

Oleg Yaroshenko\*

Nataliia Melnychuk\*\*

Olena Moskalenko\*\*\*

Roman Prokopiev\*\*\*\*

Yelyzaveta Yaryhina\*\*\*\*\*

## PROTECTION OF THE RIGHTS OF WORKERS OF INDUSTRIAL ENTERPRISES BY INTERNATIONAL HUMANITARIAN LAW (ON THE EXAMPLE OF THE WAR IN UKRAINE)

### Abstract

*The purpose of the research is to assess the state of protection of the rights of workers of industrial enterprises from the viewpoint of both international and national legisla-*

---

\* Doctor in Law, Professor at the Department of Labour Law, Yaroslav Mudryi National Law University; 61024, 77 Pushkinska Str., Kharkiv, Ukraine; ORCID: 0000-0001-9022-4726; email: oleg\_yaroshenko211@ukr.net.

\*\* Doctor in Law, Professor at the Department of Labour Law and Social Security Law, Taras Shevchenko National University of Kyiv; 01033, 60 Volodymyrska Str., Kyiv, Ukraine; ORCID: 0000-0003-3692-7601; email: melnychuk.nata@meta.ua.

\*\*\* Doctor in Law, Dean of the Faculty of Management, Administration and Law, State Biotechnological University; 61002, 44 Alchevskykh Str., Kharkiv, Ukraine; ORCID: 0000-0002-0807-0519; email: lenamos123@ukr.net.

\*\*\*\* Doctoral Student at the Department of Labour Law, Yaroslav Mudryi National Law University; 61024, 77 Pushkinska Str., Kharkiv, Ukraine; ORCID: 0000-0001-9981-8483; email: romprokopiev@ukr.net.

\*\*\*\*\* PhD in Law, Assistant at the Department of Labour Law, Yaroslav Mudryi National Law University; 61024, 77 Pushkinska Str., Kharkiv, Ukraine; ORCID: 0000-0001-7741-7419; email: yelyzavetayaryhina@outlook.com.

*tion in the conditions of a full-scale invasion of the Russian Federation on the territory of Ukraine. The research was conducted using qualitative analysis, formal-legal, logical-legal, system-functional methods, as well as the method of interpreting legal norms (method of legal hermeneutics). The paper states the insufficient effectiveness of the norms of modern international humanitarian law regarding the protection of the rights of workers of industrial enterprises in the conditions of martial law in Ukraine. The paper describes the general and special regime of regulation of the rights of workers of industrial enterprises in the conditions of martial law in Ukraine. For the first time, the authors proposed to understand the protection of the rights of individuals by international humanitarian law in both a broad and a narrow sense, and the meaning of such approaches was revealed. The publication developed recommendations for the protection of the rights of workers of industrial enterprises in the conditions of armed conflicts, recommendations which are important for the development of regulations, which indicates the practical significance of the paper.*

### **Keywords**

*Convention, civilian, armed conflict, labour legislation, appropriate remuneration level, critical infrastructure facility*

## **INTRODUCTION**

The full-scale military invasion by the Russian Federation on the territory of Ukraine at the end of February 2022 led to many problems, including legal issues of observing human rights within the context of military operations. At the international level, International Humanitarian Law (IHL) is intended to protect the rights of individuals during armed conflicts. However, as the analysis of the main sources of IHL has shown, the availability of legal tools for this task is not sufficient. It is worth noting that the proper observance and implementation of labour rights, which include the rights of employees of industrial enterprises, along with other basic human rights – economic, social, political, and cultural – were significantly affected as a result of the military conflict. Such a situation makes it necessary to rethink the mechanisms for the protection of human rights in the conditions of hostilities provided

by normative sources<sup>1</sup>. The rights of employees of industrial enterprises represent a rather narrow subgroup of labour rights and have a specific application<sup>2</sup>. To date, there is no proper regulation of the studied group of rights, not only at the national, but also at the international level, which determines the problems of the study<sup>3</sup>. At the same time, the authors would like to note that even in the complex realities of today's Ukraine, one should not forget the importance of observing the appropriate level of ensuring labour rights, because they are designed to provide people with a sufficient level of income to support themselves and their family, as well as to guarantee protection against overloads during the performance of a labour function.

The following publications are worth noting when considering the latest scientific papers that are directly or indirectly related to the topic of this publication. A separate layer of research in the Ukrainian doctrine was devoted to the so-called general issues of IHL. M.V. Hrushko<sup>4</sup> stated the interdependence of IHL and international human rights law through the prism of understanding the principle of *lex specialis*. Kh.P. Yarmaki and V.Kh. Yarmaki<sup>5</sup> formulated a system of sectoral principles of IHL, which they believe are the most significant and important. The peculiarity of the system of industry principles, developed by Ukrainian researchers, is that its basis is not a separate source of international law, but a complex of international treaties, customs, and gen-

---

<sup>1</sup> N. Cherevko, "Features and legal regulation of the procedure for granting employee consent to work in new working conditions", *Law Journal of the National Academy of Internal Affairs*, 2022, Vol. 12(2), p. 57-63. <https://doi.org/10.56215/04221202.57>.

<sup>2</sup> I. Korchynskiyi, M. Shchadylo, "Research of the main methods for assessing the competitiveness of enterprises", *Social and Legal Studios*, 2022, Vol. 5(2), p. 54-60. <https://doi.org/10.32518/2617-4162-2022-5-2-54-60>.

<sup>3</sup> I. Kravchenko, "Problems of legal regulation of control measures over employees", *Law Journal of the National Academy of Internal Affairs*, 2021, Vol. 11(2), p. 45-55. <https://doi.org/10.56215/04212202.45>.

<sup>4</sup> M. Hrushko, *The principle of lex specialis: the relationship between international human rights law and international humanitarian law. Legal life of modern Ukraine*, Odesa, Helvetica: 2020.

<sup>5</sup> Kh.P. Yarmaki, V.Kh. Yarmaki, *Branch principles of international humanitarian law. Scientific problems of introducing the legal regime of martial law in Ukraine: modern dimension*, Odesa, Odessa State University of Internal Affairs: 2022.

eral principles of international law. The paper of V.P. Bazov<sup>6</sup> presents a special understanding of IHL. This Ukrainian jurist substantiates the position that the content of IHL includes not only the law of armed conflicts, but also norms related to human rights, primarily norms of a universal nature.

