

The peculiarities of labor legal relations with a family doctor in the context of healthcare reform in Ukraine

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Abstract: According to national and international legislation, every person on the territory of Ukraine has the right to qualified medical assistance. As a result of healthcare reform in Ukraine, family doctors have started working, with whom patients conclude declarations in accordance with Ukrainian legislation. Consideration of labor legal relations with a family doctor is extremely important and relevant, as there are many problems and gaps in practice and legislative activities that require research and resolution. The full-scale invasion of Russia on the territory of our state had a negative impact on labor legal relations with family doctors. Due to hostilities, many patients have left for safer places in Ukraine or abroad. Many family doctors, who left their home and place of residence, are generally forced to seek for another place of work. These are significant drawbacks of labor law in the field of medicine, which we are currently facing in Ukraine and which require regulation and finding ways to resolve them. Therefore, consideration of theoretical and legislative material is relevant and extremely important. The purpose is to study the peculiarities of labor legal relations with a family doctor in the context of healthcare reform in Ukraine. The object is the legal basis and legislative framework, which regulate labor legal relations with a family doctor. Conducting research and summarizing qualifications, it can be said that general scientific methods, general methods, interdisciplinary methods, and specialized methods are applied. The analysis of the theoretical and legal source base, from the labor legislation, reveals ways to solve the problematic issues that family doctors face today. Incorporating positive international experience and making proposals for its further consideration and implementation in practice will make it possible to solve the current problems, taking into account all the risks. It is proposed to increase the salary of family doctors, regardless of the number of patients who have signed declarations with them. It is proposed to highlight the fundamental principles of labor activity with family doctors, which are based on the principles of legality, openness, voluntariness, normativity, transparency, control, and informativeness. The proposal is to enhance public awareness of the services of family doctors and the conclusion of declarations without being tied to the location.

Keywords: Declaration, Family doctor, Healthcare, Human rights, Labor legal relations, Legislation, Legislative activity, Legislative consolidation, Population protection, State bodies, Theoretical and legal basis, Theoretical and legal research.

1. Introduction

Labor legal relations with family doctors in the context of healthcare reform in Ukraine require special attention today, because Ukraine is going through difficult times due to the invasion of Russia, the aggressor country. In peacetime, the mentioned issue would require improvement and more profound regulation. Today, labor legal relations deserve special attention, analysis and research of the theoretical and legal basis, especially in terms of state-level control and regulation, encouragement of international partners, as well as the study and adoption of the successful experience in the rapid development of international countries.

Analysis of the recent research and publications. The main sources of analysis and research are the national and international legislative and theoretical-legal source base, in which the relevant issues of the peculiarities of labor legal relations with the family doctor are analyzed.

Among the main international legal acts, used in writing the article, are: UDHR (Universal Declaration of Human Rights, 1948), European Convention (European Convention, 1950).

Among the native legislation, the basis is such regulatory documents as Law of Ukraine No. 222-VIII (On Licensing Types of Economic Activity, 2015), Law No. 2801-XII (Fundamentals of Legislation of Ukraine on Healthcare, 1992), Law of Ukraine No. 1706-VII (On Ensuring the Rights and Freedoms of Internally Displaced Persons, 2014).

The analysis of the Constitution of Ukraine (Constitution of Ukraine, 1996) was conducted and its provisions were used as the foundation of legal norms, which was created on the basis of the international document ratified by Ukraine, the UDHR (Universal Declaration of Human Rights, 1948). Also, the Labor Code of Ukraine (the Labor Code of Ukraine, 1971) was considered and analyzed.

The works of O.Ye. Kostyuchenko (Kostyuchenko O.Ye., 2008), O.O. Voronyatnikov (Voronyatnikov O.O., 2020), A.A. Dobrieva (Dobrieva A.A., 2018), I.G. Markovych (Markovych I.G., 2020), A.V. Chizhevska (Chizhevska A.V., 2018), S.S. Tuchkov (Tuchkov S.S.), V.S. Biryukova (Biryukova V.S., 2016), Ye.S. Hainatskyi (Hainatskyi Ye.S., 2021), (Chopei I.V., 2001) was researched.

The scientific works of researchers M. M. Mikhaylenko (Mikhaylenko M. M., 2022), M. V. Grushko (Grushko M. V., 2023), O.V. Demikhovska (Demikhovska O.V., 2009), V. V. Ilkov (Ilkov V. V., 2020), V. Denisov, 2020 (Denisov V., 2020), S. P. Mirny (Mirny S. P., 2020), T.M. Hnatiuk (Hnatiuk T.M., 2020), O. Skrypniuk (Skrypniuk O., 2020), P. Newell (Newell P., 2007), R. Hodgkin (Hodgkin R., 2007), T.V. Lysenko (Lysenko T.V., 2020), O. Kochemirovska (Kochemirovska O., 2013), L. Kryvachuk (Kryvachuk L., 2011), L. Tokarchuk (Tokarchuk L., 2020), Yu. O. Shekhovtsova (Shekhovtsova Yu.O., 2020), and Yu.S. Shemshuchenko (Shemshuchenko, Yu. S., 2020) was processed and researched.

