, a significant share of workers in EU countries report discrimination on the basis of gender, age, or disability. For example, women report gender-based discrimination more often than men, while for immigrants or persons of different origin this problem is even more persistent (according to Eurostat data) [7].

In the Ukrainian context, according to publications and studies, the gender pay gap in Ukraine in 2021 was 18.6 % [2], and during the war it increased — some sources indicate up to 41 % [3]. Studies also show that when hiring, employers in 14.9 % of cases asked about marital status and in 11.2 % about the presence of children [6].

An important part of studying discrimination is the analysis of public opinion on its prevalence. Sociological surveys show that Ukrainian society recognizes the existence of discriminatory manifestations in various spheres of life. Most often, citizens mention language discrimination, as well as biased attitudes based on sexual orientation, disability, and age.

As shown in Figure 2, the most noticeable type of discrimination, according to citizens, is based on language — 45 % of respondents indicated this. Almost one-third (34 %) believe that people in Ukraine are discriminated against based on sexual orientation, and about 28 % — due to disability. Fewer respondents (27 %) see discrimination by age, 23 % — by ethnicity, and 22 % — by gender. These results demonstrate that Ukrainians are more aware of socio-cultural and linguistic aspects of discrimination, while issues of gender or ethnic inequality remain less visible in public consciousness.

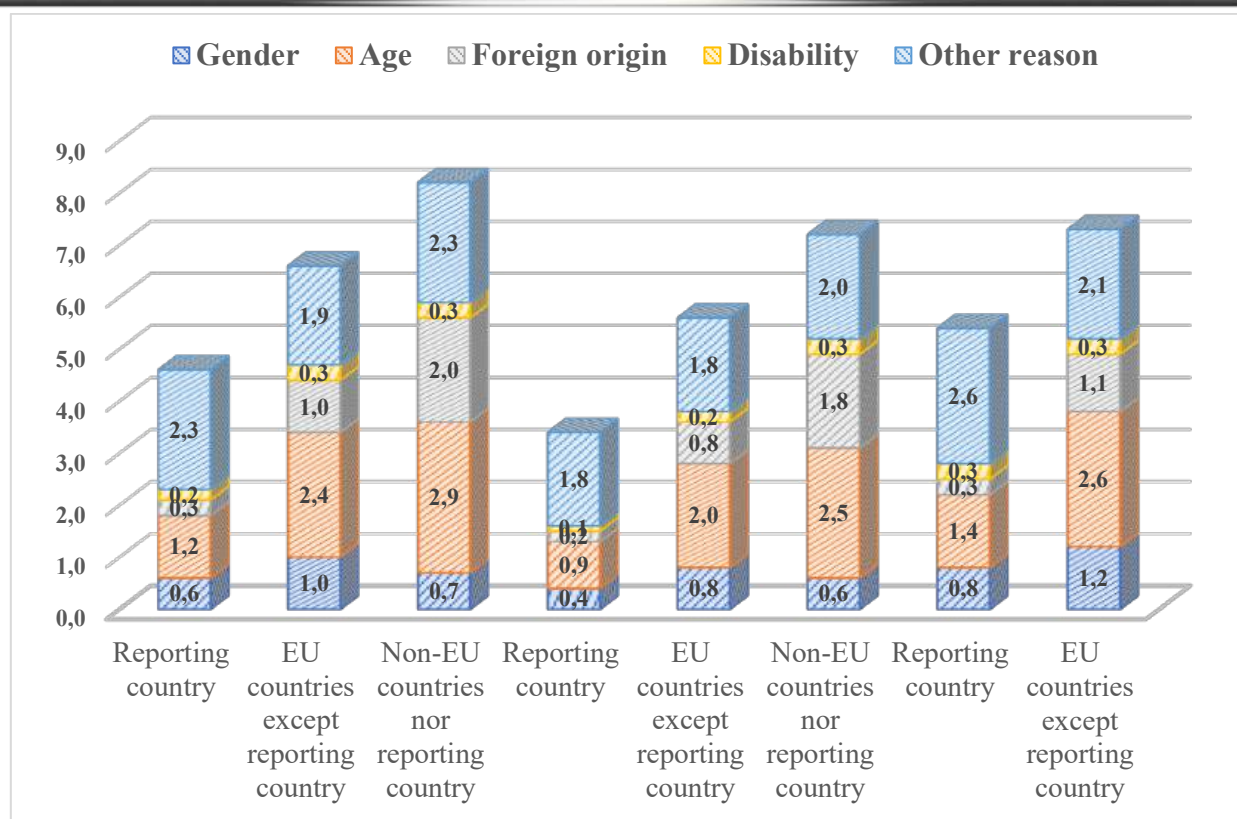


Fig. 1. Share of workers reporting discrimination at the workplace by gender, age, disability, and country of birth

Compiled by the authors based on source [7]

The causes of discrimination in labor relations include the low level of legal awareness among employers and employees, the imperfection of the legislative framework, and the weak implementation of legal norms in practice. As a result, discriminatory practices lead to social tension, decreased labor productivity, and violations of the principle of social justice. Overcoming these problems requires a comprehensive increase in legal literacy, strengthening the activities of state control bodies, and enhancing judicial protection for persons affected by discrimination [8].

