

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.

Pravove Rehuliovannia Inozemnykh Investytsii V Ukrani

Roman Wölfel



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Table of Contents Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini

1. Understanding the eBook Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - The Rise of Digital Reading Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - Advantages of eBooks Over Traditional Books
2. Identifying Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - User-Friendly Interface
4. Exploring eBook Recommendations from Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - Personalized Recommendations
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini User Reviews and Ratings
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini and Bestseller Lists
5. Accessing Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini Free and Paid eBooks
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini Public Domain eBooks
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini eBook Subscription Services
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini Budget-Friendly Options
6. Navigating Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini eBook Formats
 - ePub, PDF, MOBI, and More
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini Compatibility with Devices
 - Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - Highlighting and Note-Taking Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
 - Interactive Elements Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini
8. Staying Engaged with Pravove Rehuliuvannia Inozemnykh Investytsii V Ukraini

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
- 9. Balancing eBooks and Physical Books Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
 - Setting Reading Goals Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
 - Fact-Checking eBook Content of Pravove Rehuliuvannia Inozemnykh Investytsii V Ukrani
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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