Educational institution «Belarusian State Economic university»

APPROVED

Rector of Education

«Belarusian State

the University of Economics «

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ V.Yu. Shutilin

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**LEGAL REGULATION OF LABOR**

**SEPARATE CATEGORIES OF EMPLOYEES**

**The curriculum of the institution of higher education for the educational**

**discipline for the specialty 1–24 80 01 «Jurisprudence»**

**2022**

The curriculum is based on the curriculum 1-24 80 01 «Jurisprudence», registration number \_\_\_\_\_\_ from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(Minutes No. dated ;

Scientific and Methodological Council of the educational institution «Belarusian State University»

(Minutes No.

**EXPLANATORY NOTE**

**The purpose and objectives of teaching and learning the discipline**

**The purpose** of teaching and studying the discipline «Legal regulation of labor of certain categories of workers» is to ensure that undergraduates receive and master the main provisions of labor legislation, reflecting the features of legal regulation of labor of certain categories of workers in the Republic of Belarus, as well as the acquisition of the necessary skills in law enforcement in terms of regulation of labor and related relations of the relevant categories of workers.

**Based on this goal, the main tasks of the academic discipline are:**

– mastering undergraduates the theoretical foundations of knowledge in the field of legal regulation of labor of various categories of workers in the Republic of Belarus: heads of organizations; temporary and seasonal workers; homeworkers and domestic workers; part–time workers; and etc.;

– development of skills for applying the knowledge gained in practical activities when solving specific problems in the field of regulation of labor and related relations of certain categories of workers.

**Place of academic discipline in the system of training specialists with higher education**

The study of the discipline «Legal regulation of labor of certain categories of workers» makes it possible to ensure the compliance of specialists who have mastered the content of the educational program of higher education of the second stage in the specialty «Jurisprudence» with the requirements for the professional competence of a specialist in terms of lawmaking (availability of the ability to identify and predict needs in legal regulation; assess the current regulatory legal acts, identify collisions and gaps in legal regulation; determine the type of regulatory legal act to regulate public relations in need of regulation; participate in the development of draft regulatory legal acts; predict the consequences of regulatory legal acts), law enforcement (skillfully apply normative legal acts; draw up drafts of non–normative legal acts, including interpreting normative legal acts; consult to consult a leader on issues within the competence of a lawyer), expert and consulting activities (the ability to competently interpret regulatory legal acts, using various types and methods of interpretation; take part in carrying out examinations (legal, criminological, etc.) of draft legal acts, give qualified legal opinions and advice in specific areas of legal activity; evaluate the effectiveness of legal acts, formulate proposals for changing legal regulation), organizational and management activities (the ability to make optimal management decisions; legally ensure the adoption of optimal management decisions; master and implement managerial and other innovations in professional activities).

The academic discipline «Legal regulation of labor of certain categories of workers» is in a logical and substantively methodological relationship with the disciplines «Theory of State and Law», «Constitutional Law», «Civil Law».

**Requirements for the development of an academic discipline**

As a result, the study of the discipline «Legal regulation of labor of certain categories of workers» undergraduates must: know:

– the concept, tasks and functions of differentiation of legal regulation of labor;

– various types of classification of the grounds for differentiation of legal regulation of labor;

– features of the conclusion, amendment and termination of employment contracts with certain categories of employees;

– basic rights and obligations of certain categories of employees;

– features of the regulation of labor and related relations with certain categories of workers;

**be able to:**

– to characterize the concepts and categories used in the academic discipline;

– to correctly qualify the legal relationship that has arisen, as well as to correctly determine the legal facts (their totality) necessary for the application of the rule of law;

– correctly select, correlate by legal nature and legal force and apply various sources of regulation of labor and related relations of certain categories of workers;

– to work with normative legal acts (other documents) necessary for a reasoned solution of legal incidents in the field of regulation of labor and related relations of certain categories of workers;

– to make a legal analysis of specific situational tasks and determine the directions of their resolution;

**own:**

– labor law terminology;

– the skills of a systematic and comparative analysis of the norms of labor legislation in the field of labor regulation of certain categories of workers;

– skills of interpretation of normative legal acts regulating labor and related relations of certain categories of workers;

– skills in working with local regulatory legal acts that determine the characteristics of the work of certain categories of workers.

