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## LEGAL PRINCIPLES AND MECHANISM FOR THE IMPLEMENTATION OF DISCIPLINARY LIABILITY IN LABOR LAW OF UKRAINE

**Problem Statement.** Disciplinary liability is one of the key legal instruments for ensuring labor discipline and compliance with employees' official duties. Ukrainian legislation defines it as a form of legal liability applied exclusively within the framework of labor relations for violations of labor discipline norms. However, its implementation mechanism requires further improvement due to issues related to the limited number of disciplinary sanctions, their effectiveness, the absence of a unified approach to the correlation between disciplinary liability and other types of legal liability, as well as the procedure for its appeal. The relevance of the study is driven by the need to clarify the legal foundations of disciplinary liability, differentiate it from criminal, administrative, civil, and material liability, and analyze the mechanisms for enforcing disciplinary sanctions within the current Ukrainian legislation. Particular attention must be given to the interplay between disciplinary, material, criminal, and administrative liability, as well as the specific features of appealing disciplinary sanctions within the framework of individual labor disputes.

Thus, there is a need for a comprehensive study of the legal foundations of disciplinary liability and an improvement of its legal regulation to enhance the efficiency of its implementation mechanism within Ukrainian labor law.

**State of Scientific Development of the Problem.** Scientific studies on disciplinary liability in Ukrainian labor law focus on its normative-legal regulation, mechanisms of implementation, and its relationship with other types of legal liability. The features of disciplinary liability as a basis for labor disputes are explored in the works of H. M. Ustinova-Boichenko and O. M. Skriabin [2], who analyze law enforcement practices and the procedure for appealing disciplinary sanctions. The correlation between disciplinary and administrative liability is examined by T. Averochkina and T. Bilous-Osin [3], emphasizing the scope of their application and procedural differences in imposing liability.

A separate aspect related to corruption offenses is studied by M. I. Khavroniuk [4], who analyzes legislative approaches to holding individuals accountable for corruption-related offenses. T. V. Kolesnik [5] investigates problematic aspects of applying disciplinary sanctions, particularly the absence of a clear implementation procedure. V. V. Melnyk [6] examines judicial protection of employees' rights and the effectiveness of existing legal mechanisms for appealing disciplinary sanctions. The issues of combining disciplinary and material liability are addressed by O. S. Varenyk [7], who analyzes the possibility of applying multiple types of legal liability simultaneously.





Thus, scientific research covers key aspects of disciplinary liability, but further refinement of its implementation mechanism is required, particularly in clarifying the procedures for applying disciplinary sanctions, expanding their scope, and establishing an effective appeal mechanism.

**The purpose** of this article is to examine the legal foundations and implementation mechanisms of disciplinary liability in Ukrainian labor law, to identify its specific characteristics, the procedure for its application, and the process of appealing disciplinary sanctions. The study analyzes the distinctions between disciplinary liability and other types of legal liability, the possibility of their combination, as well as issues of law enforcement, particularly mechanisms for resolving labor disputes.

**Research Findings.** According to Article 140 of the Labor Code of Ukraine, ensuring labor discipline in enterprises, institutions, and organizations is achieved by creating appropriate organizational and economic conditions that contribute to effective professional activity and increased labor productivity [1]. An essential aspect of maintaining labor discipline is fostering employees' responsible attitude toward their job responsibilities, which is implemented through persuasion, education, and incentive systems for conscientious work. Within labor collectives, a principled stance on adherence to disciplinary norms is developed, ensuring a high level of accountability and collective responsibility towards employees who demonstrate improper work conduct. In cases of dishonest performance of professional duties, appropriate disciplinary measures may be applied in accordance with current legislation.

Disciplinary (labor) liability represents a specific type of legal liability that operates within labor law and is enforced upon an employee's commission of a disciplinary offense. The primary consequence of such liability is

the application of legally prescribed sanctions aimed at ensuring compliance with labor discipline. The defining characteristics of disciplinary liability include its exclusive application within the labor law domain, the mandatory establishment of a disciplinary offense as the basis for its application, the legally defined types of sanctions, and the imperative nature of their enforcement [2, p. 38]. Disciplinary liability has clear distinctions from other types of legal liability, including criminal, civil, administrative, and material liability. The fundamental difference between disciplinary and criminal liability lies in the degree of social danger posed by the offense. Criminal liability applies exclusively to acts deemed socially dangerous and defined in the Criminal Code of Ukraine, with sanctions imposed solely by a court ruling [2]. In contrast, disciplinary liability relates to violations of labor discipline and is enforced within the framework of the employer-employee relationship without involving judicial authorities. Disciplinary liability also differs from civil liability in its public-law nature, whereas civil liability is typically private-law in nature and primarily concerns compensation for property damage. While disciplinary liability, like civil liability, may have a contractual basis, it is applied strictly within the scope of labor relations [2].

