Strategies, Oversight, and Enforcement of Ukrainian Employment Law Compliance

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Abstract

Developing and implementing an effective supervision system and adherence to labour legislation is currently regarded as an essential component of the managerial paradigm. During the research process, the targeted functionality of the supervision and control system was identified, encompassing regulatory, law enforcement, regulatory, informational, managerial, and educational functions. This study aimed to assess the effectiveness of state policy on supervision and control over compliance with labour legislation, analyse the volumes and number of violations in the field of labour legislation, and establish the correlations between the effectiveness of state policy and the number of existing violations in the field of labour legislation. The research methods employed in-cluded logical-semantic, systemic-functional, and structural-logical methods, the method of expert survey, the integral method, and Pearson correlation analysis. Results of the research indicated that the effectiveness of state policy, supervision, and control over compliance with labour legislation in Ukraine was rated at a level of Ef policy Group 1 = 5.99 by scientific experts and Ef policy = 7.36 by officials. Notably, officials gave a higher rating to the policy compared to expertsz

Keywords: *Employee; Employer; Working Conditions; Labour Relations; Labour Legislation.*

Introduction

The contemporary trend of ensuring workers' rights, freedoms, and interests is a primary priority for developing a democratic society. The synergy of high-tech innovative solutions and the system's adaptability for supervising compliance with labour legislation provides a variable foundation for effective adaptation to the dynamics of operating conditions, guaranteeing compliance with the norms and requirements of labour legislation. The outlined adaptive management strategy creates a safe production environment and forms the basis for continuous innovative improvement. The implementation of high-tech solutions allows for a swift response to new challenges and related risks and the prompt adaptation of supervision and control strategies over compliance with labour legislation to the dynamics of exogenous and endogenous influencing factors.

The objective of monitoring and control in the field of activity under investigation is to ensure that the work of enterprises, institutions, and organisations employing hired labour meets the requirements of labour legislation, as well as its effectiveness and appropriateness from the viewpoint of technical, economic, social, and other peculiarities. Within academic circles focused on the specifics of labour law, the issue of control and supervision over compliance with labour legislation is mainly studied superficially within the context of complex studies of other legal institutions or mechanisms. In light of the above, identifying the functions and principles of primary institutions of labour law still needs to be explored. This issue is vital in terms of defining principles as the foundation for providing the ideological basis of activity in the field and their influence on the further development of the institutions studied. At the same time, functions reflect the practical purpose of supervision and control.

This research aims to evaluate the efficacy of the state policy of supervision and control over compliance with labour legislation. It will entail analysing the volumes and number of violations in the field of labour legislation to establish correlations between the effectiveness of state policy and the number of existing violations in the field of labour legislation.

Literature Review

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In analysing the essence of control, Boiko (2024) focuses on the types of functions rather than their substantive nature. The researcher posits that control is characterised by the following functions: controlling, educational, diagnostic-corrective, developmental, and educational. The researcher justifies the theoretical positions and develops practical recommendations for improving the legal regulation of labour relations in the field of labour protection based on analytical methods and a systematic approach to evaluate the effectiveness of mechanisms of state administration in the field of labour protection. The author concludes that legal regulation in the field of labour relations is positioned as a multi-level and complex functional mechanism that, at all levels of executive power, controls and coordinates compliance with labour protection at enterprises, institutions, and organisations, regardless of their types of activities, forms of ownership, and sectoral affiliation (Andrushko, 2024). Boiko (2024) and Melnyk-Lymonchenko (2023) emphasise that Ukraine's existing state supervision system and control over labour protection needs improvement and alignment with European standards.

In contrast, Rusnak and Savchenko (2023) differentiated only the types of functions, not their content, in a study dedicated to supervision and control over compliance with labour legislation in Ukraine. They describe the following functions: protective, informational, communicative, managerial, support, and reformative. The authors identify several issues about the legal framework for implementing labour legislation in Ukraine. These include the limited effectiveness of control and supervision mechanisms, the existence of wage inequality, the need for more mechanisms for resolving labour disputes, the minimal use of flexible forms of employment, and the excessive application of zero-hours contracts. The scientists highlight the shortcomings in the implementation of labour relations during martial law, including the right of the employer to transfer a worker to another job without their consent and to terminate labour contracts with employees during their temporary incapacity or while they are on leave; increased norms of working hours. Rusnak and Savchenko (2023) identifies the principal avenues for enhancing the apparatus for implementing and safeguarding human rights in the domain of labour relations during wartime. Among these, the scientists include efficacious state supervision of compliance with labour legislation and the protection of labour rights by professional unions or independently by workers.

Some researchers (Romanchuk, 2022) have studied the methodology for optimising the system of supervision and control over compliance with labour legislation, intensifying the role of risk prediction and an effective monitoring and controlling system for labour processes. Other scholars (Kalyuga & Kaliuha, 2022) have detailedly analysed the specifics of contemporary innovative technological solutions. Kalyuga & Kaliuha (2022) consider the risks and innovations in the context of labour legislation, with a particular focus on the use of working hours in the application of hourly and piece-rate pay for primary workers and additional job holders, overtime and night work, as well as non-working and pre-holiday days; and the establishment of a flexible working hours regime, remote and home-based work. The studies of these scientists suggest that it is appropriate to apply possible labour legislation risks, especially before the implementation of controlling measures. According to Kalyuga & Kaliuha (2022), the integrity of such preventive measures contributes to the harmonious operation of the structural divisions of business entities, and the optimisation of the existing working time is considered an important indicator of its success.

The issue of practical approaches to forming and developing the supervision and control system over compliance with labour legislation is a subject of scientific exploration by several contemporary researchers, including Bailo (2021) and Kuznetsova (2020). Bailo (2021) concluded that there are significant procedural violations in the conduct of state supervision and control measures in labour law, based on research of judicial practice materials. The author analysed the provisions of the draft Labour Code of Ukraine regarding the organisation of state supervision over compliance with labour legislation. Based on this analysis, the author proposed changes to the legislation aimed at eliminating deficiencies in the organisation of the activities of supervision and control entities over compliance with labour law. The concept proposed by the scientist is intended to actively contribute to implementing state policy in the field of effective population employment.