The achievements in the field of doctrinal understanding of the international protection of human rights and the activities of international organizations of N.I. Karpachova<sup>7,8</sup>, the Human Rights Commissioner of the Verkhovna Rada of Ukraine in 1998-2012 (former ombudsman in Ukraine), and currently the vice-president of the European Ombudsman Institute, are of great importance: in one of her papers, N.I. Karpachova<sup>9</sup> described the relationship between the international and Ukrainian contexts in terms of contemporary challenges to international security and human rights protection. Another paper of N.I. Karpachova<sup>10</sup> addresses the role and importance of international human rights organizations within the context of the conflict in eastern Ukraine. As for research conducted outside of Ukraine, let us mention the following. C. Droege and E. Giorgou<sup>11</sup> reviewed the development of IHL. Jurists have focused their attention on such aspects of the selected issues as the need for further development of IHL, which tools of legal influence should be used for such development, and what the prospects are for the development of IHL in the near future. H.M. Kinsella and G. Mantilla<sup>12</sup> produced a paper that examined the relationship between history, politics, and power in IHL. The value of the paper by H.M. Kinsella and

---

<sup>6</sup> V.P. Bazov, *Theory and principles of international humanitarian law*, Kyiv, Institute of Legislation of the Verkhovna Rada of Ukraine: 2021.

<sup>7</sup> N.I. Karpachova, "Modern challenges to international security and protection of human rights (international and Ukrainian context)", *Journal of the National Academy of Legal Sciences of Ukraine*, 2021, Vol. 28(2), p. 25-33.

<sup>8</sup> N.I. Karpachova, "The role of international human rights organisations in the context of the conflict in eastern Ukraine", 2021, Vol. 28(1), p. 24-31.

<sup>9</sup> N.I. Karpachova, *supra* note 7.

<sup>10</sup> N.I. Karpachova, *supra* note 8.

<sup>11</sup> C. Droege, E. Giorgou, "How international humanitarian law develops", *International Review of the Red Cross*, 2022, Vol. 104 (920-921), p. 1798-1839.

<sup>12</sup> H.M. Kinsella, G. Mantilla, "Contestation before compliance: history, politics, and power in international humanitarian law", *International Studies Quarterly*, 2020, Vol. 64(3), p.649-656.

G. Mantilla lies in developing new resources for the analysis and understanding of IHL, and its role and significance in the maintenance of world order, peace, and security. Thus, as of today, there is no comprehensive scientific paper devoted to the consideration of the peculiarities of the protection of the rights of workers of industrial enterprises during armed conflicts.

This research was conducted in order to assess the level of regulation of the rights of workers of industrial enterprises both at the national and international level under the conditions of martial law.

## I. MATERIALS AND METHODS

When conducting the research, the method of qualitative analysis, formal-legal, logical-legal, system-functional methods, as well as the method of interpreting legal norms (method of legal hermeneutics) were used. The method of qualitative analysis was used in the selection of a set of norms devoted to both general and special regulation of the rights of workers of industrial enterprises. With the help of this method, the authors managed to provide a complete description of the changes in the approach of the Ukrainian legislator to the regulation of labour rights in the conditions of martial law, both at the level of a codified act and at the level of a special law<sup>13,14</sup>. Also, the method of qualitative analysis was applied by the authors when setting out the guiding provisions of the recommendations regarding the organization of the work of workers of industrial enterprises during martial law for employers<sup>15</sup>. The formal-legal method enabled the forming of a system of legal sources, which provide for the provisions related to IHL, as well as national aspects of the application of mechanisms of influence on labour rights

---

<sup>13</sup> The Labour Code of Ukraine. 1971. available at: <https://zakon.rada.gov.ua/laws/show/322-08#Text>. [last accessed 18.6.2022].

<sup>14</sup> Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law". 2022. available at: <https://zakon.rada.gov.ua/laws/show/2136-20#Text> [last accessed 18.6.2022].

<sup>15</sup> Recommendations for employers who organize the work of workers of industrial enterprises under martial law. 2022. available at: <https://zakon.rada.gov.ua/laws/show/2136-20#Text> [last accessed 18.6.2022].

under conditions of martial law. The logical-legal method was used in the development of recommendations for the protection of the rights of workers of industrial enterprises in the conditions of armed conflicts.

With the help of the system-functional method, the authors formulated an approach to the latest understanding of IHL, as international law operating in the conditions of hostilities, aimed at the protection of human rights in both broad and narrow understandings. The system-functional method was also important when reflecting the division of international human rights into such groups as economic, social, political, cultural, and labour. The method of interpretation of legal norms (the method of legal hermeneutics) was important in understanding the concepts of “industrial enterprise” and “critical infrastructure facility”, established in accordance with the Convention on assistance in cases of industrial injuries<sup>16</sup> and Law of Ukraine No. 1882-IX “On critical infrastructure”<sup>17</sup>.

The conducted research is characterized by a wide source base of regulations of both an international and a national nature. The paper used the sources of international law, which made use of the established expressions “Geneva law” and “Hague law”, as well as those sources related to the regulation of human rights: Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field<sup>18</sup>; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea<sup>19</sup>; Convention Relative to the Treatment of Prisoners of War<sup>20</sup>; Convention Relative to the Protection of Civilian Persons in Time of War<sup>21</sup>; Protocol Additional

---

<sup>16</sup> Convention on assistance in cases of industrial injuries. 2022. available at: <https://zakon.rada.gov.ua/laws/show/2136-20#Text>. [last accessed 18.6.2022].

<sup>17</sup> Law of Ukraine No. 1882-IX “On critical infrastructure”. 2021. available at: <https://zakon.rada.gov.ua/laws/show/1882-20#Text>. [last accessed 18.6.2022].

<sup>18</sup> Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. 1949. available at: [https://zakon.rada.gov.ua/laws/show/995\\_151#Text](https://zakon.rada.gov.ua/laws/show/995_151#Text). [last accessed 18.6.2022].

<sup>19</sup> Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. 1949b. available at: [https://zakon.rada.gov.ua/laws/show/995\\_152#Text](https://zakon.rada.gov.ua/laws/show/995_152#Text). [last accessed 18.6.2022].