The distinction between disciplinary and administrative liability lies in the nature of their application. Disciplinary liability arises within subordination relationships between an employee and an employer, whereas administrative liability entails responsibility before the state and is imposed by authorized public bodies. Moreover, administrative liability is governed by a clearly defined list of offenses, while disciplinary sanctions can be applied for violations of labor discipline without a detailed legislative definition of all possible infractions. Disciplinary liability also differs from material liability, the primary purpose of which is to compensate for property damage



caused to an employer. In contrast, disciplinary sanctions are aimed at ensuring compliance with labor discipline [3].

Despite these distinctions, legislation allows for the combination of disciplinary liability with other types of legal liability in certain cases. The most common combination is that of disciplinary and material liability. According to Article 130 of the Labor Code of Ukraine, an employee may bear material liability for direct actual damage caused to an enterprise, institution, or organization due to intentional or unlawful actions [4]. Material liability may arise independently of the imposition of a disciplinary sanction.

Furthermore, simultaneous application of disciplinary, criminal, and administrative liability is possible in cases where an employee's actions constitute not only a disciplinary offense but also a criminal or administrative violation. For example, a civil servant who commits a corruption offense may be held administratively or criminally liable while also being subjected to disciplinary sanctions, up to and including dismissal [5, p. 157].

A distinctive feature of disciplinary liability is that it is enforced within labor relations between an employer and an employee, distinguishing it from administrative or criminal liability, which involves accountability to state authorities. Moreover, disciplinary liability is unilateral, as only the employee can be held accountable, whereas the employer is not subject to equivalent sanctions for failing to fulfill obligations within labor relations. Employer liability is possible only before higher supervisory bodies, which does not alter its unilateral nature. The system of labor discipline enforcement includes disciplinary and public measures aimed at ensuring compliance. According to Article 147 of the Labor Code of Ukraine, only two types of disciplinary sanctions can be applied to an employee who violates labor discipline: a reprimand or dismissal [1].

Thus, disciplinary liability is an independent type of legal liability, characterized by specific features and a defined enforcement mechanism. At the same time, legislation allows for its combination with other types of liability, if justified by the nature of the offense and its consequences.

The legal mechanism of disciplinary liability encompasses normative provisions that establish grounds for application, types of sanctions, procedures for imposition, appeal mechanisms, and conditions for revoking disciplinary sanctions. An important aspect of its implementation is the statutory time limits for its application. A disciplinary sanction must be imposed immediately after the discovery of an offense, but no later than one month from the date of its recording, except during periods when an employee is temporarily incapacitated or on leave. Additionally, the total period for bringing an employee to disciplinary liability cannot exceed six months from the date of the offense.

Disciplinary liability arises in the event of a disciplinary offense, which consists of four key elements: subject, object, subjective, and objective aspects. The subject of a disciplinary offense can only be an employee who is in labor relations with an employer. Legislation distinguishes between general and special subjects of disciplinary liability. The general category includes all employees who are subject to labor law norms, particularly the Labor Code of Ukraine and internal labor regulations. The object of a disciplinary offense is the legal order in labor relations, encompassing the performance of job duties and compliance with labor discipline requirements. The subjective aspect of a disciplinary offense lies in the employee's culpable behavior, which is expressed in failure or improper fulfillment of job duties without valid reasons. Liability does not arise if the employee's actions are due to insufficient qualifications, health conditions, or inadequate working con-



ditions. Additionally, disciplinary sanctions cannot be applied if the employee refuses to execute unlawful orders from the employer or to perform work not stipulated in the employment contract [6, p. 67–68].

