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THEORETICAL AND LEGAL STUDY OF SOME PECULIARITIES OF RESOLVING LABOUR DISPUTES IN COURT

Constitutional recognition of the norm according to which human beings, their life and health, honour and dignity, inviolability and security are the highest social value with human rights and freedoms determining the essence and orientation of the activity of the State (article 3) calls forth the need to establish a human rights mechanism guaranteeing and securing the protection of the right to work, as securing the realization of social and economic human rights calls for everyday attention of the State and for protection in case of their infringement.

Ukraine is moving along a thorny path of establishing a system of protection of the right to work as its labour legislation has been passed and amended in different historical periods, which is hardly compatible with legal practice. It is obvious that time has come for thorough analysis of the national

legal tradition and foreign experience of realization of protection of the right to work and for working out theoretical basis and practical recommendations that concern creating a new system of labour dispute resolution in Ukraine taking into consideration challenges of the modern world.

The article presents theoretical study of some peculiarities of resolving labour disputes in court. Specifically, the author dwells on pre-trial court procedure and speculates on the possibilities of incorporating mediation procedure in the framework of judicial resolution of labour disputes. The author believes that pre-trial procedure, being a procedural form of preparation of cases concerning labour relations, should by all means include pre-trial court session and presuppose court judicial mediation for cases provided by the legislation.