In the context presented, the primary objective of the government is to enhance human potential and capital by creating incentives for rapid employment, implementing effective retraining and skill enhancement programmes, attracting donor funds for the creation of new jobs, and developing remote work modalities (Shtunder, 2022). The scientist has systematically understood the relationship between the supply and demand for labour in the job market, the State of vacancies, and the wages of employed workers. Shtunder (2022) posits that the economic situation directly influences the dynamics of the labour market, which is further complicated by the imposition of martial law and the influx of migrants. The researcher identified that domestic companies must comprehensively review their expenditure, focusing on personnel costs. In light of this, popular measures have emerged, including the transfer of employees to part-time remuneration, a reduction in the number of hours worked, or the provision of unpaid leave.

In the event of a full-scale invasion by the Russian army into Ukrainian territory, it is necessary to implement significant changes to labour legislation in order to introduce innovative supervision and control mechanisms to ensure compliance with labour laws (Rovinska & Amelicheva, 2022). Notably, the improvement process has already commenced with enacting laws in Ukraine. These include "On Amending Certain Legislative Acts of Ukraine regarding the Optimisation of Labour Relations" and "On Amending Certain Legislative Acts of Ukraine concerning the Simplification of Regulation of Labour Relations in the Field of Small and Medium-sized Business Activities and Reducing Administrative Burden on Entrepreneurial Activity". The aforementioned legislative acts have introduced new terms such as "simplification of the regulation of labour relations" and "optimisation of labour relations", reflecting a tendency towards increasing the flexibility of labour law norms (Hryshyna & Chanysheva, 2022).

Hryshyna and Chanysheva (2022) present an analysis of the content of legislative acts adopted under martial law concerning labour law, which highlights the main trends in the development of modern labour law during this particular period. These include the establishment of specific limitations and peculiarities in the organisation of labour relations while maintaining minimal labour guarantees; the expansion of contractual principles of labour relations regulation; the intensification of the protection of workers' rights and guarantees of their exercise; and the strengthening of the flexibility of the legal regulation of labour relations and the mobility of workers in exercising their right to work. The researchers concentrate on the legislative approach to regulating individual and collective labour relations. They contend that this approach should possess a stable character and be aimed at preserving the concept of labour law as a separate branch of administrative-legal regulation with an independent sectoral legal mechanism.

Ukrainian labor laws face a formidable challenge with the rising tide of informal employment. The swelling ranks of workers lacking official registration and receiving untaxed earnings underscore this issue. Yet, the problem transcends mere transparency hurdles. These workers exist on the fringes of social protection, devoid of essential entitlements and guarantees. Moreover, their labor contributions remain unacknowledged in terms of experience accrual (See.info, 2023). According to a recent analysis conducted by the Pension Fund, the number of individuals who are officially registered and pay the unified social tax has increased from 7.96 million to 8.38 million individuals in the past two years. Notwithstanding this, a comprehensive resolution to the fundamental dilemma is imperative (Vynokurov, 2024).

Vynokurov (2024) highlights that individual entrepreneur status (IE) is not the sole legal avenue for concealing employment relationships. An alternative is the conclusion of civil-law contracts. In such instances, an individual is engaged to perform a specific task for a defined period without being on the payroll. The prevalence of informal employment has increased since the war. Before the full-scale invasion, it was regulated by the efforts of controlling authorities. It is now more challenging for business representatives to fill vacancies due to a lack of specialists in the market and unfavourable working conditions. In such circumstances of specialised shortage, one must select one of the available forms of cooperation: official employment, freelancing, or individual entrepreneur status. As noted by Vynokurov (2024), the intensification of state management through mobilisation encourages workers to go underground, thereby reducing the single source of army funding: tax revenues.

However, despite delving into the realms of the issue, scrutinizing various sources reveals a notable gap in understanding. A cohesive framework delineating the essence and intricacies of supervisory functions and compliance with labor laws beckons further exploration (Kailo, 2020).

Methods

In the process, several general scientific and specialised methods of scientific cognition were applied. In particular, using the logical-semantic method allowed for clarifying the conceptual apparatus of the researched field. Systemic-functional and structural-logical methods made it possible to classify the principles of supervision and control over compliance with labour legislation. The research employed the expert assessment approach to gauge the effectiveness of policies, supervision, and control regarding adherence to labor laws in Ukraine. Two distinct expert groups were engaged for this purpose: labor law and labor market researchers (12 people) and a panel of high-ranking officials responsible for enforcing supervision policies and ensuring compliance with labor legislation (12 people).

The following indicators were chosen for the study: the indicator of the regulatory function (Rf), the indicator of the law enforcement function (Pf), the indicator of the information function (If), the indicator of the managerial function (Mf), the indicator of the educational function (Ef); the shadow labour market (Var6), economic activity without state registration (Var7), concealment from state authorities of part of the worked hours and salary (Var8), disguising work relations under other forms of activity (Var9), illegal dismissal (Var10), violation of probation period conditions (Var11), failure of the employer to provide safe working conditions for the employee (Var12), violation of the terms of payment for overtime work (Var13).

Data categorized according to predetermined indicators underwent evaluation to measure the efficacy of policies, supervision, and compliance control regarding labor legislation in Ukraine. This assessment involved applying significance criteria and assigning weights to these indicators. The synthesis of these factors yielded an integrated effectiveness indicator, derived from expert analyses of policy, supervision, and compliance control effectiveness in Ukraine's labor legislation framework (Ef policy), computed through mean value equations.

The Pearson correlation method (r) was employed, assessing the strength and direction of the linear relationship between two variables. This method calculates the coefficient by dividing the covariance of variables by the product of their standard deviations. Pairwise correlation coefficients were utilized to determine the impact of the regulatory function (Rf), law enforcement function (Pf), information function (If), managerial function (Mf), and educational function (Ef) on mitigating violations within the labor legislation spectrum, encompassing ar6, Var7, Var8, Var9, Var10, Var11, Var12, Var13. The analysis was conducted using Statistica 10.0 software.

Results and Discussion

The opportunities for supervision and control over compliance with labour legislation represent the foundation of the overall system of labour implementation, which is seen as one of the prerequisites for stable socio-economic development. In Ukraine, on September 14, 2006, the Law of Ukraine ratified the European Social Charter (ESC), which prompted further development of national legislation considering the content of rights and principles laid down in the Charter. The supervisory system must perform functions to implement the norms and requirements of social-labour relations, which are fixed by legal and technical standards. It allows for the realisation of the legal order in the field of labour relations.

The Charter establishes workers' right to directly participate in optimising existing working conditions and the production environment. It generally facilitates controlling compliance with normative provisions of labour legislation.