In labor law, the principle applies that an employee can be held liable only if their guilt is proven. The employer is obligated to prove the fact of a disciplinary offense, whereas the employee is not required to prove their innocence. Valid circumstances that exclude guilt may be of various nature, including personal or professional factors. The objective aspect of a disciplinary offense includes the fact of unlawful conduct, its negative consequences, and the causal link between them.

A disciplinary sanction may be applied only if all elements of the offense are established, and if the statutory deadlines and disciplinary proceedings are observed. Individual labor disputes arising from the imposition of disciplinary liability are classified as claim-based disputes. Legislation grants an employee the right to appeal a disciplinary sanction if they disagree with the decision or consider it unlawful.

Protection of labor rights involves the application of legal mechanisms to restore violated employee rights. This process can be initiated directly by the employee or through their representatives or authorized bodies in accordance with legally defined procedures. Legal protection is implemented through measures against the employer, particularly in cases where they fail to fulfill obligations or engage in actions that hinder the realization of employee rights. The procedure for protecting labor rights is based on several key principles:

- The presence of legal grounds for initiating the process,
- Compliance with the legally prescribed form for exercising the right to protection,
- The use of specific means and methods established by labor law.

An essential condition for legal protection is the existence of a right to such protection [2, p. 39].

The appeal of a disciplinary sanction is carried out in accordance with labor law regulations. An employee may file a complaint within an individual labor dispute, either by submitting an application to the enterprise's labor dispute commission or by initiating judicial proceedings. An application to the labor dispute commission must be submitted within three months from the moment the employee became aware or should have become aware of the violation of their rights. The starting point for this timeframe is the date the employee was informed of the order imposing the disciplinary sanction, regardless of the date of issuance. If the time limit is missed, the commission may reinstate it if there are valid reasons. The dispute is reviewed within ten days from the date the application is submitted, with mandatory participation of the employee and the employer's representative.

The Labor Dispute Commission (LDC) is a specialized jurisdictional body responsible for the pre-trial resolution of individual labor disputes. It operates based on the principle of alternative conflict resolution rather than compulsory adjudication between the parties involved in labor relations. The LDC is designed to ensure efficient dispute resolution at the workplace, offering employees an accessible procedure that allows their direct participation in the process. The decision-making process of the commission is legally regulated, ensuring the enforcement of its rulings. According to the Labor Code of Ukraine, the LDC serves as the primary body for resolving labor disputes within enterprises, institutions, and organizations, except in cases specified by Articles 222 and 232 [1]. A labor dispute is referred to the LDC only when an employee – either independently or with the support of a trade union organization – fails to resolve the issue through direct negotiations with the employer or an authorized representative.



Although the LDC serves as a mechanism for protecting labor rights, its effectiveness is constrained by the lack of comprehensive legal regulation governing its procedures. Addressing these deficiencies requires the establishment of a clear framework for the creation and operation of the LDC, the determination of membership requirements based on the enterprise's size, the introduction of uniform qualification criteria for commission members, and the implementation of a standardized decision-making process.

The LDC is obligated to review a labor dispute within ten days from the date of submission. The presence of both the employee and the employer's representative is mandatory, except when the employee submits a written request for the dispute to be considered in their absence. Employees have the right to legal representation, including assistance from a lawyer or a trade union representative. If the employee or their representative fails to appear twice without a valid reason, the commission may dismiss the complaint; however, the employee retains the right to resubmit the claim within three months from the date of discovering the violation of their rights.

The Labor Dispute Commission (LDC) has the authority to summon witnesses, initiate specialized expert examinations, and request necessary documents and financial records from the employer. A meeting of the commission is considered valid if at least two-thirds of its members are present. Both the employee and the employer have the right to request the removal of any commission member, provided they present a reasoned objection, which is then decided by a majority vote of the present members. The minutes of the meeting are recorded and signed by the chairperson (or deputy) and the secretary. If either the employee or the employer disagrees with the commission's decision, they have the right to appeal in court within ten days from

the date they receive an extract or a copy of the decision. Failure to meet this deadline does not automatically result in the rejection of the claim, as the court may restore the missed deadline and review the dispute on its merits if there are valid reasons. However, if the deadline is not reinstated, the LDC's decision remains in force.