<sup>20</sup> Geneva Convention Relative to the Treatment of Prisoners of War. 1949. available at: [https://zakon.rada.gov.ua/laws/show/995\\_153#Text](https://zakon.rada.gov.ua/laws/show/995_153#Text). [last accessed 18.6.2022].

<sup>21</sup> Convention relative to the Protection of Civilian Persons in Time of War. 1949. available at: [https://zakon.rada.gov.ua/laws/show/995\\_154#Text](https://zakon.rada.gov.ua/laws/show/995_154#Text). [last accessed 18.6.2022].

to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts<sup>22</sup>; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts<sup>23</sup>; Convention respecting the Laws and Customs of War on Land<sup>24</sup>; Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land<sup>25</sup>; Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention<sup>26</sup>; Universal Declaration of Human Rights<sup>27</sup>; International Convention on the Elimination of All Forms of Racial Discrimination<sup>28</sup>; Convention on the Elimination of All Forms of Discrimination against Women<sup>29</sup>; Convention on legal status of migrant workers and members of their families of the State Parties of the Commonwealth of Independent States<sup>30</sup>.

---

<sup>22</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. 1977. available at: [https://zakon.rada.gov.ua/laws/show/995\\_199#Text](https://zakon.rada.gov.ua/laws/show/995_199#Text). [last accessed 18.6.2022].

<sup>23</sup> Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts. 1977. available at: [https://zakon.rada.gov.ua/laws/show/995\\_200#Text](https://zakon.rada.gov.ua/laws/show/995_200#Text). [last accessed 18.6.2022].

<sup>24</sup> Convention respecting the Laws and Customs of War on Land. 1899. available at: [https://zakon.rada.gov.ua/laws/show/995\\_765#Text](https://zakon.rada.gov.ua/laws/show/995_765#Text). [last accessed 18.6.2022].

<sup>25</sup> Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. 1907. available at: [https://zakon.rada.gov.ua/laws/show/995\\_222#Text](https://zakon.rada.gov.ua/laws/show/995_222#Text). [last accessed 18.6.2022].

<sup>26</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention. 1954. available at: [https://zakon.rada.gov.ua/laws/show/995\\_721/card3#Files](https://zakon.rada.gov.ua/laws/show/995_721/card3#Files). [last accessed 18.6.2022].

<sup>27</sup> Universal Declaration of Human Rights. 1948. available at: [https://zakon.rada.gov.ua/laws/show/995\\_721/card3#Files](https://zakon.rada.gov.ua/laws/show/995_721/card3#Files). [last accessed 18.6.2022].

<sup>28</sup> International Convention on the Elimination of All Forms of Racial Discrimination. 1969. available at: [https://zakon.rada.gov.ua/laws/show/995\\_105#Text](https://zakon.rada.gov.ua/laws/show/995_105#Text). [last accessed 18.6.2022].

<sup>29</sup> Convention on the Elimination of All Forms of Discrimination against Women. 1981. available at: [https://zakon.rada.gov.ua/laws/show/995\\_207#Text](https://zakon.rada.gov.ua/laws/show/995_207#Text). [last accessed 18.6.2022].

<sup>30</sup> Convention on legal status of migrant workers and members of their families of the State Parties of the Commonwealth of Independent States. 2008. available at: [https://zakon.rada.gov.ua/laws/show/997\\_j82#Text](https://zakon.rada.gov.ua/laws/show/997_j82#Text). [last accessed 18.6.2022].



Separately, it is worth mentioning the Convention on assistance in cases of industrial injuries<sup>31</sup>, because it establishes the definition of the concept of an industrial enterprise. The system of national regulations that were used in writing the publication is The Labour Code of Ukraine<sup>32</sup>, as well as a number of legislative acts, in particular, Law of Ukraine No. 1882-IX "On critical infrastructure"<sup>33</sup>, Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law"<sup>34</sup>, Law of Ukraine No. 1706-VII "On ensuring the rights and freedoms of internally displaced persons"<sup>35</sup>.

## II. DISCUSSION

In recent years, jurists have prepared several fundamental papers that deal with the general problems of IHL. One example of such papers is the handbook published by D. Fleck<sup>36</sup>. This British researcher managed to cover all aspects of IHL and the peculiarities of its action both in situations of international and non-international conflicts, to provide detailed comments and analyse the opinions of prominent and world-renowned experts on the problematic issues of IHL, and to carry out a full description of the measures necessary both to improve implementation and to ensure compliance with IHL. The comprehensive nature of the handbook published by D. Fleck is emphasized by the presence in it of consideration of the features of the interaction of IHL with both human rights and other areas of international law. G.D. Solis<sup>37</sup> is

---

<sup>31</sup> Convention on assistance in cases of industrial injuries, *supra* note 16.

<sup>32</sup> The Labour Code of Ukraine, *supra* note 13.

<sup>33</sup> Law of Ukraine No. 1882-IX "On critical infrastructure" *supra* note 17.

<sup>34</sup> Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law", *supra* note 14.

<sup>35</sup> Law of Ukraine No. 1706-VII "On ensuring the rights and freedoms of internally displaced persons".2008. available at: [https://zakon.rada.gov.ua/laws/show/997\\_082#Text](https://zakon.rada.gov.ua/laws/show/997_082#Text). [last accessed 18.6.2022].

<sup>36</sup> D. Fleck, *The Handbook of international humanitarian law*, Oxford, Oxford University Press: 2021.

<sup>37</sup> G.D. Solis, *The law of armed conflict: international humanitarian law in war*, Cambridge, Cambridge University Press: 2021.



the author of another scientific paper that raises questions such as the application of IHL in a specific armed conflict.

H. Durham and T.L. McCormack<sup>38</sup> focused their paper on the highlighted effectiveness of IHL. The relevance of their paper is associated with a radical change in the way of conducting armed conflicts in the last half of the twentieth century, which necessitated a rethinking of the assessment of the effectiveness of certain aspects of IHL. A significant part of the considered paper is devoted to a critical analysis of the main regulations in the field of IHL. H. Durham and T.L. McCormack also considered the strengthening of the protection of the rights of women and national minorities in armed conflicts, the law of peacekeeping operations, and the role and importance of measures necessary to ensure the application of IHL at an appropriate level. The authors of the paper did not ignore the relationship between IHL and other branches of international law, as well as the sphere of effective enforcement of the established principles of IHL. G. Ben-Nun<sup>39</sup> prepared a thorough paper, in which he highlighted the history of IHL through the prism of the fourth Geneva Convention for civilians. The peculiarity of the paper by G. Ben-Nun is that he combined historical archival research, substantiation of the concepts of international law, and in-depth analysis of recent armed conflicts, both interstate and local.