Adopting the framework Law of Ukraine, "On the Main Principles of State Supervision (Control) in the Field of Economic Activity," on April 5, 2007, is regarded as a significant development in economic activity.

This legislation sets out the organisational and legal foundations, definitions, principles, norms, and scope of supervision, uniform requirements for its implementation, and periodicity.

The Code of Laws on Labour of Ukraine, No. 322-VIII of December 10, 1971 (Article 259) delineates the principles of supervision and control over compliance with labour legislation. Following the Code, the State exercises supervision and control over the compliance of legal entities, regardless of their form of ownership, type of activity, business operations, and physical persons engaged in entrepreneurship who employ hired labour. It is carried out by the central executive body that implements state policy on supervision issues and controls compliance with labour legislation.

The Resolution of the Cabinet of Ministers of Ukraine № 823 of August 21, 2019 (Resolution of the CMU, 2019) approved the order to exercise state control and supervision. According to the Resolution, the central executive bodies are responsible for controlling compliance with labour legislation at enterprises, institutions, and organisations that are subordinate to them, except tax authorities. Local self-government bodies are responsible for enforcing labour legislation at enterprises, institutions, and organisations owned by the respective territorial communities. Trade unions and their associations exercise public control over compliance with labour legislation.

The active process of "spot changes" to the Labour Code of Ukraine, during which amendments were made to the current Code 14 times during the legal regime of martial law, may once again postpone the adoption of the new Labour Code of Ukraine. Furthermore, including provisions in the order of carrying out supervision (control), measures will result in the Labour Code being overloaded with administrative norms. It thus appears that a promising option would be to include general provisions on supervision and control over compliance with labour legislation in the draft Labour Code of Ukraine and to develop a draft of a particular Law, "On Labour Inspection," in which to fix its legal status.

The operational dynamics of overseeing and ensuring compliance with labor laws in Ukraine mirror the trajectory of practical implementation in this domain, guided by the norms outlined in Ukraine's labor legislation. These functions encompass law enforcement, regulatory measures, informational dissemination, managerial directives, and educational endeavors (Table 1).

Table 1. Functionality of supervision and control over compliance with labour legislation.

Function/principle	Features	Components	General and special principles
Regulatory function	Enforcing labour rules and regulations established by law.	Developing regulatory acts	Accessibility of rules for all entities. Special regulation for specific industries
Law enforcement function	Preventing and suppressing violations of labour laws and taking measures to punish those responsible.	Identifying violations of the law Bringing to justice	Ensuring liability for violations of the law. Specialised methods of investigating violations
Information function	Disseminating information on labour legislation and providing advice on its implementation.	Creating a targeted information environment Outreach activities	Public access to information. Individualised consultations on the application of legislation
Management function	Managing and coordinating the overall supervision and control processes.	Investigating accidents at work Improving record-keeping and reporting	Creating an effective management system. Adapting management methods to specific conditions and needs

		Commissioning of production facilities	
Educational function	Developing a conscious and responsible attitude to the requirements and norms of labour law.	Educational events and training	Promoting the importance of compliance. Conducting educational events and trainings to raise awareness

Source: compiled by the author.

Law enforcement activities are comprehensive in scope and are based on the principles of the functioning of a democratic state and civil society. Consequently, they can be focused on the identification of legislative violations. Concerning the issue, the law enforcement function of supervision and control involves taking measures and applying procedures to ensure compliance with norms and rules that regulate labour relations between employees and employers. It is done in order to verify their compliance with labour legislation. According to Article 231 of the Code of Ukraine on Administrative Offences, the State Labour Service, which is the central executive body that implements state policy in the field of labour protection, is authorised to consider cases and bring to legal responsibility for violations of Article 41 (violation of labour legislation and legislation on labour protection).

Within the realm of overseeing compliance with labor legislation, the regulatory aspect entails crafting and executing normative legal measures and written directives sanctioned by an authorized entity (Honcharenko et al., 2004). These directives serve to establish, amend, or nullify legal standards. The legislative journey unfolds within the legal framework, progressing through stages of formulation, deliberation, approval, and dissemination of individual legal statutes. Each new statute serves as a distinct component of the legal framework. At the core of this process lies the formal determination to draft a normative directive, which, regardless of its form, represents a concrete and legally consequential action, imbuing rights and responsibilities. The necessity to encompass a wide range of labour activities with supervision and control necessitates the involvement of public authorities and other relevant parties. Accordingly, Article 21 of the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" stipulates that trade unions are responsible for "public control over compliance with labour legislation and its protection, payment of wages, creation and maintenance of safe working conditions, providing workers with the necessary means of labour, special clothing, means of individual protection."

Within the realm of overseeing compliance with labor legislation, the information function assumes a pivotal role in cultivating a robust informational landscape, curated by authorized entities, to guide the lawful conduct of labor relations stakeholders. This function entails the dissemination of clarifications and guidance to both employees and employers, elucidating the evolving contours of existing legislation. A feature of the information function is its execution at all hierarchical levels. According to Article 49 of the Regulations on the State Labour Service of Ukraine, this body is responsible for organising "information and publishing activities on issues that fall within its competence." Similarly, Article 4, Part 11 of the Regulations on the Ministry of Social Policy of Ukraine states that the Ministry of Social Policy conducts "an annual analysis of the use of labour resources in state programs." Data for such analysis is obtained specifically during supervision and control.

The managerial function entails exerting deliberate influence over processes, entities, or systems to sustain equilibrium or guide a transition towards predefined objectives. Within this framework, state governance stands out as a multifaceted and crucial form of management, intertwined with social dynamics and political administration. In the context of the aforementioned matter, the managerial function pertains to orchestrating the management framework of processes aimed at efficiently enforcing prescribed requirements, norms, standards, and regulations in labor practices (Fedulova, 2004; Podolchak, 2007; Shkuratova, 2009; Terela, 2022). Furthermore, according to Part 3 of Article 4 of the "Regulations on the State Labour Service of Ukraine," the State Labour Service is involved in the work of commissions on the

investigation of accidents at production, in work on improving record-keeping and reporting, and in the commissioning of production-purpose objects.

Consequently, the educational function of supervision and control over compliance with labour legislation is primarily directed towards fostering a conscious and responsible attitude towards the norms and rules that regulate labour relations, both in employees and employers and other subjects of labour law.