An employee has the right to judicial protection of their labor rights both as an initial remedy and after the commission's review. Judicial protection not only ensures the possibility of filing a lawsuit but also requires the court to consider the case and issue a legally binding decision, which may be enforced compulsorily if not voluntarily executed. From a procedural perspective, the right to judicial protection includes the ability to file a claim for reinstatement of violated or disputed rights, utilize legal guarantees during court proceedings, appeal a court decision in the prescribed manner, and initiate the enforcement of a court ruling in the event of non-compliance [7].

The right to judicial protection is a fundamental guarantee of individual rights and freedoms, enshrined in the Constitution of Ukraine and national legislation. It grants employees the opportunity to seek legal remedies using the procedural and substantive legal mechanisms provided by law to restore violated or contested labor rights. Judicial protection may involve the recognition, restoration, or termination of legal relationships, compulsory enforcement of obligations, compensation for material damages and moral harm, invalidating unlawful decisions, actions, or inaction by the employer, and declaring individual labor contracts and collective agreements null and void.

**Conclusions.** Disciplinary liability serves as a key mechanism for ensuring labor discipline and compliance with employees' obligations. It has clearly defined boundaries and significantly differs from other types of legal liability, such as criminal, administrative,



civil, and material liability. The primary basis for its application is a disciplinary offense, which includes the presence of a subject, object, subjective, and objective elements. The legal mechanism for implementing disciplinary liability involves determining the grounds and procedure for imposing disciplinary sanctions, defining the time limits for their application, and providing the possibility of appeal.

Ukrainian legislation stipulates only two types of disciplinary sanctions – reprimand and dismissal—which must be applied in accordance with the presumption of innocence of the employee. Appeals against disciplinary sanctions take place within the framework of individual labor disputes, either through the Labor Dispute Commission (LDC) or in court proceedings. The LDC acts as the primary body for resolving labor conflicts; however, its effectiveness is limited by deficiencies in regulatory provisions, necessitating legislative improvements. Judicial protection remains a fundamental guarantee of a fair review of disciplinary disputes, ensuring the right to appeal decisions and enforce court rulings.

Legislation also permits the combination of disciplinary liability with other types of legal liability, including material, criminal, and administrative liability. The most common example is the simultaneous application of disciplinary and material liability in cases where an employee causes financial damage to the employer.

Thus, the legal framework for disciplinary liability is designed to maintain labor discipline and enhance employee performance. However, further refinement of regulatory provisions, particularly regarding dispute resolution procedures, is necessary to improve the effectiveness of disciplinary liability mechanisms and ensure adequate protection of employees' labor rights.

*The article is devoted to a comprehensive analysis of the legal*

*foundations and mechanisms for implementing disciplinary liability in Ukrainian labor law. The concept, essence, and significance of disciplinary liability as a specific type of legal responsibility applied within labor relations are examined. The regulatory and legal framework governing this institution is characterized, including its main legislative grounds and implementation mechanisms. Particular attention is given to analyzing the distinctions between disciplinary liability and other types of legal responsibility, including criminal, administrative, civil, and material liability.*

*The study identifies the main grounds for holding employees disciplinarily liable, emphasizing the necessity of establishing the fact of a disciplinary offense, proving guilt, and adhering to the legally prescribed procedure for imposing sanctions. The existing range of disciplinary sanctions provided by the Labor Code of Ukraine is analyzed, with an emphasis on their limited nature, which may negatively affect the effectiveness of disciplinary liability. The article also examines the procedure for appealing disciplinary sanctions, which can be carried out both through pre-trial proceedings via the labor dispute commission and through judicial proceedings.*

*The article highlights problems in the regulatory framework for disciplinary liability, including the lack of uniform criteria for its application, the need to improve its implementation mechanisms, and the regulation of its interaction with material, administrative, and criminal liability in cases where an offense exhibits characteristics of multiple types of responsibility. Special attention is given to the role of the labor dispute commission as the primary body for resolving individual labor disputes and its functional limitations due to gaps in current legislation.*



Based on the research findings, key directions for improving the mechanism of disciplinary liability implementation are outlined. The necessity of expanding the list of disciplinary sanctions, developing a standardized procedure for their application, establishing unified qualification requirements for members of the labor dispute commission, and ensuring an effective mechanism for appealing disciplinary sanctions is substantiated. The article proposes amendments to the regulatory and legal framework to strengthen the guarantees of labor rights protection in the process of implementing disciplinary liability.

