

*Lagutina I.V.,
Candidate of Law, Associate Professor,
Senior Lecturer of the department of labour law and social security law,
National University "Odessa Academy of Law"*

THE REALIZATION OF THE EMPLOYEE'S RIGHT TO COMPENSATION FOR MORAL DAMAGE AS SUBJECTIVE LABOUR RIGHT

The formation of compensation for moral damages in labour law is important, which can not be overestimated. It promotes the formation of new types of labour relations, serves the cause of civil society, rule of law.

Compensation for moral damage – a complex social and legal problem. Its solution is a topical objective, as directly related to the legitimate rights and interests of employees.

Norms of labour law are now allow for the possibility of compensation for moral damage. However, labour legislation is not defined the concept of moral damage, does not contain a list of grounds on which individuals who have a right to compensation for moral damage, does not provide criteria for determination of the amount of compensation.

In accordance with Article 237-1 of

the Labour Code of Ukraine the employer moral damage compensation is made to the employee if the violation of his legal rights have led to mental suffering, loss of normal life connections and require extra effort from him to organize his life.

In the specified article contains the list of legal facts which constitute which constitute the basis of the legal relations of moral damage compensation by the employer to the employee.

The right to compensation for moral damage should enjoy employees (citizens of Ukraine, foreigners and stateless persons who have entered into an employment relationship). Employers may be individuals for which should also apply rules providing for compensation for moral damage caused including unlawful guilty actions of employees.