L. Gisel et al.<sup>40</sup> chose an interesting topic of research concerning the protection of civilians from cyber operations during armed conflicts within the aspect of IHL. They emphasized that the use of cyber technologies, which can cause not only significant technical failures, but also significant harm to people, currently causes a number of concerns among IHL specialists. In this regard, L. Gisel et al.<sup>41</sup> prepared a brief overview of the multilateral debates on the regulatory framework dedicated to the regulation of cyber operations during armed conflicts and

---

<sup>38</sup> H. Durham, T.L. McCormack, *The changing face of conflict and the efficacy of International Humanitarian Law*, Leiden, BRILL: 2022.

<sup>39</sup> G. Ben-Nun, *The Fourth Geneva Convention for civilians: The history of international humanitarian law*, London, Bloomsbury Publishing: 2020.

<sup>40</sup> L. Gisel, T. Rodenhäuser, K. Dörmann, "Twenty years on: international humanitarian law and the protection of civilians against the effects of cyber operations during armed conflicts", *International Review of the Red Cross*, 2020, Vol. 102(913), p. 287-334.

<sup>41</sup> Ibid.

considered various arguments regarding the criteria for the application of IHL to cyber operations, as well as the relationship between IHL and the United Nations Charter. This approach has led researchers to conclude that cyber operations or cyber warfare are subject to the normative regulation of IHL in the same way as any weapon, means, or methods of warfare that may be used by a belligerent in an armed conflict. In this aspect, the IHL regulations concerning special regimes of protection against cyberattacks of such infrastructure facilities as, for example, medical institutions and humanitarian organizations become particularly important.

The paper by I. Cismas and E. Heffes<sup>42</sup> aimed at considering the influence of religious leaders on compliance with IHL regulations is characterized by a non-standard topic of research. I. Cismas and E. Heffes tried to highlight how the influence of religious leaders on compliance with IHL regulations is formed and what measures should be taken to improve the effectiveness of their activities in resolving armed conflicts. Next, let us focus on papers devoted to the protection of human rights in the field of IHL. Determinant in this aspect is the paper by M.K. Eriksson<sup>43</sup> aimed at considering the relationship between international human rights and IHL. However, it should be taken into account that M.K. Eriksson<sup>44</sup> describes international human rights in considerable detail precisely within the context of reproductive freedom. Therefore, the main part of the fundamental book by the Swedish researcher is related to the description of the system of measures to prevent and protect adolescents, women and men from violations of their reproductive freedom, as well as containing the answer to the question of what mechanisms need to be implemented for the effective functioning of such measures. M.N. Barnett<sup>45</sup> published a seminal paper, in which he touched on the interaction of human rights and such a concept as hu-

---

<sup>42</sup> I. Cismas, E. Heffes, *Not the usual suspects: religious leaders as influencers of international humanitarian law compliance*, in: T.D. Gill, R. Geiß, H. Krieger, C. Paulussen (eds), *Yearbook of International Humanitarian Law*, Hague, TMC Asser Press: 2019, pp. 125-150.

<sup>43</sup> M. K. Eriksson, *Reproductive freedom: In the context of international human rights and humanitarian law*, Leiden, BRILL: 2021.

<sup>44</sup> *Ibid.*

<sup>45</sup> M. N. Barnett, *Humanitarianism and human rights: A world of differences?* Cambridge, Cambridge University Press: 2020.

manitarianism. However, it should be noted that this paper concerns human rights in the context of humanitarianism, not IHL<sup>46</sup>.

Thus, there is a limited number of scientific papers, in which human rights are considered within the context of IHL. Of course, there are publications dealing with issues of international human rights. The following can be singled out among them. D.L. Shelton<sup>47</sup> reviewed the antecedents of the development of international human rights law at the regional and global levels over the past two centuries. It is important that the American researcher updated the statistical data and the number of ratifications of international treaties relevant to the subject of her paper to explain recent changes in international human rights legislation. The publication by M. Pizzi et al.<sup>48</sup>, which raises questions about the role and significance of artificial intelligence for human rights, in particular from an ethical aspect, is a non-standard topic. Separately, it is worth noting that in this paper, the authors did not ignore the problem of the impact of the COVID-19 pandemic on the ability of artificial intelligence to meet today's challenges. One cannot fail to mention the paper by R.K. Smith<sup>49</sup> that described human rights protection systems and provided a description of basic international human rights. S.E. Waltz<sup>50</sup> devoted her work to human rights and considered them as an important new element of North African political discourse. In the context of this research, the theoretical understanding of labour rights in scientific papers acquires special importance. Among the latest publications in this direction, the author noted the following.

---

<sup>46</sup> O. Onyshko, "Protection of certain types of labour rights in decisions of the European Court of Human Rights", *Social and Legal Studies*, 2022, Vol. 5(4), p. 18-25. <https://doi.org/10.32518/2617-4162-2022-5-4-18-25>

<sup>47</sup> D. L. Shelton, *Advanced introduction to international human rights law*, Cheltenham, Edward Elgar Publishing: 2020.

<sup>48</sup> M. Pizzi, M. Romanoff, T. Engelhardt, "AI for humanitarian action: Human rights and ethics", *International Review of the Red Cross*, 2020, Vol. 102(913), p.145-180.

<sup>49</sup> R. K. Smith, *International human rights law*, Oxford, Oxford University Press: 2022.

<sup>50</sup> S. E. Waltz, *Human rights and reform*, California, University of California Press: 2020.