SK–11 – To be able to demonstrate understanding of modern doctrinal and legislative approaches to the unity and differentiation of legal regulation of labor, to apply the knowledge gained about the features and legal mechanisms of labor regulation of certain categories of workers in research, scientific and educational and other professional activities.

Total hours of academic discipline – 108, of which total classroom hours – 36, including 16 hours – lectures, 20 hours – seminars.

The form of the current certification is credit.

**ORGANIZATION OF INDEPENDENT WORK OF MASTERS**

**Topic 1. General provisions on the differentiation of legal regulation**

**labor of certain categories of workers**

The concept, grounds and methods of differentiation in labor law. The concept and criteria for the differentiation of legal regulation of labor of certain categories of workers. Types of special rules. The grounds and procedure for establishing the features of labor regulation of certain categories of workers. International and national regulatory legal acts that establish the features of labor regulation of certain categories of workers. General characteristics of guarantees and compensations provided to certain categories of workers.

**Topic 2. Features of labor regulation**

**the head of the organization and members of the collegial**

**executive body of the organization**

The concept of the head of the organization. Legal regulation of the work of the head of the organization. Conclusion of an employment contract with the head of the organization. Changing the employment contract with the head of the organization. Features of termination of an employment contract with the head of the organization. Working hours and time of rest of the head of the organization. Disciplinary and material responsibility of the head of the organization. Features of labor regulation of members of the collegial executive body of the organization.

**Topic 3. Features of labor regulation**

**women and workers with family responsibilities**

Classification of special norms that establish the characteristics of the work of women and workers with family responsibilities. Guarantees and restrictions when hiring women and workers with family responsibilities. Specifics of establishing working conditions for women and workers with family responsibilities. Working and resting hours for women and workers with family responsibilities. Social leave for pregnancy and childbirth and childcare and the specifics of their provision. Additional guarantees provided to women and workers with family responsibilities in the course of work. Features of the transfer to another job of pregnant women and women with children under the age of one and a half years. Additional guarantees upon termination of labor relations with pregnant women, women with children, other employees with family responsibilities.

**Topic 4. Features of the regulation of youth labor**

The age at which the conclusion of an employment contract is allowed. The rights of minors in labor relations. Works on who are prohibited from employing persons under eighteen years of age. Medical examinations of persons under eighteen years of age. Prohibition to involve employees under eighteen years of age in certain types of work. Labor leave for employees under eighteen years of age. Production rates for young workers. Features of remuneration for employees under eighteen years of age. Youth recruitment armor and vocational training. Providing the first job for the relevant categories of youth. Additional guarantees for employees under eighteen years of age upon termination of an employment contract at the initiative of the employer. Features of material liability

underage workers.

**Topic 5. Features of labor regulation for disabled people**

Realization of the right to work by persons with disabilities. Benefits and guarantees for employers employing disabled people. Obligations of employers for the employment of workers who have received a disability in this production. Creation of specialized organizations, workshops and sites for the use of disabled labor. Features of hiring people with disabilities. Features of working time and rest time for disabled people. Other features of the regulation of the work of disabled people. The rights and obligations of employers for the social security of persons with disabilities.

**Topic 6. Features of labor regulation of persons working on**

**part–time**

The concept of combining jobs, its difference from combining professions (positions). Limitations associated with part–time work. Documents presented when applying for a part–time job. Features of the conclusion and content of an employment contract with persons working part–time. Concurrent working hours. Remuneration for part–time workers. Specifics of granting labor leave to part–time workers. Provision of guarantees and compensation to persons working part–time. Features of termination of an employment contract with part–time workers. Other features of the regulation of the labor of persons working part–time.