Mechanisms for combating discrimination provide for both judicial and extrajudicial protection. Firstly, employees may apply to the State Labor Service of Ukraine, which monitors compliance with labor legislation. Secondly, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights plays an important role, reviewing complaints and acting as a mediator in resolving conflicts. Thirdly, trade unions, human rights organizations, and courts are important tools through which employees can demand compensation for moral and material damage [9].

Activities aimed at eliminating discrimination in the labor market are a key direction in addressing inequality in professional and labor spheres. This contributes to the democratization of the labor market, reducing conflicts and their consequences, increasing productivity and organizational performance, and fostering employee loyalty and motivation. Long-term investments in education and training, structural reforms to promote sustainable economic growth, and strong anti-discrimination

legislation supported by effective law enforcement can significantly reduce discrimination. The conducted analysis clearly demonstrates the importance of a comprehensive approach to combating discrimination and protecting the constitutional principle of non-discrimination in all spheres.

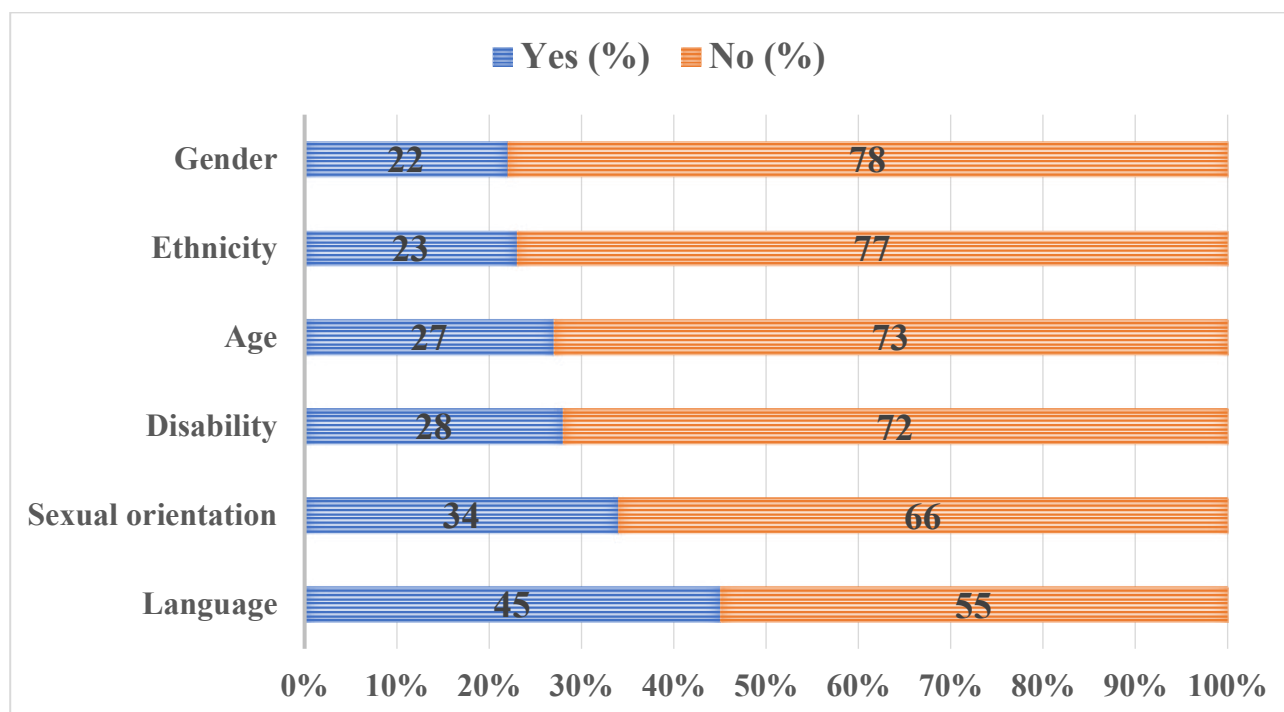


Fig. 2. Responses of respondents to the question "Are people in Ukraine discriminated against based on certain characteristics?"

Compiled by the authors based on source [10]

Thus, the problem of discrimination in labor relations is a complex and multifaceted phenomenon that requires a systematic approach. It is important not only to improve legal regulation but also to cultivate a culture of tolerance, mutual respect, and equal opportunity in society. Only through harmonizing national norms with international standards, ensuring effective law enforcement, and enhancing legal awareness among employers and employees can real equality in labor be achieved, strengthening democratic principles and social stability in the state.

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THE DIGITAL ECONOMY IN THE LEGAL FRAMEWORK OF UKRAINE: THE EURO-INTEGRATION DIMENSION OF INNOVATION REGULATION

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Abstract. This article investigates the role of digital monitoring of the regulatory framework as a key instrument for stimulating innovation amidst Ukraine's post-war economic reconstruction. It analyses the current state of digitalisation in public administration and identifies specific legal and institutional gaps that impede the effective implementation of advanced technologies. The paper substantiates the necessity of adapting the regulatory and legal framework to contemporary challenges and requirements. Furthermore, it determines the primary advantages of digital