The principles that guide the supervision and enforcement of labor legislation through legal frameworks entail the tangible manifestation of fundamental socio-normative concepts that have evolved over time within societal dynamics. Paramount among these principles crucial for the effective implementation of compliance supervision are the unity of rights and obligations among stakeholders in labor relations, the primacy of legal dictates, the precedence of individual rights and freedoms over state authority, the reciprocal accountability between the state and individuals, and a host of other guiding tenets.

The principle of transparency is founded upon the disclosure of results and public discussion of implementing the supervision and control system over compliance with labour legislation, involving the attention of representatives of State and public control. Special attention is paid to the disclosure of measures taken against identified violations and deficiencies in the supervision and control process. The specificity of the transparency principle in the studied area is caused by the possibility for subjects of labour activity to actively influence the direct process of controlling, which significantly stimulates the speed of the verification procedures and ensures the validity of the corresponding decisions.

The principle of objectivity within the framework of supervising and enforcing compliance with labor legislation norms underscores the imperative of a thorough and comprehensive evaluation of all pertinent facts and circumstances pertaining to decisions made by supervisory officials.

In the domain of administrative-legal supervision, the execution of control functions by competent authorities stands as a distinct principle (Kaliuta, 2007). This is rooted in the exclusive prerogative of authorized state entities to carry out such functions. Nonetheless, it's noteworthy that any concerned party can initiate control measures, and both individuals and legal entities may actively participate in the execution of these activities.

The principle of effectiveness in supervision and control manifests in the timeliness of implementing control measures, the operational identification of violations of norms and requirements of labour legislation, and the timeliness of conveying the obtained results to responsible persons for further decision-making on measures to eliminate the causes of labour legislation violations.

In the modern context of Ukraine, rapid technological changes have transformed the ways of working and production. In addition, innovative strategies to improve the principles and mechanisms of supervision and control over compliance with labour legislation are also essential. The necessity for the continuous improvement of the regulatory environment is dictated by combining traditional approaches to control with innovative methods to ensure an effective mechanism for compliance and adherence to employment norms and standards. However, in this ongoing development, new challenges emerge for state institutions and employers in ensuring compliance by all parties in the employment process with legislative requirements. Research indicates that in 2023, the Ukrainian labour market exhibited significant dynamism, driven by a range of political and economic factors, as well as the consequences of Russia's military aggression (Figure 1). For instance, the surge in domestic labor demand within particular economic sectors is spurred by advancements in new industries and technologies. Such shifts underscore the imperative to enhance oversight mechanisms concerning working conditions and ensuring worker safety. However, substantial alterations in labor demand and supply dynamics also stem from a workforce exodus triggered by safety hazards, deteriorating living standards, and economic and social uncertainties. These circumstances underscore the critical need for vigilant supervision and control in the labor domain.
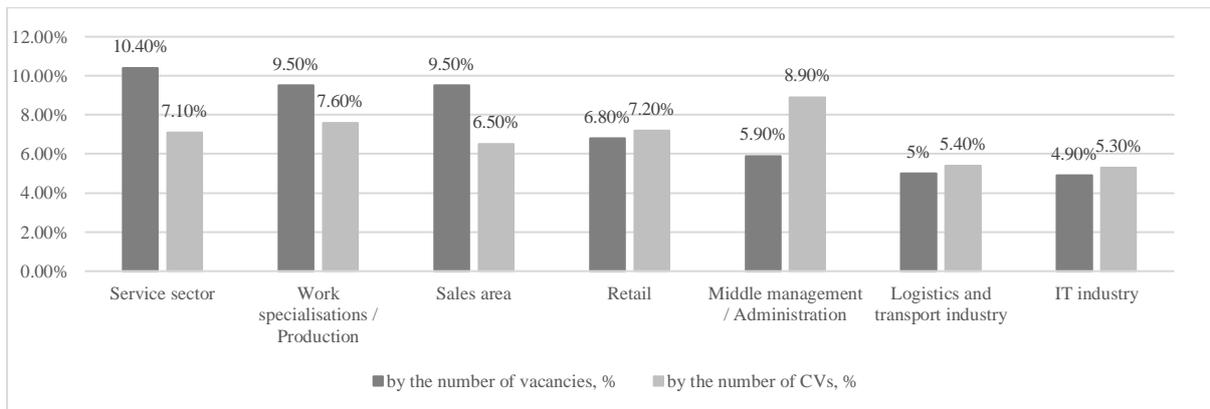
Figure 1. Dynamics of Labour Market Supply and Demand in Ukraine in 2023.

Source: compiled by the author based on (Tomchuk, 2023).

To gauge the efficacy of overseeing and enforcing compliance with labor legislation, we advocate for assessing effectiveness through the following sequential measures:

I. Determine the comprehensive effectiveness of supervision and control over compliance with labour legislation based on expert ratings. In the final stage, the evaluation is based on the following scores. The effectiveness of supervision and control was evaluated on a scale of 0 to 10, with 0 indicating low effectiveness, 4 to 7 indicating medium effectiveness, and 8 to 10 indicating high effectiveness. Experts conducted the evaluation. Group 1 (12 people) comprised scientists specialising in supervision and control over compliance with legislation. Group 2 (12 people) comprised government officials. The results of the evaluation are presented in Table 2.

II. The dynamics of violations of labour legislation in recent years are presented in Table 4.

III. A factor analysis and correlation between the effectiveness of supervision and violations are presented in Table 5.

Table 2. Expert assessment of the effectiveness of labour policy, supervision, and control of labour legislation carried out by expert scientists from group 1 and civil servants from group 2.

