D. Novikov
Candidate of Law Sciences,
Senior Lecturer at the Department of Civil
and Legal Disciplines, Economic and Labor Law,
H.S. Skovoroda Kharkiv National Pedagogical University

FINE AS A DISCIPLINARY PENALTY: THE TREND OF TIME OR ANOTHER MANIFESTATION OF THE CONCEPT OF "FLEXIBILITY" (DEREGULATION) IN LABOR LAW

The article discusses in an axiological and legal way the possibility of recognition in the scientific doctrine and introduction in labor law of fines as a form of disciplinary penalty. It is noted that nowadays fines as a disciplinary penalty can only be understood as inhuman punishment and coercion in labor relations. That would indicate that the employee-employer relationship has an element of obligation, which would give the employer the right to require something from an employee regardless of his will. The author proves the conceptual link between suggestions to enshrine fines as a form of disciplinary penalty and increased "flexibility" in labor law. He describes that "flexibility" is socially productive, but it is not a legal structure that was formed as a result of the confrontation of different social forces in the struggle for control of the organization of work. In a pure sense "flexibility" is just a simplified form of work organization; it is neither good nor bad in itself. It is bad when "flexibility" disturbs optimal value, the balance of will between the parties of the employment contract, because what is good for one party (employer) would not necessarily be good for another (employees) or to society in general. The author concludes that only immediate activation of social dialogue between governments, employers and worker's representatives will weaken the growing impact of deregulation trends in labor law, will restore the balance of interests of the parties of the employment relationship and will finish talking about the possibility of introducing fines as a disciplinary penalty.