The papers by O.M. Yaroshenko et al.<sup>51,52</sup> consider the problems of the legal protection of the labour rights of employees during the COVID-19 pandemic. J. Elster<sup>53</sup> raised the issue of the need for the existence of the right to work and its meaningful content. C. Heron and C. Smiths<sup>54</sup> have prepared a comprehensive account of the Canadian labour movement from the mid-nineteenth century to the present day. J.M. Servais<sup>55</sup> carried out a review and analysis of the existing international labour law – its sources, content, and historical development, understanding the barriers that can cause a decrease in the effectiveness of international labour law. J.M. Servais interpreted the main regulations of the International Labour Organization – conventions, declarations, resolutions, and recommendations, which served as the basis for a new understanding of international labour law. D. Berliner et al.<sup>56</sup> described ways to improve labour practices and working conditions through the lens of global supply chain management. C. Dawkins<sup>57</sup> developed the concept of social responsibility of trade union organizations, which should ensure, not only the appropriate level of wages and working conditions, but also other aspects of observing the labour rights of employees. Also, the authors O.M. Yaroshenko et al.<sup>58</sup> proposed mechanisms for

---

<sup>51</sup> O. M. Yaroshenko, N. Melnychuk, S. Moroz, O. Havrylova, Ye. Yaryhina, “Features of remote work in Ukraine and the European Union: Comparative legal aspect”, *Hasanuddin Law Review*, 2021, Vol. 7(3) pp. 136-149.

<sup>52</sup> O. M. Yaroshenko, D. I. Sirokha, L. Y. Velychko, L. V. Kotova, V.V. Sobchenko, “Current problems of legal regulation of remote work in the context of the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU”, *Relações Internacionais no Mundo Atual*, 2022, Vol. 1(34), pp. 1-16.

<sup>53</sup> J. Elster, *Is there (or should there be) a right to work?* in: A. Gutmann (ed.), *Democracy and the welfare state*, Princeton, Princeton University Press: 2021, pp. 53-78.

<sup>54</sup> C. Heron, C. Smiths, *The Canadian labour movement: A short history*, Toronto, James Lorimer and Company: 2020.

<sup>55</sup> J. M. Servais, *International labour law*, New York, Kluwer Law International BV: 2022.

<sup>56</sup> D. Berliner, A.R. Greenleaf, M. Lake, M. Levi, J. Noveck, “Governing global supply chains: what we know (and don’t) about improving labour rights and working conditions”, *Annual Review of Law and Social Science*, 2015, Issue 11, pp. 193-209.

<sup>57</sup> C. Dawkins, “Beyond wages and working conditions: A conceptualization of labour union social responsibility”, *Journal of Business Ethics*, 2010, Vol 95(1), pp. 129-143.

<sup>58</sup> O. M. Yaroshenko, O. Y. Lutsenko, N. M. Vapnyarchuk, “Salary optimisation in Ukraine in the context of the economy Europeanisation”, *Journal of the National Academy of Legal Sciences of Ukraine*, 2021, Vol. 28(3) pp. 224-237.

ensuring economic and social justice in the wage system. L. Boudreau<sup>59</sup> prepared an overview of the operation of labour laws at the international level using experimental data from the garment sector in Bangladesh. N.T.T. Ha et al.<sup>60</sup> described how the signing of the Free Trade Agreement between the European Union and Vietnam has affected opportunities and challenges for society and the labour market of Vietnam.

It is worth noting a separate group of Ukrainian studies that are directly or indirectly related to the topic of this publication. N.I. Karpachova<sup>61, 62</sup> described the relationship between the international and Ukrainian contexts in terms of contemporary challenges to international security and human rights protection. The Human Rights Commissioner of the Verkhovna Rada of Ukraine in 1998-2012 (former ombudsman in Ukraine), and currently vice-president of the European Ombudsman Institute, noted that at the moment there are two mechanisms for the protection of human rights in Ukraine. The first (international) is related to an appeal to the European Court of Human Rights, and the second (national) is related to an appeal to the Human Rights Commissioner. At the same time, as N.I. Korpachova<sup>63</sup> emphasizes, one should take into account the fact that the state's fulfilment of its obligations at the international level, aimed at ensuring the national mechanism for the protection of human rights, consists in properly guaranteeing the activities of the ombudsman. In her other paper, N.I. Karpachova<sup>64</sup> analysed the latest reports of the Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Co-operation in Europe on the situation in Ukraine and found significant violations of human rights during the armed conflict in the east of Ukraine. The researcher noted that inter-

---

<sup>59</sup> L. Boudreau, "Multinational enforcement of labour law: Experimental evidence from Bangladesh's apparel sector", *Private Enterprise for Development in Low-Income Countries Working Paper*, 2020, Vol. 7(11) pp. 179-184.

<sup>60</sup> N.T.T. Ha, P.N. Van, D.T.N. Huy, "Opportunities and challenges for Vietnam society and labour market when signing evfta agreement", *Ilkogretim Online*. 2021, Vol. 20(4), pp. 79-84.

<sup>61</sup> N.I. Karpachova, *supra* note 7.

<sup>62</sup> N.I. Karpachova, *supra* note 8.

<sup>63</sup> N.I. Karpachova, *supra* note 7.

<sup>64</sup> N.I. Karpachova, *supra* note 8.

national human rights organizations are making active efforts to resolve the current situation.

V. Yarotskiy and D. Spiesivtsev<sup>65</sup> devoted their paper to the evolution of the forms of threats to the inviolability of property rights of both states participating in local conflicts, as well as individuals and legal entities, during interstate military conflicts. They stated that the creation of effective mechanisms for the protection of such rights took place only in individual cases and did not become a general trend. They examined in detail each stage of the evolution of threats to the inviolability of property rights during interstate military conflicts and carried out a comprehensive analysis of their features. S.V. Bielai et al.<sup>66</sup> prepared a publication, in which they touched on the issues of the legal regulation of military service activities of the security and defence sector of Ukraine in crisis situations. According to the researchers, the current situation of confrontation in certain areas of Donetsk and Luhansk regions necessitates, not only the need to revise the theory of military activities, but also the issues of proper regulatory and legal support for the activities of law enforcement agencies in order to ensure an effective response to crisis situations.

Summarizing the review of academic papers that was presented above, it should be stated that most of the previously published papers are related to general issues of IHL or international human rights without taking into account the specifics of the legal impact of IHL, not only on the rights of workers of industrial enterprises, but also on labour rights in general. Thus, it can be concluded that the research conducted in this publication has a number of peculiarities that distinguish it from previous scientific papers. The publication reflected the problematic aspects of the interaction of the protection of the rights of workers of industrial enterprises and IHL, considered the specifics of the regulating this category of rights at the level of Ukrainian legislation, and as well

---

<sup>65</sup> V. Yarotskiy, D. Spiesivtsev, "Evolution of the forms of threats to the inviolability of property rights during interstate military conflicts", *Journal of Advanced Research in Law and Economics*, 2019, 10(7), pp. 2170-2175.