Function / Principle	Assessment areas	Weighting factor	Group 1	Group 2	Total Group 1	Total Group 2	Total Group 1	Total Group 2

1. Regulatory function Rf	**1. Regulatory function**	0,2	-	-	-	-	2,6	3,6
	1.1. Improving and developing legislation	0,07	4	6	0,28	0,42		
	1.2 Creating new strategies	0,05	3	7	0,15	0,35		
	1.3. Drafting labour market regulations	0,08	6	5	0,48	0,45		
2. Law enforcement function Pf	**2. Law enforcement function**	0,2	-	-	-	-	3,4	3,8
	2.1. Effective law enforcement structures detecting violations	0,07	6	7	0,42	0,49		
	2.2. Detention of criminals	0,06	4	7	0,24	0,42		
	2.3. Convictions and administrative fines for offenders	0,07	7	5	0,49	0,35		
3. Information function If	**3. Information function**	0,02	-	-	-	-	0,24	0,4
	3.1 Information campaigns to combat labour violations	0,06	5	7	0,3	0,42		
	3.2. Information campaigns on labour control and supervision	0,07	3	6	0,21	0,42		
	3.3 Informing the public (employees) about their rights	0,07	4	7	0,28	0,49		
4. Management function Mf	**4. Management function**	0,2	-	-	-	-	2,6	3
	4.1 Formulating audit plans	0,05	8	7	0,45	0,56		
	4.2 Highly qualified specialists capable of detecting violations	0,05	5	8	0,25	0,4		
5. Educational function Ef	**5. Educational function**	0,2	-	-	-	-	3,2	4,2
	5.1. Preventive measures to address future violations	0,06	5	7	0,35	0,42		
	5.2. Educational and explanatory work for entrepreneurs	0,07	7	7	0,49	0,49		
	5.3. Educational and awareness-raising activities for employees	0,07	4	7	0,28	0,49		

Source: compiled by the author.

We will compute the comprehensive effectiveness of the oversight and enforcement policies regarding labor legislation compliance in Ukraine. The effectiveness rating of the supervision and control policy (Ef policy) is based on five leading indicators: regulatory function (Rf), law enforcement function (Pf), information function (If), managerial function (Mf), and educational function (Ef). The formula used to obtain the value is the formula of mean values:

$$Ef\ policy = \sqrt{Rf^2 + Pf^2 + If^2 + Mf^2 + If^2,} \qquad (1)$$

where: Ef policy – effectiveness of the supervision and control policy over compliance with labour legislation; Rf - regulatory function; Pf - law enforcement function; If - information function; Mf - managerial function; Ef - educational function.

From this, we obtain the following values:

Ef policy Group 1 = 5.99

Ef policy Group 2 = 7.36

Henceforth, based on evaluations from both scientists and officials, it appears that the efficacy of the oversight and control policy regarding labor legislation compliance could have been more substantial. Notably, scientists assessed it less favorably compared to officials.

An examination of public policy effectiveness revealed a stark contrast: the evaluation by officials markedly surpasses that of scientific experts (Table 2, Figure 2).
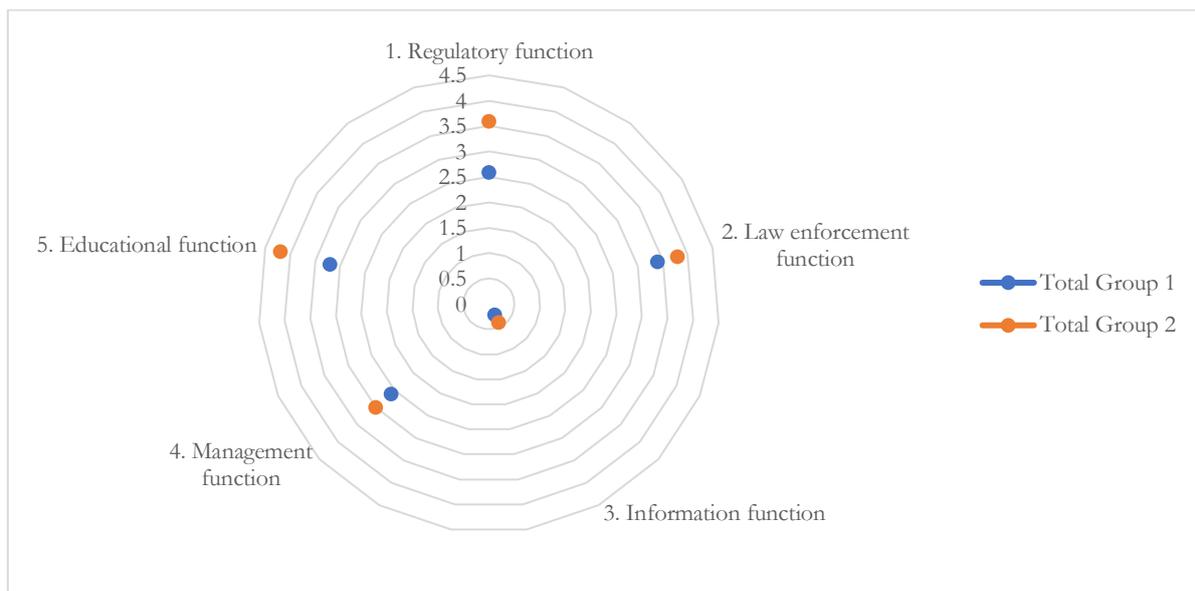

Figure 2. Supervision and Control of Labour Legislation Compliance Level of Effectiveness.

Note: compiled by the author.

*Note: Blue line - Group 1; Orange line - Group 2.

The implementation of supervision and control policies is characterised by several significant things that could be improved. These include the lack of defined strategies (Group 1), the absence of information campaigns regarding control and supervision in the labour sector (0.21), the inability to apprehend criminals (0.24), and the lack of highly qualified experts capable of detecting violations (0.25). Among the public policy directions that received high ratings were effective law enforcement structures that detect violations (0.42), the development of inspection plans (0.45), the formulation of labour market regulatory rules (0.48), convictions and administrative fines for violators (0.49), and educational and clarifying work for entrepreneurs (0.49) (Table 2) (Balobanova, 2007).

Simultaneously, the State Statistics Service of Ukraine has unveiled its latest findings for 2018, revealing that 22,544 administrative offenses were documented in the labor protection and public health sectors (State Statistics Service of Ukraine, 2018). Surprisingly, a mere seven infractions were logged regarding breaches of state supervision (control) protocols in economic operations. However, it's worth noting that under martial law circumstances, if the directives for rectifying identified violations during impromptu state supervision (control) activities are promptly and fully adhered to, fines stipulated by Article 265 of the Labour Code are waived (as per part 3 of Article 16 of the Law of Ukraine "On Organization of Labour Relations in Conditions of Martial Law").

The proportion of informally employed workers who do not pay taxes is estimated to be between 20 and 30% across different regions, industries, and qualifications. The latest data published by the State Statistics Service (2021) indicates 3,061,600 informally employed individuals in the country, representing 19.8% of the total employed population. It equates to nearly every fifth person in the workforce.

