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**INTERNATIONAL AND EUROPEAN EXPERIENCE OF LEGAL REGULATION OF REMOTE WORK: PROSPECTS FOR IMPROVING UKRAINIAN LEGISLATION**

The Constitution of Ukraine defines the main directions of development of our state, one of which is the direction of efforts to fully ensure the rights and freedoms of man and citizen. One of the important areas is the human right to work, his free choice [2, p.48].

It should be noted that the current labor legislation of Ukraine cannot be considered perfect, given that it does not regulate certain types of work, including telework. Which is a significant problem, because according to international statistics, compared to 2005, the number of employees who moved to telecommuting increased by 159% [1].

First, let's find out what telecommuting is. J.V. Svichkareva, having studied the definitions available in scientific works, suggests that remote work should be understood as a form of employee performance of work duties, which is carried out outside the employer with the use of information technology to communicate with management and colleagues [5, p.9]

The concept of remote work appeared in 1972, when the American John Nilles expressed the idea that it is not necessary to keep employees in the office, because modern means of communication allow you to maintain contact between employees at a distance. With the advent of the Internet, this idea began to spread, because it is beneficial for both employer and employee: the former does not need to spend money on renting office space, and the latter - time and money on the way to work. In European countries, the concept of remote work is more common than in Ukraine. For example, the number of workers working from home under normal conditions, rather than during the quarantine period, is between 10 and 22% of the total number of employees.

The term "telework" is a direct synonym for the concept of "remote work" and is understood as "telework access to the workplace", mainly used in European countries. The International Labor Organization has proposed interpreting telework as "an activity in a remote workplace or workplace due to new communication technologies." Remote employment is an atypical type of act that is subject to legal regulation in a relatively small number of countries. Atypical kind of actions does not fit into the classic design of the employment contract, which provides for employment mainly full-time directly at the employer's enterprise. In the world community at present there is no consensus on the legal regulation and the main characteristics of typical work, which includes remote work. It depends on the fact that the forms of remote work are very diverse, and due to its chaos and speed, this area always acquires new terms and concepts [3, p.127].

Following the example of international law, the Austrian Home Workers Act of 1960 stipulates that the customer and the homeworker are required to provide the State Labor Inspectorate with all necessary documents relating to production and accounting.This law imposes its legal regulation on all relations related to teleworking, except for work in the field of agriculture and forestry.

Belgian law provides for a number of conditions laid down in the Collective Agreement №85 for the conclusion of an employment contract between an employee and an employer whose activities are directly related to remote work.

On March 30, 2020, the Law of Ukraine “On Amendments to Certain Legislative Acts Aimed at Providing Additional Social and Economic Guarantees in Connection with the Spread of Coronavirus Disease (COVID-2019)” was adopted, which regulates flexible forms of work organization and teleworking. Remote (home) work is a form of work organization when work is performed by an employee at his place of residence or in another place of his choice.

Article 24 of the Labor Code contains a requirement for the written form of a contract for remote (home) work. An exception to this rule is the introduction of such a regime in the period of threat of epidemic, pandemic and (or) at the time of threat of military, man-made, natural or other nature, when the condition of such work is sufficiently specified in the order (order) of the head. [4]

The legislator equates telecommuting and home-based work, although they are different in nature. It should be noted that the concept of remote work is close to the international understanding of telework.

Ukrainian legislation needs to improve the regulation of remote work. In particular, it is necessary to determine the main characteristics by which the telework will be classified as such. Features of the employment contract for remote work between the employer and the employee also require legal regulation, in such nuances as the timing of telework, determining the time for communication between the employer and the employee (days, hours), reimbursement to the employee in case of equipment failure, reimbursement of expenses for the provision of telecommunications, etc.

**References**

1. Unemployment rate - two indicators - two concepts. URL: http://www.dcz.gov.ua/control/uk/publish/article?showHidden=1&amp;art\_id=230309&amp;cat\_id=173564
2. Constitution of Ukraine: Law of Ukraine of 28.06. 1996 № 254k / 96-BP. Information of the Verkhovna Rada of Ukraine.1996. № 30. Ст. 141.
3. Labor market and employment: problems of theory and challenges practice: count. Monograph. K., IPC DSZU, 2010. 363 p.
4. Code of Labor Laws of Ukraine: Law, Code of 10.12.1971 № 322-VIII. URL: https://zakon.rada.gov.ua/laws/show/322-08#Text (accessed 15.10.2020).
5. Problems of codification of labor legislation of Ukraine: theses add. participant All-Ukrainian scientific-practical conf. (Kyiv, April 26, 2017). Kyiv, 2017. 267 p.