Works where human rights and labor rights of doctors are disclosed are analyzed, and attention is paid to works where the use of international experience and the exchange of positive aspects between states are recommended.

The article takes into account the research of N.O. Yarmish (Yarmish N.O., 2015) and D.V. Kamensky (Kamensky D.V., 2023), which disclose the terminology of public security as a global concept, emphasizing all risks (Yarmish N.O., 2015). Scholars consider that public health is the foundation of public security. D.V. Kamensky analyzes the EU program for 2020-2025, which reveals the prevention and preservation of the spread of infections and the active professional exchange of countries to solve the problem (Kamensky D.V., 2023).

Elaborated and summarized works of M. Koskenniemi (Koskenniemi, M., 1997), R. Mushkat (Mushkat R., 2002), J. Shestack (Shestack J., 1998).

2. Methodology

During the research of the peculiarities of labor legal relations with a family doctor, the basic general methods were used, namely: general scientific and legal methods.

The method of description, system method, evaluation, generalization method, logical method, structural-functional method is used.

The comparison is used when comparing the development of the labor process and activities of family doctors of Ukraine with other countries.

The analysis is used during research of theoretical material and the legal framework.

During studying the terminology linguistic method is used.

During analyzing and disclosing statistical information about patients' referrals to family doctors, a statistical method is encountered.

During research the development of medicine and the emergence of family doctors, techniques of the historical method are used.

3. Research Results

The study of the legal and scientific source base reveals ways to solve the problematic issues faced by family doctors today. Incorporating positive international experience and making proposals for its further consideration and implementation in practice will make it possible to solve the current problems of today, taking into account all the risks.

A proposal was made to include the prevention of diseases among the professional duties of family doctors. The principles of activity of family doctors were proposed. It is indicated that labor relations with family doctors are implemented on the basis of legality, professionalism, openness, accessibility, guarantee. The analysis of the theoretical and legal source base, from the labor legislation, reveals ways to solve the problematic issues that family doctors face today.

Labor legal relations with family doctors in the context of healthcare reform in Ukraine require special attention today, because Ukraine is going through difficult times due to the invasion of the state aggressor Russia.

Today, labor legal relations deserve special attention, analysis and research of the theoretical and legal basis, especially in terms of state-level control and regulation, encouragement of international partners, as well as the study and adoption of successful experience in the rapid development of international countries.

The author's proposal for improvement is to make changes to the labor legislation, adjusting it for wartime.

Incorporating positive international experience and making proposals for its further consideration and implementation in practice will make it possible to solve the current problems of today, taking into account all the risks. It is proposed to increase the salary of family doctors, regardless of the number of patients who have signed declarations with them.

The main principles of working with family doctors are proposed, which are based on the principles of legality, openness, voluntariness, normativity, openness, control, and informativeness. It is proposed to enhance public awareness of the services of family doctors and the conclusion of declarations without being tied to the location.

4. Discussion

In accordance with the Universal Declaration of Human Rights (UDHR, 1948), every person has the right to free medical assistance. This is also enshrined in the Constitution of Ukraine.

It is important to emphasize that labor legal relations are regulated by the Labor Code of Ukraine (LCU, 1971). According to national legal acts, it is possible to work in the field of medicine for specialists who have received appropriate specialized education and comply with legislative requirements established by the executive authorities in the healthcare sector. The executives must monitor compliance with legislation at the local and institutional levels. If, for example, a family doctor studied in foreign countries, it is necessary to confirm his qualifications in accordance with national legislation and international treaties. Only after such a procedure he can be employed (Law of Ukraine "Fundamentals of Legislation of Ukraine on Healthcare", 1992).

I.V. Chopei notes that labor relations with family doctors require mandatory upgrading of qualifications for each employee. It is important for doctors and law makers to study, analyze and

implement positive foreign experience. Family doctors should be engaged not only in treatment, but also in the prevention of diseases. The salary should be higher (Chopei I.V., 2001). We consider that labor legal relations with family doctors should be better paid, this will make it possible to avoid corrupt relations between doctors and patients.

Having analyzed the theoretical, scientific and legal base, it is appropriate to note that labor relations with family doctors need improvement and adoption the positive experience of foreign countries.

It is worth noting that now in Ukraine, there is a very common problem that a family doctor has few patients who have made declarations with him, due to circumstances beyond his control, for example, low population in the settlement, territory, inconvenient geographical location of the hospital, etc. These factors negatively affect the salary of a specialist, regardless of their experience and professional qualifications. It is valid to point out that doctors deserve decent salary for their work in labor legal relations.

Highlighting the topic of analysis, it is said about the range of professional labor rights and obligations.

The right to remuneration for labor is enshrined in the international document UDHR, and in the main law of Ukraine, namely the Constitution, and in other normative legal acts.

We believe that it is appropriate to indicate that labor relations with family doctors are implemented on the basis of legality, professionalism, openness, accessibility, guarantee.

Now, since the beginning of the full-scale invasion of Russia on the territory of Ukraine, many people have left their homes and moved to safer parts of the country.