Since 2014 (except 2015), there has been a downward trend in the number of individuals employed informally, both in absolute terms and as a percentage of the total employed population. For instance, in 2014, informal employment was 4,540.9 thousand individuals or 25.1% of the total employed population. By 2021, this figure had decreased to 3,061.6 thousand individuals or 19.8% of the total employed population. Consequently, the proportion of informal employment has decreased by 5.3 percentage points over the seven years.

Since 2019, there have been significant shifts in the reduction of undeclared labour in the formal sector of the economy. It is associated, in particular, with changes in the organisation of labour inspectors' work and the combination of such work with informational and inspection measures. These measures not only allow the detection of undeclared workers but also assist employers in formalising labour contracts. However, even with the general reduction in the workforce participating in the informal sector of the economy, the percentage of the entire population involved in informal employment has surged. From the inception of statistical monitoring in 2014 to 2021, there has been a notable ten-percentage-point increase in informal sector employment, climbing to 63.1%.

Since the onset of military operations, the State Statistics Service has ceased collecting and summarising statistical information regarding the population's informal employment. This lack of data precludes an accurate assessment of the current State of informal employment in Ukraine, particularly in light of the specific characteristics of the regions and economic sectors.

To identify significant infractions in the labor sector, a survey was administered to the same cohorts of experts who had previously scrutinized the efficacy of public policy concerning major violations of Ukrainian labor legislation. These experts were categorized into two groups: scientific experts (comprising 12 individuals) and official experts (also totaling 12 individuals). The survey delved into several indicators, including the shadow labor market (Var6), unregistered economic activities (Var7), underreporting of work hours and wages to authorities (Var8), and the misrepresentation of labor relationships under alternate forms of engagement. Additionally, indicators such as labor activity (Var9), unlawful terminations (Var10), breach of probationary period terms (Var11), employer failure to ensure safe working conditions (Var12), and violations in overtime payment (Var13) were examined. The collective findings of the groups are delineated in Table 3.

Table 3. Major violations of labour legislation in ukraine committed by expert scientists of group 1 and civil servants of group 2.

Violations	Weighting factor	Group 1	Group 2	Total Group 1	Total Group 2
Shadow labour market (Var6)	0,2	6	8	1,2	1,6
Economic activity without state registration (Var7)	0,3	5	7	1,5	2,1

Concealment of part of the worked time and salary from the state authorities (Var8)	0,5	7	6	3,5	3
Disguising labour relations under other forms of activity (Var9)	0,4	6	7	2,4	2,8
Illegal dismissal (Var10)	0,6	8	5	4,8	3
Violation of the terms of probation (Var11)	0,3	4	3	1,2	0,9
Failure of the employer to provide safe working conditions for the employee (Var12)	0,4	7	8	2,8	3,2
Violation of the terms of remuneration for overtime work (Var13)	0,5	6	5	3	2,5

Note: compiled by the author.

In summary, experts have assigned both high and moderate ratings based on the frequency of violations of Ukrainian legislation. Expert scientists (Group 1) have identified illegal dismissals (4.8), inadequate provision of safe working conditions by employers (2.8), and concealment of worked hours and wages from authorities (3.5) as the most significant infractions. Conversely, officials corroborate the importance of inadequate provision of safe working conditions by employers (3.2) and illegal dismissals (3.0), highlighting the existence of other primary violations in labor legislation. These include concealment of worked hours and wages from authorities (3.0), misrepresentation of labor relationships under alternate forms of engagement (2.8), and engagement in economic activities without state registration (2.1). See Figure 3.
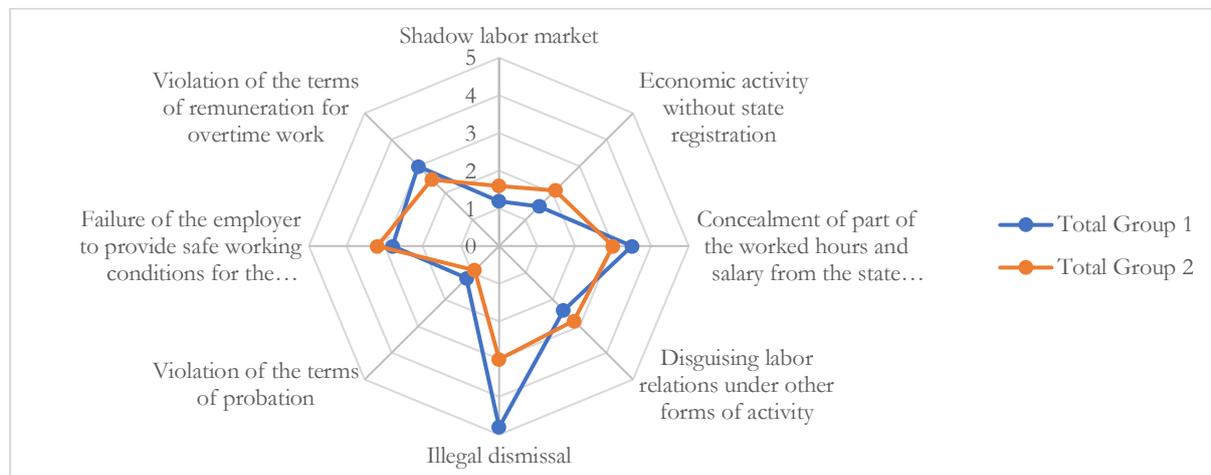

Figure 3. Violations significance in the field of labour legislation.

Source: compiled by the author.

*Note: Blue line - Group 1; Orange line - Group 2.

A correlation analysis will be conducted between the principal functions of public policy and violations in the field of labour legislation in Ukraine. It will be achieved using the Statistica 10.0 program by the Pearson criterion (Pearson correlation coefficient, PCC), a tool for measuring the degree of linear dependence between two data sets. In this study, the data sets used to calculate the correlation coefficients are the functions of policy effectiveness, supervision and control over compliance with labour legislation, as well as violations in the field of labour legislation. The standard correlation coefficient ranges from -1 to 1. A

correlation coefficient of +1 signifies a flawless positive correlation, illustrating that as variable X rises, variable Y follows suit, and as variable X diminishes, variable Y does likewise.

Conversely, a correlation coefficient of -1 signifies a complete negative correlation, where an increase in variable X corresponds to a decrease in variable Z, and vice versa (Rudenko, 2012). The table of primary data descriptions of the correlation is placed in Appendix A, while the entire matrix of pairwise correlation results is presented in Appendix B. The results of the correlation analysis between management functions and legislative violations are presented in Table 4.