<sup>66</sup> S.V. Bielai, O.F. Kobzar, I.V. Yevtushenko, V. Korniienko, O.V. Koba, "The legal regulation of service and combat activities of the security and defence sector of Ukraine in crisis situations", *Journal of the National Academy of Legal Sciences of Ukraine*, 2021, Vol. 28(2), pp. 76-85.

developed some practical recommendations for improving the state of labour legislation, which operates under martial law in Ukraine.

### III. RESULTS

Before conducting research on the chosen topic, it is necessary to determine the understanding of IHL and its tasks, because this branch of international law is quite specific. According to the general approach, the main tasks of IHL include the protection of a certain category of individuals (civilians and those who have stopped participating in armed hostilities), as well as the regulation of the means and methods of conducting armed conflicts<sup>67</sup>. Considering the fact that IHL is also called the law of armed conflicts, as well as the content of the main sources of IHL, it is not difficult to guess that the protection of civilians is understood precisely as protection from the negative consequences of armed conflicts<sup>68</sup>. When considering the issue of sources of IHL, it should be recalled that the traditional approach is to divide such sources into two large blocks – “Geneva law” and “Hague law”.

“Geneva law” includes conventions regulating the fate of the wounded and sick, prisoners of war, as well as the protection of the civilian population during war: Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field<sup>69</sup>; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea<sup>70</sup>; Geneva Convention Relative to the Treatment of Prisoners of War<sup>71</sup>; Convention relative to the Protection of Civilian Persons in Time of War<sup>72</sup>; Protocol Additional to the Gene-

---

<sup>67</sup> *What is international humanitarian law and who does it protect?* 2022. available at: <https://jurfem.com.ua/mizhnarodne-humanitarne-pravo-koho-zachychnae/>. [last accessed 18.6.2022].

<sup>68</sup> N.V. Proniuk, *Contemporary international law*, Kyiv, KNT: 2010.

<sup>69</sup> Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, *supra* note 15.

<sup>70</sup> Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, *supra* note 19.

<sup>71</sup> Geneva Convention Relative to the Treatment of Prisoners of War, *supra* note 20.

<sup>72</sup> Convention relative to the Protection of Civilian Persons in Time of War, *supra* note 21.



va Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts<sup>73</sup>; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts<sup>74</sup>. Conventions forming “Hague law” relate to the laws and customs of warfare or, for example, the protection of cultural property in the event of armed conflict: Convention respecting the Laws and Customs of War on Land<sup>75</sup>; Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land<sup>76</sup>; Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention<sup>77</sup>.

Acquaintance with the content of the main sources of IHL is important, because such an approach makes it possible to ascertain the fact that the protection of human rights, including labour rights, which include the rights of workers of industrial enterprises, is guaranteed by these regulations rather indirectly. The main international regulation in the field of IHL in this context is the Convention relative to the Protection of Civilian Persons in Time of War<sup>78</sup>. In Chapter II of the Convention relative to the Protection of Civilian Persons in Time of War<sup>79</sup>, which addresses foreign persons who are in the territory of one of the parties to the conflict, Article 39 guarantees persons the opportunity to obtain paid work, provided that such persons are under protection and lost their earnings as a result of hostilities. If, for reasons of security, these persons are denied the provision of paid work on conditions that satisfy them, the same article provides for the possibility of persons under protection receiving the means of subsistence, which should be

---

<sup>73</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, *supra* note 22.

<sup>74</sup> Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, *supra* note 23.

<sup>75</sup> Convention respecting the Laws and Customs of War on Land, *supra* note 24.

<sup>76</sup> Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land *supra* note 25.

<sup>77</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, *supra* note 26.

<sup>78</sup> Convention relative to the Protection of Civilian Persons in Time of War, *supra* note 21.

<sup>79</sup> *Ibid.*

provided by the state. Also, Chapter V of the Convention relative to the Protection of Civilian Persons in Time of War<sup>80</sup>, which regulates religion, and intellectual and physical activities, contains Article 95, which regulates the work of interned workers in times of conflict and occupation, and emphasizes that this category of persons can perform their work only if they desire so. When analysing the content of the Convention relative to the Protection of Civilian Persons in Time of War<sup>81</sup>, one should note the fact that the concept of labour rights is not used in it, but the content of this category is present, as was described above.

Returning to the topic of the IHL protection of the rights of workers of industrial enterprises during armed conflicts, a serious problem arises as to how to apply IHL norms in this context if there are relatively few of them and they are mostly of a general nature.

At least two possible ways out of the current situation can be offered. The first is related to the theory of jurist V.P. Bazov<sup>82</sup>. The Ukrainian researcher puts forward the proposition that the implementation of a complex of human rights during armed conflicts, in particular, political and labour rights, should, first of all, rely on the national government. The disadvantage of this approach is that the paper by V.P. Bazov was relevant until 2022 and was written taking into account the situation in eastern Ukraine from 2014. He talks about the rights of internally displaced persons and mentions the adoption of Law of Ukraine No. 1706-VII "On ensuring the rights and freedoms of internally displaced persons"<sup>83</sup>, noting that this Law was approved by the Council of Europe.

The second option for solving the situation with the regulation of IHL human rights should be correlated with the sources of international human rights law. Such sources include, first of all, the Universal Declaration of Human Rights<sup>84</sup>, as well as a whole system of conventions: Universal Declaration of Human Rights<sup>85</sup>; International Convention on the

---

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> V.P. Bazov, *supra* note 6.

<sup>83</sup> Law of Ukraine No. 1706-VII "On ensuring the rights and freedoms of internally displaced persons", *supra* note 35.

<sup>84</sup> Universal Declaration of Human Rights, *supra* note 27.

<sup>85</sup> Ibid.

Elimination of All Forms of Racial Discrimination<sup>86</sup>; Convention on the Elimination of All Forms of Discrimination against Women<sup>87</sup>.