Many family doctors are experiencing a decrease in the number of patients because people have resigned declarations in other areas or regions where they are temporarily residing. This is a significant problem in labor legal relations with family doctors, which requires resolution and regulation at the state level, taking into account all risks.

The author's proposal for improvement is to make changes to the labor legislation, adjusting it for wartime.

S. Antonov, together with a team of authors, conducts research and reveals the current and actual problems of the activities of medical workers, including family doctors in Ukraine. Scientists note that today, when hostilities are taking place on the territory of our country, family doctors may be left without housing or without their usual place of work. The Ministry of Health at the state level implements a program to provide doctors with a new place of work, that is to say, it deals with their employment (Antonov S., 2022).

This issue is regulated at the level of rule-making by an Order of the Ministry of Health of Ukraine. Antonov S. indicates that employment can be part-time. If an employer hires an internally displaced person, they can receive reimbursement of the labor costs. It is appropriate to emphasize that the specified procedure is regulated by national legislation (Antonov S., 2022). The employer has certain obligations towards the doctor, one of which is to pay the salary on time, twice a month, as enshrined in the legislative acts of our country, emphasizing that every labor should be timely paid.

O. Ye. Kostyuchenko reveals the concept of a doctor's function in the labor field. The scholar believes that this is a certain direction of activity of a person who has duties and rights that are enshrined in the employment contract (Kostyuchenko O. Ye., 2008).

The scholar claims that a doctor must meet qualified requirements before being employed. This is stipulated in the labor legislation. All labor duties of medical workers are fixed in the contract. Thus, control and regulation of powers is carried out. But in turn, the employer, in accordance with the norms of labor law, has obligations towards its employees, such as timely payment of salaries and providing safe working conditions, in accordance with the current regulatory legal acts of Ukraine (Kostyuchenko O. Ye., 2008). Family doctors for sure must qualitatively perform their job duties.

With the development of technologies, computer programs and telemedicine, it would be appropriate to improve qualifications and exchange experience with foreign countries.

Thanks to scientific progress, we believe it would be expedient to conduct consultations by family doctors remotely, in order to not violate the principle of accessibility to medical care, in accordance with international law. After all, due to the armed aggression of Russia against Ukraine, not all people may be able to reach the family doctor, due to military actions, and consultations in online format or by phone can save human lives or contribute to a quick recovery, because highly qualified personnel can professionally advise the patient and foresee all risks. This assistance must be consolidated and improved at the state level.

Employers and governing bodies must take into account all the present problems and provide family doctors with all the conditions for the quality performance of their official duties.

It is appropriate to note that after analyzing the international and national regulatory framework, a special approach should be taken regarding the treatment of children. Since there are currently military actions in Ukraine, governing bodies and medical institutions must take all measures regarding remote consultations of young people and children. Employers must provide doctors with the necessary conditions and training in computer programs, provide an algorithm for actions in unforeseen circumstances. Only the desire of governing bodies, employers and doctors to develop, exchange and adopt a positive foreign experience will make it possible to solve all the contemporary problems in our country.

Dobrieva A.A., Chizhevskaya A.V. correctly point out that the Primary Medical and Sanitary Care (PMSC) is implemented through the professional activities of a family doctor (Dobrieva A.A., 2018), who occupies an important place in the development of reforming the medical field and helps people by providing qualified, professional consultation and treatment (Chizhevskaya A.V., 2018).

V. S. Biryukova claims that the introduction of family doctors brings our country closer to a higher level of development, which is borrowed from European foreign countries (V. S. Biryukova, 2016).

Problems of labor legal relations with family doctors should be resolved at the state level. It is appropriate to note that the governing bodies need to review the activities of family doctors and their labor legal relations (duties and rights) and adopt the necessary regulatory acts in order to resolve the contemporary problematic issues, and therefore, to make changes to the legislation of Ukraine, but at the same time taking into account all the needs of the population in provision of qualified and accessible medical care, regardless of all factors and risks.

5. Conclusions

The study and research of the international and native regulatory and scientific source base reveals ways to solve the problematic aspects that family doctors face today.

Incorporating positive international experience and making proposals for its further consideration and implementation in practice will make it possible to solve the current problems, taking into account all the risks and adverse circumstances.

A proposal was made to include the prevention of diseases among the professional duties of family doctors. The principles of activity of family doctors were proposed. It is indicated that labor relations with family doctors are implemented on the basis of legality, professionalism, openness, accessibility, guarantee.

The analysis of the theoretical and legal source base, from the labor legislation, reveals ways to solve the problematic issues that family doctors face today.

It is proposed to increase the salary of family doctors, regardless of the number of patients who have signed declarations with them, and to legislate the obligation of professional development, mastering of computer programs and strategies for providing assistance to the population (adults, children, youth) remotely, due to military actions in Ukraine, because of Russia's armed aggression.

A proposal was made regarding the main components of labor activity with family doctors, which are based on the principles of legality, openness, voluntariness, normativity, transparency, control, and informativeness. It is proposed to enhance the population's awareness of the services of family doctors and the conclusion of declarations, regardless of location.

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