**Key words:** disciplinary liability, labor law, disciplinary sanctions, labor discipline, labor dispute commission, judicial protection, labor disputes, legal regulation.

**Колб С. Правові засади та механізм реалізації дисциплінарної відповідальності в трудовому праві України**

Стаття присвячена комплексному аналізу правових засад та механізму реалізації дисциплінарної відповідальності у трудовому праві України. Досліджено поняття, сутність та значення дисциплінарної відповідальності як специфічного виду юридичної відповідальності, що застосовується в межах трудових правовідносин. Охарактеризовано нормативно-правове регулювання цього інституту, зокрема його основні законодавчі підстави та механізми реалізації. Особливу увагу приділено аналізу відмінностей між дисциплінарною відповідальністю та іншими видами юридичної відповідальності, зокрема кримінальною, адміністративною, цивільною та матеріальною.

Визначено основні підстави притягнення працівників до дисциплінарної відповідальності, зокрема необхідність встановлення факту дисциплінарного проступку,

доведення вини та дотримання визначеної законом процедури застосування стягнень. Досліджено існуючий перелік дисциплінарних санкцій, передбачених Кодексом законів про працю України, та підкреслено їх обмежений характер, що може негативно впливати на ефективність дисциплінарної відповідальності. Проаналізовано особливості процедури оскарження дисциплінарних стягнень, яка може здійснюватися як у досудовому порядку через комісію по трудових спорах, так і у судовому порядку.

У статті наголошується на проблемах нормативного регулювання дисциплінарної відповідальності, зокрема на відсутності єдиних критеріїв її застосування, необхідності удосконалення механізму її реалізації, а також врегулювання питань взаємодії дисциплінарної відповідальності з матеріальною, адміністративною та кримінальною відповідальністю у випадках, коли вчинене правопорушення має ознаки кількох видів відповідальності. Окрему увагу приділено аналізу ролі комісії по трудових спорах як первинного органу розгляду індивідуальних трудових спорів та її функціональним обмеженням у зв'язку з прогалинами в чинному законодавстві.

На основі проведеного дослідження визначено основні напрями вдосконалення механізму реалізації дисциплінарної відповідальності. Обґрунтовано необхідність розширення переліку дисциплінарних санкцій, розроблення уніфікованої процедури їх застосування, встановлення єдиних кваліфікаційних вимог до членів комісії по трудових спорах та забезпечення дієвого механізму оскарження дисциплінарних стягнень.

**Ключові слова:** дисциплінарна відповідальність, трудове право, дисциплінарні санкції, трудова дисципліна, комісія по трудових спорах, судовий захист, трудові спори, правове регулювання.

**Література:**

1. Кодекс законів про працю України: Закон України від 10.12.1971 № 322-VIII (ред. від 01.01.2025). URL: <https://zakon.rada.gov.ua/laws/show/322-08#Text>
2. Устінова-Бойченко Г. М., Скрябін О. М. Дисциплінарна відповідальність як підстава виникнення трудового спору. *Juris Europensis Scientia*. 2024. Вип. 2. С. 37–41. DOI: <https://doi.org/10.32782/chern.v2.2024.8>.
3. Аверочкіна Т., Білоус-Осінь Т. Співвідношення дисциплінарної та адміністративної відповідальності. *Юридичний науковий електронний журнал*. № 1. 2023. С. 655–657. DOI: [10.32782/2524-0374/2023-1/155](https://doi.org/10.32782/2524-0374/2023-1/155).
4. Хавронюк М. І. Дисциплінарна відповідальність за корупційні та пов'язані з корупцією правопорушення (законодавство, практика, пропозиції). Київ, 2024. 241 с.
5. Колєсник Т. В. Дисциплінарна відповідальність: проблемні аспекти застосування. *Держава та регіони. Серія: Право*. 2018. № 1 (59). С. 67–68.
6. Мельник В.В. Правові засади вирішення трудових спорів у судовому порядку : дис. ... канд. юрид. наук. Кривий Ріг, 2017. 209 с.
7. Вареник О. С. Дисциплінарна та матеріальна відповідальність за порушення локального правового регулювання охорони праці // *Juridical Science*. 2020. № 1(5(107)). С. 209–218. DOI: [10.32844/2222-5374-2020-107-5-1.26](https://doi.org/10.32844/2222-5374-2020-107-5-1.26).