**Topic 7. Features of labor regulation**

**temporary and seasonal workers**

Temporary workers concept. Features of concluding and changing an employment contract with temporary workers. Features of termination of an employment contract with temporary workers and payment of severance pay. Payment of average earnings to a temporary worker during a forced absence. Features of attracting temporary workers to work on public holidays, holidays and weekends. Cases when an employment contract with temporary workers is considered extended for an indefinite period.

Seasonal workers concept. Features of concluding and changing an employment contract with seasonal workers. Features of termination of an employment contract with seasonal workers and payment of severance pay. Payment of average earnings to a seasonal worker for the period of forced absenteeism.

**Topic 8. Features of labor regulation**

**homeworkers and domestic workers**

Homeworkers concept. Legal regulation of work of homeworkers. Features of the conclusion of an employment contract with homeworkers. The preemptive right to conclude an employment contract for performing work at home. Organization and working conditions of homeworkers. Production rates and remuneration for homeworkers.

Domestic workers concept. Features of the conclusion of an employment contract with domestic workers. Restrictions on entering into an employment contract with closely related domestic workers. Features of termination of an employment contract with domestic workers. Working and resting hours of domestic workers. Remuneration for domestic workers. State social insurance of domestic workers/

**Topic 9. Features of labor regulation of workers performing**

**activities in the field of professional sports**

Legal regulation of the labor of athletes, coaches. Features of the conclusion of an employment contract with athletes, coaches. Medical examinations of athletes. The procedure for the implementation of temporary transfers of employees working in the field of professional sports to another employer. Peculiarities of suspension from participation in sports competitions of employees working in the field of professional sports. The procedure for sending employees working in the field of professional sports to the national teams of the Republic of Belarus in sports. Features of part–time work of employees working in the field of professional sports. Features of labor regulation of women–athletes. Features of labor regulation of athletes under eighteen years of age. Additional guarantees and compensations provided to employees working in the field of professional sports. Additional grounds for termination of an employment contract with employees working in the field of professional sports. The grounds and peculiarities of including in the employment contract with employees working in the field of professional sports, the conditions for monetary compensation.

**Topic 10. Features of labor regulation of other categories**

**workers**

Features of labor regulation of forestry and forestry workers. Features of labor regulation of employees of agricultural organizations. Features of labor regulation of employees of communication organizations, electric power industry and transport. Features of labor regulation of creative, pedagogical, scientific workers, workers engaged in pedagogical activities in the field of physical culture and sports. Features of the regulation of the work of medical workers. Features of labor regulation of teleworkers.

Features of labor regulation of workers who took part in the elimination of the consequences of the disaster at the Chernobyl nuclear power plant, and persons equated to them. Features of labor regulation of workers living (working) in the territory of radioactive contamination.

Features of regulation of labor and related relations in diplomatic missions and consular offices of foreign states accredited in the Republic of Belarus. Labor regulation of employees sent to work in institutions of the Republic of Belarus abroad. Features of labor regulation of workers–emigrants and workers–immigrants