Table 4. Matrix of correlations between management functions and labour law violations.

Correlations (Spreadsheet2) Marked correlations are significant at p < ,05000 N=3 (Casewise deletion of missing data)

Correlations (Spreadsheet2) Marked correlations are significant at p < ,05000 N=3 (Casewise deletion of missing data)

Indicators	Rf	Pf	If	Mf	Ef
Var6	-0,697136	-0,965116	**0,999522**	0,988982	0,449252
Var7	-0,676408	-0,957258	**0,998234**	0,992801	0,474546
Var8	-0,872369	**-0,999719**	0,966976	0,905936	0,176369
Var9	-0,734739	-0,977817	**0,999736**	0,979573	0,400480
Var10	-0,954261	-0,973467	0,893883	0,799483	-0,029850
Var11	-0,805500	-0,995026	0,991008	0,951197	0,296289
Var12	0,851485	**0,999847**	-0,976656	-0,922613	-0,216777
Var13	-0,833903	**-0,998742**	0,983151	0,934720	0,248548

Source: compiled by the author.

*Notes: Rf – regulatory function; Pf – law enforcement function; If – information function; Mf – managerial function; Ef – educational function; Var6 – shadow labour market; Var7 – economic activity without state registration; Var8 – concealing from state authorities a portion of the worked hours and salary; Var9 - Concealing labour relations under other forms of activity; Var10 - Unlawful dismissal; Var11 - Breach of probation period conditions; Var12 - Failure of the employer to provide safe working conditions for the employee; Var13 - Breach of the terms of pay for overtime work.

A notable correlation and impact are evident between the enforcement of the law enforcement function and the concealment of worked hours and wages from state authorities (Var 3, r = -0.99 at p < 0.05). Similarly, a significant correlation and influence exist between the implementation of the law enforcement function and employer failure to ensure safe working conditions (Var 12, r = -0.99, p < 0.05). Furthermore, the enforcement of the law enforcement function is markedly associated with violations in overtime pay terms (Var 13; r = -0.99, p < 0.05). Additionally, the implementation of the information function significantly correlates with the shadow labor market (Var 6; r = 0.99, p < 0.05), as well as with economic activities conducted without state registration (Var 7, r = 0.99, p < 0.05). Moreover, noteworthy correlations exist between the implementation of the information function (Var 1) and the disguise of labor relationships under alternate forms of engagement (Var 9, r = 0.99 at p < 0.05). See Figure 4.
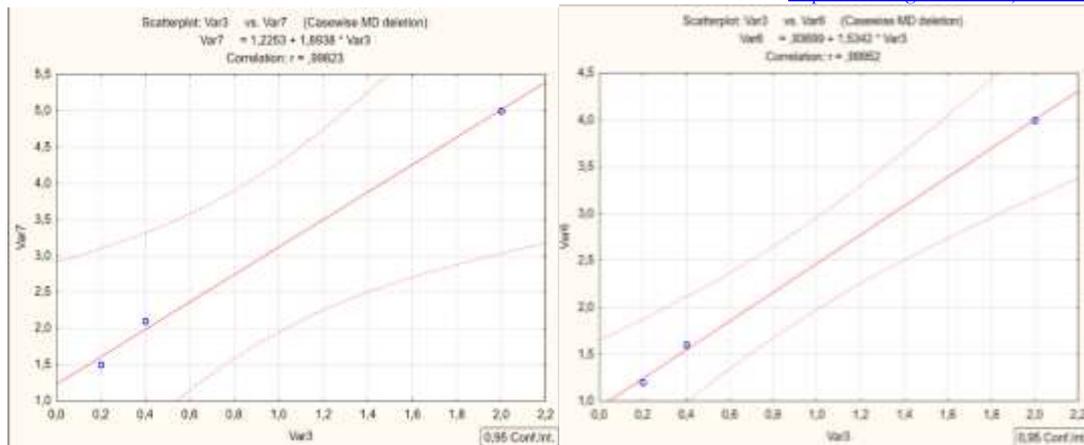
Figure 4. Correlation analysis results between management functions and legislative violations. (a) Correlation between the information function of public administration and the shadow labour market. (b) Correlation between the information function of public administration and economic activity without state registration.

Source: compiled by the author.

Consequently, as the research on the effectiveness of supervision and control over compliance with labour legislation based on expert assessments demonstrates, there is a direct correlation between the effectiveness of supervision and the number of violations of norms and requirements of labour law. Military time restrictions currently complicate the detection of these. However, the identified presence of correlational links should stimulate the adoption of optimal managerial decisions regarding monitoring and controlling compliance with labour law. It could be achieved by controlling and performing physical inspections or involving digital monitoring capabilities in labour legislation implementation processes (Kalyuga, 2022).

A promising direction for optimising the supervision and control system for compliance with labour legislation norms is seen in the active application of digital technologies. Implementing information systems and digital solutions for effective monitoring of labour relations and effective controlling regarding compliance with labour legislation entails the creation of targeted systemic online platforms, particularly for the registration of labour contracts and electronic declaration of working hours. Moreover, the strategy envisages the involvement of mobile app functionalities for reporting violations. The application of modern digital solutions to intensify the effectiveness of supervision and control over compliance with labour legislation will optimise the functionality of regulatory bodies, creating the conditions for rapid response to labour market dynamics.

The creation and practical application of integrated databases allows for the effective accumulation and analysis of industry information, which will facilitate optimising the violation identification system. Engaging the potential of mobile applications during inspections enables immediate access to necessary information and recording results in a centralised system environment. In this context, using artificial intelligence technologies will facilitate the practical analysis of the obtained data, thereby enabling the efficient forecasting of potential risks. It will result in the resources of regulatory bodies being focused on preventive measures. The outlined concept will intensify the labour market's positive dynamics by enhancing worker protection (Burlachenko, 2021), controlling the labour market, and effectively combating shadow employment.