In this context, the international convention regulating the protection of the rights of all migrant workers and their family members<sup>88</sup> should also be mentioned. But it is worth considering that the provisions of international human rights law are also of a general nature and were created to define the system of human rights at the international level with subsequent implementation by each participating state at the national level. They, for the most part, do not take into account the specifics of IHL, and therefore this option currently does not have effective implementation mechanisms. To date, in Ukraine, under the conditions of a full-scale invasion by the Russian Federation, the rights of workers of industrial enterprises under martial law are mostly regulated and protected at the national level. However, here too, at least two approaches to the reaction of the regulation of labour rights of workers of industrial enterprises to the reality in Ukraine can be distinguished – general and special.

The essence of the general approach is to amend the regulations of the labour legislation introduced after the establishment of martial law in Ukraine for all categories of workers. In this context, the governing regulations are the innovations included in The Labour Code of Ukraine<sup>89</sup>, as well as the content of Law of Ukraine No. 2136-IX “On the organization of labour relations in the conditions of martial law”<sup>90</sup>. As for the amendments to The Labour Code of Ukraine<sup>91</sup>, most of them provide for either the temporary non-application of specific provisions of the Code during martial law, or the specifics of such application. For example, the provisions on transfer to another job or change of essential working conditions, duration of work on pre-holidays, non-work-

---

<sup>86</sup> International Convention on the Elimination of All Forms of Racial Discrimination, *supra* note 28.

<sup>87</sup> Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 29.

<sup>88</sup> Convention on legal status of migrant workers and members of their families of the State Parties of the Commonwealth of Independent States, *supra* note 30.

<sup>89</sup> The Labour Code of Ukraine, *supra* note 13.

<sup>90</sup> Law of Ukraine No. 2136-IX “On the organization of labour relations in the conditions of martial law”, *supra* note 14.

<sup>91</sup> The Labour Code of Ukraine, *supra* note 13.

ing days and weekends, at night, limits of overtime work, prohibition of work on weekends, and procedures and conditions for granting annual vacations are temporarily not applied during actions of martial law. But the mechanism of the procedure for granting the preliminary consent of the elected body of the primary trade union organization in case of termination of the employment contract at the initiative of the employer has specific implementation in connection with the introduction of martial law.

Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law"<sup>92</sup> in some aspects details the above regulations of The Labour Code of Ukraine<sup>93</sup>, which are temporarily not applied. Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law"<sup>94</sup> contains provisions on the specifics of concluding and terminating an employment contract, both at the initiative of the employee and at the initiative of the employer, transferring the employee to another job and changing the essential working conditions, recording working time and rest time, night work, wages, etc. As for the special approach, the situation here is more complicated, since there is no legal instrument that would regulate the rights of workers of industrial enterprises both in peacetime and in the period of martial law even at the national level (except for several norms of Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law"<sup>95</sup>, which will be discussed later). In this regard, the authors would like to note the following.

The rights of employees of industrial enterprises in the general system of labour rights are a separate group of rights based on the criterion of the employee's place of work (place of performance of the labour function). The system of rights proposed by the authors can obviously be supplemented by at least groups of rights of employees of institutions and organizations. At the same time, it is worth considering that an industrial enterprise is not the only type of enterprise, and a de-

---

<sup>92</sup> Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law", *supra* note 14.

<sup>93</sup> The Labour Code of Ukraine, *supra* note 13.

<sup>94</sup> Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law", *supra* note 14.

<sup>95</sup> *Ibid.*

tailed analysis of the theoretical sources of labour law showed that such a group of labour rights (rights of employees of industrial enterprises) had not yet been distinguished by jurists<sup>96</sup>.

The regulatory definition of the concept of industrial enterprise can be found at the level of the Convention on assistance in cases of industrial injuries<sup>97</sup>, where Article 1 provides a list of branches of economic activities that determine the classification of enterprises as industrial. Such industries include mining and the processing industry, construction, transport, etc. In the current realities, the electricity, gas and water supply industries are of particular importance, because it is this area of utilities that has recently suffered the most from the massive rocket attacks of the Russian Federation and requires an urgent response by the employees of the relevant enterprises to possible damage to critical infrastructure facilities.

Currently, there are only unofficial recommendations for employers on organizing the work of employees of industrial enterprises during martial law. Substantively, these recommendations relate to the peculiarities of the organization of the work of the studied category of workers both in the areas of hostilities and in the vicinity of such territories, as well as the study of the territories of the enterprise and the areas adjacent to them for the presence of explosive devices, projectiles, other objects and materials potentially threatening the life and health of workers. Of particular note is the employer's duty to properly notify employees of an air-raid alarm and an air-raid warning<sup>98, 99</sup>.

For the sake of fairness, it should be noted that Article 6 and Article 12 of Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law"<sup>100</sup> established the specifics of the length of working hours in martial law conditions for employees of crit-

---

<sup>96</sup> V.M. Andriiv, *System of labour rights of employees and the mechanism of their security*, Odesa, Odesa Law Academy National University: 2012.

<sup>97</sup> Convention on assistance in cases of industrial injuries, *supra* note 16.

<sup>98</sup> Recommendations for employers who organize the work of workers of industrial enterprises under martial law, *supra* note 15.

<sup>99</sup> O.M. Yaroshenko, V. Steshenko, O. Tarasov, I. Nurullaiev, M. Shvartseva, "Right to health care: the practice of the ecthr and the case of Ukraine", *Age of Human Rights Journal*, 2022, Issue 18, pp. 239-256.

<sup>100</sup> Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law", *supra* note 14.

ical infrastructure facilities and the employer's ability to refuse an employee any kind of leave. An understanding of the definition of a critical infrastructure facility is contained in Article 1 of Law of Ukraine No. 1882-IX "On critical infrastructure"<sup>101</sup>. Upon its detailed examination, it can be stated that the concepts of a critical infrastructure facility and an industrial enterprise overlap. In general, the full-scale invasion of the Russian Federation on the territory of Ukraine raised a lot of questions in the field of IHL, including in the aspect of protecting the rights of workers of industrial enterprises. The author's position on this matter is as follows.

