

Правове регулювання відпусток Методичні вказівки

ЗАНЯТТЯ 1

Теоретичні питання

1. Поняття та види відпусток.
2. Щорічна основна відпустка.
3. Поняття та види щорічної додаткової відпустки.
4. Додаткова відпустка за роботу у шкідливих і важких умовах праці.
5. Додаткова відпустка за особливий характер праці.
6. Порядок надання щорічних відпусток.
7. Правове регулювання відпусток в умовах воєнного стану.
8. Оплата відпусток. Грошова компенсація за невикористані щорічної відпустки.

Запитання для самоконтролю

1. Уважно проаналізуйте ст.3 Закону України «Про відпустки» та з'ясуйте, чи поширюється передбачені нею гарантії на усі види відпусток?
2. Порівняйте ч.1 ст.6 Закону України «Про відпустки» та п. 4 ст. 2 Європейської соціальної хартії. Чи не вбачаєте ви колізії у вказаних нормах та якими саме нормами необхідно керуватись при визначенні мінімальної тривалості щорічної основної відпустки?
3. Назвіть, будь ласка, категорії працівників, яким згідно законодавства надаються інші додаткові відпустки, ніж передбачені Законом України про відпустки.
4. Якщо працівник пропрацював менше 6 місяців, чи матиме він право на щорічну основну та додаткову відпустки?
5. Як робота на умовах неповного робочого часу впливає на тривалість щорічних відпусток?
6. Чи оплачуватиметься працівникові відпустка, якщо вона не передбачена законодавством, однак визначена у колективному договорі? Відповідь обґрунтуйте.
7. Чи вправі роботодавець надати працівнику невикористані дні щорічної відпустки без збереження заробітної плати?
8. Чи може працівник відмовитись від відпустки та натомість просити за неї компенсацію?
9. Якщо на підприємстві не затверджено графік відпусток, чи надаватимуться вони працівникам?
10. Якщо тривалість щорічної відпустки працівника, її початок та завершення визначені графіком відпусток, чи може працівник після його затвердження звернутись до керівника з проханням про її поділ?
11. Чи можна у колективному договорі передбачити додаткові підстави відключення працівника з відпустки?

Розв'язати задачу

1. Працівник Кучер звернувся до керівника підприємства з проханням поділити щорічну основну відпустку на чотири частини, одна з яких повинна бути тривалістю два тижні, а інші три тривалістю у тиждень, та вказав періоди, коли вони могли б бути надані. Керівник відмовив працівнику, вказавши, що це суперечить графіку відпусток, який був затверджений ще три місяці тому, погоджений з виборним органом первинної профспілкової організації та доведений до відома усіх працівників. Зокрема сам Кучер був з ним ознайомлений та не висловив жодних заперечень. Працівник звернувся за роз'ясненням до юрисконсульта підприємства.

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