Conclusions

The findings of the conducted analysis on the effectiveness of the policy of supervision and control over compliance with labour legislation in Ukraine established that the overall effectiveness of public policy in the labour sector needs to be improved. It is indicated by the analysis indicators of experts (Ef policy Group

1 = 5.99) and officials (Ef policy Group 2 = 7.36). Among the various dimensions of public policy, the most generally ineffective are the realisation of the informational function (If) and the realisation of the managerial function (Mf). The former is assessed at 0.24 by scholars and 0.4 by officials, while the latter is rated at 2.6 by experts and 3.0 by officials. The following vital gaps in management functions have been identified: the development of new public policy strategies (experts = 0.15, officials = 0.35), information campaigns regarding control and supervision in the labour sector (experts = 0.21, officials = 0.42), and the delay in punishing violators in the field of labour law (experts = 0.24, officials = 0.42). The analysis of violations in the field of labour legislation revealed that the most frequently encountered violations, according to officials, are as follows: failure to provide safe working conditions by the employer (3.2), unlawful dismissal (3.0), hiding from state authorities a part of the worked hours and wages (3.0), disguising employment relationships under other forms of activity (2.8).

The results of the correlation analysis indicate that the realisation of the regulatory function (Rf) and law enforcement function (Pf), in most cases, contributes to the improvement or reduction of violations in the field of labour legislation. However, the realisation of informational (If), managerial (Mf), and educational (Ef) functions does not always lead to an improvement in the labour market situation and a reduction of violations in the field of labour legislation in Ukraine. Among the significant indicators of the relationship between public policy and violations of the law, it has been identified that the realisation of the law enforcement function (Pf) contributes to the reduction of 95-99% of practically all violations in the field of labour legislation, except the failure to provide safe working conditions by the employer (r=0.99).

It has been demonstrated that the implementation of the informational function (If) does not result in a reduction in violations within the shadow labour market (r=0.99), economic activities without state registration (r=0.99), the concealment of worked hours and wages from state authorities (r=0.96), the disguising of employment relationships under other forms of activity (r=0.99), and so forth. The values of the indicators indicate that the State's implementation of the informational function is ineffective or that there is no effect from state information campaigns.

Implementing the managerial function (Mf), which includes the formation of inspection plans and the availability of highly qualified experts capable of detecting violations, is also shown to be ineffective, as indicated by the results of the correlation analysis. The correlation results indicate that managerial activity significantly influences the reduction of the indicator for failure to provide safe working conditions by the employer (r = -0.92). However, across all other indicators, the number of violations increases regardless of the implementation of the managerial function. Concerning the educational function (Ef), no discernible connection between this function and the indicators of violations has been identified, suggesting that the educational activities of state authorities may need to be more effective in influencing violations of labour legislation.

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Appendix A

Descriptive Statistics (Spreadsheet2)

	Valid N	Mean	Minimum	Maximum	Std.Dev.
Regulatory function	2	3,100000	2,600000	3,600000	0,707107
Law enforcement function	2	3,600000	3,400000	3,800000	0,282843
Information function	2	0,320000	0,240000	0,400000	0,113137
Management function	2	2,800000	2,600000	3,000000	0,282843
Educational function	2	3,700000	3,200000	4,200000	0,707107
Shadow labour market	2	1,400000	1,200000	1,600000	0,282843
Economic activity without state registration	2	1,800000	1,500000	2,100000	0,424264
Concealment of part of the working time and salary from the state authorities	2	3,250000	3,000000	3,500000	0,353553
Disguising labour relations under other forms of activity	2	2,650000	2,500000	2,800000	0,212132
Unlawful dismissal	2	3,900000	3,000000	4,800000	1,272792
Violation of the probationary period	2	1,050000	0,900000	1,200000	0,212132
Failure of the employer to provide safe working conditions for the employee	2	3,000000	2,800000	3,200000	0,282843
Violation of terms of payment for overtime work	2	2,750000	2,500000	3,000000	0,353553

Appendix B

Correlations (Spreadsheet2) Marked correlations are significant at p < ,05000 N=3 (Casewise deletion of missing data)

	Var1	Var2	Var3	Var4	Var5	Var6	Var7	Var8	Var9	Var10	Var11	Var12	Var13
Var 1	1,000000	0,860528	-0,718967	-0,583324	0,327327	-0,697136	-0,676408	-0,872369	-0,734739	-0,954261	-0,805500	0,851485	-0,833903
Var 2	0,860528	1,000000	-0,972749	-0,915724	-0,199667	-0,965116	-0,957258	-0,999719	-0,977817	-0,973467	-0,995026	0,999847	-0,998742
Var 3	-0,718967	-0,972749	1,000000	0,983933	0,421418	0,999522	0,998234	0,966976	0,999736	0,893883	0,991008	-0,976656	0,983151
Var 4	-0,583324	-0,915724	0,983933	1,000000	0,576557	0,988982	0,992801	0,905936	0,979573	0,799483	0,951197	-0,922613	0,934720
Var 5	0,327327	-0,199667	0,421418	0,576557	1,000000	0,449252	0,474546	0,176369	0,400480	-0,029850	0,296289	-0,216777	0,248548
Var 6	-0,697136	-0,965116	0,999522	0,988982	0,449252	1,000000	0,999593	0,958634	0,998548	0,879597	0,986398	-0,969549	0,977030
Var 7	-0,676408	-0,957258	0,998234	0,992801	0,474546	0,999593	1,000000	0,950128	0,996606	0,865674	0,981310	-0,962171	0,970556

Var 8	-0,872 369	-0,999 719	0,966 976	0,905 936	0,176 369	0,958 634	0,950 128	1,000 000	0,972 574	0,978 621	0,992 383	-0,999 151	0,997 272
Var 9	-0,734 739	-0,977 817	0,999 736	0,979 573	0,400 480	0,998 548	0,996 606	0,972 574	1,000 000	0,903 943	0,993 820	-0,981 332	0,987 090
Var 10	-0,954 261	-0,973 467	0,893 883	0,799 483	-0,029 850	0,879 597	0,865 674	0,978 621	0,903 943	1,000 000	0,945 829	-0,969 315	0,960 769
Var 11	-0,805 500	-0,995 026	0,991 008	0,951 197	0,296 289	0,986 398	0,981 310	0,992 383	0,993 820	0,945 829	1,000 000	-0,996 616	0,998 769
Var 12	0,851 485	0,999 847	-0,976 656	-0,922 613	-0,216 777	-0,969 549	-0,962 171	-0,999 151	-0,981 332	-0,969 315	-0,996 616	1,000 000	-0,999 466
Var 13	-0,833 903	-0,998 742	0,983 151	0,934 720	0,248 548	0,977 030	0,970 556	0,997 272	0,987 090	0,960 769	0,998 769	-0,999 466	1,000 000