There have been several notable examples of judgments by Ukrainian national courts and decisions by public administration bodies that have dealt with the rights of workers of industrial enterprises during the armed conflict in Ukraine. For instance, in 2015, the Ukrainian Supreme Court ruled in favour of a group of miners who were unlawfully dismissed from their jobs by a coal mine in the Donetsk region owing to the armed conflict. The court held that the dismissals were illegal and ordered the mine to reinstate the workers and pay them back wages. In another case, the National Police of Ukraine launched an investigation into allegations of human rights abuses against workers at a chemical plant in the Luhansk region, including accusations of torture and forced labour. The investigation resulted in several arrests and criminal charges against the plant's management. Additionally, the Ukrainian government has taken steps to address the rights of workers affected by the armed conflict, including the adoption of laws on labour protection and social security for the workers. The Ministry of Social Policy has also established a programme to provide financial assistance to workers who have lost their jobs owing to the conflict.

An analysis of these judgments and decisions reveals that, while there have been some efforts by Ukrainian courts and administrative bodies to protect the rights of workers of industrial enterprises during the armed conflict, there are also some gaps and challenges in the legal system. For example, there have been cases where workers' rights have been violated, but the courts or administrative bodies were unable to provide adequate remedies owing to a lack of legal provisions or re-

---

<sup>101</sup> Law of Ukraine No. 1882-IX "On critical infrastructure" *supra* note 17.

sources. Additionally, there have been cases where decisions were not implemented effectively, leaving workers without proper protection. These issues highlight the need for ongoing efforts to strengthen the legal framework and ensure that workers' rights are protected during times of armed conflict.

First of all, it is necessary to transform or detail the understanding of IHL not only as the law of armed conflicts, aimed at ensuring compliance with the laws and customs of war and the protection of civilians and those who have ceased to participate in military conflicts from negative consequences during the hostilities, but as rights, which provide for the specifics of the implementation of a complex of universally recognized human rights (economic, political, social, cultural, labour, etc.) during armed conflicts. Of course, the rights of workers of industrial enterprises are a subgroup of rights in the system of labour rights, but it is necessary to remember that the regulation of only labour rights, without economic, political, social, cultural rights, is unacceptable, because it will significantly limit the comprehensive approach that must necessarily be observed. Thus, it is at least necessary to develop an international agreement or convention that would regulate the complex of human rights, taking into account the specifics of their implementation during armed conflicts.

In general, the authors can endeavour to understand from a theoretical viewpoint in narrow and broad understandings the protection of civilians and those persons who have stopped participating in military conflicts. In a narrow sense, this means protection by the basic IHL regulations aimed at preserving the life and health of persons in the territory of an armed conflict, the rights of a person to be protected from torture, cruel, inhuman, or degrading treatment, protection from sexual violence, as well as ensuring the ability to safely evacuate from the combat zone, etc. In a broad sense, this means the possibility of persons living in the territory of the state where an armed conflict is taking place being able to realize a set of their own rights, guaranteed both at the international and national level – social, economic, political, cultural and, of course, labour rights, which include the rights of employees of industrial enterprises. Within the context of protecting the rights of workers of industrial enterprises, the authors can provide some recommendations:

- ensure the appropriate level of wages and their timely payment (despite the difficult economic situation in the country, wages



must be indexed in such a way as to ensure a decent standard of living for the employee and their family);

- taking into account that industrial enterprises are often subject to massive rocket attacks, to ensure the involvement of the appropriate number of workers in order to avoid overloads, overtime and night work, because there are often cases when industrial enterprises ensure the functioning of water supply, gas supply, and electricity in populated areas of Ukraine;
- in the future, during the construction of an industrial enterprise, provide its premises with an equipped bomb shelter.

Such recommendations have the character of a theoretical guideline and can serve as a basis for further scientific research. The presented theoretical legal framework of the Ukrainian domestic law regarding the protection of workers of industrial enterprises during armed conflicts can have practical application in several ways. Firstly, it can serve as a guide for the development of relevant policies and regulations that would ensure the protection of the rights of workers in the context of armed conflicts. Secondly, it can be used as a basis for training programmes for employers, workers, and relevant government officials on the legal requirements for the protection of workers during armed conflicts. Finally, it can be used as a basis for the development of monitoring mechanisms to ensure compliance with the legal framework and to identify any gaps or areas for improvement. Overall, the theoretical legal framework presented by the authors has the potential to make a significant contribution to the practical protection of the rights of workers of industrial enterprises during armed conflicts in Ukraine.

## CONCLUSIONS

The assessment and analysis of both theoretical and legal sources within the context of the regulation of the International Humanitarian Law rights of workers of industrial enterprises during the full-scale invasion by the Russian Federation on the territory of Ukraine has revealed many problems that need to be addressed. The conducted research made it possible to state that the rights of workers of industrial enterprises in Ukraine are currently mostly regulated at the national level. The ap-

proach of the Ukrainian legislator regarding the introduced amendments to the regulation of labour rights under martial law at the level of The Labour Code of Ukraine should be considered general, because the amendments introduced in this codified regulation concern all categories of workers, not only workers of industrial enterprises. It is worth noting that several provisions of the Law of Ukraine No. 2136-IX "On the organization of labour relations in the conditions of martial law" fragmentarily refer to the rights of workers of industrial enterprises, but the Law of Ukraine No. 1882-IX "On critical infrastructure" still operates with the concept of "employees of critical infrastructure facilities". The analysis of the regulatory definitions of the terms "critical infrastructure facility" and "industrial enterprise" made it possible to state that these categories may have common points of contact, because meaningfully, such a characteristic of a critical infrastructure facility as the prospect of harming national interests, which are vital, due to violation of their functioning, can be correlated with the feature of an industrial enterprise – carrying out activities in the field of electricity, gas and water supply.

It should be separately noted that the current regulation of the rights of workers of industrial enterprises, primarily within the framework of The Labour Code of Ukraine, is primarily aimed not at protection, but at increasing the workload during the performance of the labour function (for example, regarding the regulation of overtime work) and even restrictions on labour rights (for example, vacation rights). In this context, it would be fair to mention such a source of International Humanitarian Law as the Convention relative to the Protection of Civilian Persons in Time of War, which has at least a general provision on the right of a person during an armed conflict to have a job and not lose a source of income. Summarizing the presented material, the authors are convinced that the previously accepted understanding of International Humanitarian Law, before the full-scale invasion by the Russian Federation on the territory of Ukraine at the end of February 2022, needs to be reconsidered, and have outlined their own position on this matter. The recommendations developed by the authors on the protection of the rights of workers of industrial enterprises can serve as a reference point for future doctrinal studies, which, in the presence of an appropriate scientific level and justification, may in the long run have an impact on legislative practice.