**EDUCATIONAL–METHODOLOGICAL DISCIPLINE MAP**

**(for the daytime form of the second stage of higher education master's) degree)**высшего образования (магистратура)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No. of section, topic | Title of section, topic | Number of classroom hours | | | | | | Other | Forms of knowledge control |
| Lectures | Practical  classes | Seminar  classes | Laboratory  classes | Managed  independent  work | |
| ЛК | ПЗ/СЗ |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | General provisions on the differentiation of legal regulation of labor of certain categories of workers | 2 |  | 2 |  |  |  | OL: [1–5]; DL: [1, 2, 4–6, 9–12] | Preparation of abstracts |
| 2 | Features of labor regulation of the head of the organization and members of the collegial executive body of the organization | 1 |  | 2 |  |  |  | OL: [1–4]; DL: [1, 2, 4–6, 9–12] | Oral questioning, problem solving |
| 3 | Specifics of labor regulation for women and workers with family responsibilities | 2 |  | 2 |  |  |  | OL: [1–4]; DL: [1, 2, 4–7, 9–12] | Oral questioning, problem solving |
| 4 | Features of the regulation of youth labor | 2 |  | 2 |  |  |  | OL: [1–4]; DL: [1, 2, 4–12] | Oral questioning, problem solving |
| 5 | Features of labor regulation for disabled people | 1 |  | 2 |  |  |  | OL: [1–4]; DL: [1, 2, 4–6, 9–12] | Oral questioning, problem solving |
| 6 | Features of the regulation of the labor of persons working part–time | 2 | – | 2 | – | – | – | OL: [1–4]; DL: [1, 2, | Oral questioning, problem solving |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |  | 4–6, 9–12] |  |
| 7 | Features of labor regulation of temporary and seasonal workers | 1 |  | 2 |  |  |  | ОЛ: [1–4]; ДЛ: [1, 2, 4–6, 9–12] | Oral questioning, problem solving |
| 8 | Features of labor regulation of homeworkers and domestic workers | 2 |  | 2 |  |  |  | ОЛ: [1–4]; ДЛ: [1, 2, 4–6, 9–12] | Oral questioning, problem solving |
| 9 | Features of labor regulation of employees engaged in professional sports | 1 |  | 2 |  |  |  | ОЛ: [1–4]; ДЛ: [1, 2, 4–6, 9–12] | Oral questioning, problem solving |
| 10 | Features of labor regulation of other categories of workers | 2 |  | 2 |  |  |  | ОЛ: [1–4]; ДЛ: [1–6, 10–12] | Preparation  presentations,  preparation  abstracts,  discussion  reports |
|  | Total | 16 | – | 20 | – | – | – |  | Offset |

**INFORMATION AND METHODOLOGICAL PART**

**METHODOLOGICAL RECOMMENDATIONS FOR THE ORGANIZATION OF INDEPENDENT WORK OF MASTERS IN THE ACADEMIC DISCIPLINE LEGAL REGULATION OF LABOR OF SEPARATE CATEGORIES OF EMPLOYEES**

In mastering the knowledge of the academic discipline, an important stage is the independent work of undergraduates. It is recommended that a time budget for independent work is on average 2–2.5 hours for a 2–hour classroom lesson.

The study of the discipline should begin with familiarization with the curriculum, which contains a list of topics and questions to be learned. It is also necessary to refer to the list of normative legal acts and other official documents given in the curriculum, the study of which is expected in the process of mastering the academic discipline, as well as to the list of basic and additional literature on this academic discipline.

A prerequisite in the course of independent work is the study of regulatory legal acts on the relevant topics of the academic discipline. In addition, in order to maintain an appropriate level of knowledge in the academic discipline, undergraduates are recommended to regularly familiarize themselves with national and foreign legal periodicals that highlight topical issues of labor law.

One of the areas of independent work of undergraduates should also be the study of the material presented during lectures. This material can be supplemented by a master's student in the areas suggested by the teacher by studying special literature, conducting the necessary consultations with the teacher.

Independent work of undergraduates also presupposes preparation for seminars and for the performance of relevant tasks used as a means of diagnosing the results of educational activities.

LISTS OF DIAGNOSTIC TOOLS USED

LEARNING RESULTS

Oral form (colloquium, oral survey at seminars).

Written form (written assignments; drawing up samples of relevant documents, contracts, etc.).

Oral and written form (checking and hearing reports, etc.).

Technical form (tests).

ORGANIZATION OF INDEPENDENT WORK OF MASTERS

The current CPM is aimed at deepening and consolidating the knowledge of the undergraduate, developing practical skills. The current SRM within the discipline «Legal regulation of labor of certain categories of workers» includes:

• analysis of the material;

• application of legislation to specific practical situations;

• preparation for surveys;

• preparation of abstracts.

Creative problem–oriented independent work (TSW) is focused on the development of intellectual skills, a complex of universal (general cultural) and professional competencies, increasing creative potential and practical skills, includes the following types of work:

– search, analysis, structuring and presentation of information;

– work on a practical situation.

Content of independent work of undergraduates

on the discipline «Legal regulation of labor of certain categories of workers»

1. Work with the materials of lectures and practical classes: repetition of materials, preparation for classes, independent search for additional information (in accordance with the topic of classes).

2. Work on the preparation of abstracts.

2. Analysis of legislation and practice of its application

Control of independent work

1. The quality of work of undergraduates with practical materials is controlled in practical classes in the form of surveys, individual assignments.

2. The defense of the abstract is carried out in the form of a presentation.

Abstracts are checked and graded by the teacher.

Current control is carried out during the study of the discipline. During the semester, verification is carried out orally and in writing. For oral control, such forms are chosen as checking the ability to present the lecture material, the material read and the legislation on the topic, the ability to participate in discussions on the regulation of labor and related relations with certain categories of workers. Various kinds of tests are used as a written check.

The assessment of the current progress of master's students is carried out according to the results:

– checking the implementation of abstracts;

– oral / written monitoring during the lesson;

– execution of current control tests (test tasks of open and closed type).

The final assignment for the discipline includes questions, the answers to which enable the undergraduate to demonstrate and the teacher to assess the degree of assimilation of theoretical and factual knowledge and the level of formed practical skills.

The study of the discipline «Legal regulation of labor of certain categories of workers» is based on the knowledge gained in the study of disciplines of a substantive and procedural legal nature, including the disciplines «Civil procedure», «Business process», «Settlement of legal conflicts in the field of mediation», «Fundamentals alternative dispute resolution ”,“ Civil law ”,“ Labor law ”.

To study this academic discipline, the following knowledge, skills and abilities are required, formed by the previous disciplines:

Knowledge: in the sphere of the special part of the branch of labor law, procedural legal relations, as well as relations developing in the sphere of regulation of labor and related relations of certain categories of workers;

Skills: to correlate in terms of legal force and apply in practice various sources for a reasoned solution of legal incidents in the field of regulation of labor and related relations of certain categories of workers.

Skills: operate with terminological material, assimilate theoretical material, participate in discussions and formulate their own conclusions, proposals and recommendations, make a legal analysis of specific situational problems and determine the directions of their resolution.

**REGULATORY LEGAL ACTS AND OTHER OFFICIAL DOCUMENTS**

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12. On additional measures to improve labor relations, strengthen labor and performance discipline: Decree of the President of the Republic. Belarus, July 26, 1999, No. 29 (as amended and supplemented). Consultant Plus: Belarus [Electronic resource] / LLC «YurSpektr»., Nat. center of legal inform. Rep. Belarus. – Minsk, 2022.

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14. On the approval of the regulations on discipline of employees of the Minsk metro: Resolution of the Cabinet of Ministers of the Republic. Belarus, 30.09.1994, No. 100 // Consultant Plus: Belarus [Electronic resource] / LLC «YurSpektr»., National. center of legal inform. Rep. Belarus. – Minsk, 2022.

15. On approval of the charter on discipline of workers in inland water transport of the Republic of Belarus: Resolution of the Council of Ministers of the Republic. Belarus, 21.04.1994, No. 267 // Consultant Plus: Belarus [Electronic resource] / LLC «YurSpektr»., National. center of legal inform. Rep. Belarus. – Minsk, 2022.

16. On the approval of the regulations on discipline of railway workers of the Republic of Belarus: Resolution of the Council of Ministers of the Republic. Belarus, 09/29/1993 // Consultant Plus: Belarus [Electronic resource] / LLC «YurSpektr»., National. center of legal inform. Rep. Belarus. – Minsk, 2022.

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**PROTOCOL OF THE COORDINATION OF THE EDUCATIONAL PROGRAM**

**ON LEGAL REGULATION OF LABOR OF SEPARATE CATEGORIES OF EMPLOYEES WITH OTHER DISCIPLINES SPECIALTIES**

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| --- | --- | --- | --- |
| Discipline name,  with which  approval required | Department name | Suggestions  about changes in the content of the curriculum for the studied academic discipline | The decision taken by the department that developed the curriculum (indicating the date and protocol number) |
| Philosophy and methodology of science | Philosophy | There is none |  |