UDK 341

THE EVOLUTION OF THE DEVELOPMENT OF LABOR LAW IN FRANCE

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The national law of any country is the result of their concrete historical development, traditions and culture, and relationships in society and the state.

The most important component of almost every modern legal system is labor and other social legislation. It is precisely this that reflects the degree of development of the social component of a country's economy, and it can be judged on the level of development of the country as a whole by what regulatory conditions are created, in particular, for the performance of labor functions.

Labor law is a product of social and political actions of the labor movement.

The value of the work can not be underestimated in the modern world. Work is valuable in that productive labor produces goods necessary for life, such as food and shelter; goods necessary for self-development, such as education and culture; and other material benefits that people want to have in order to live a full life. Work, as a rule, also inspires a sense of success, self-esteem and respect for others. People develop social relationships at work, which can be very important for them. Work brings both tangible and intangible benefits. There is no doubt that work is the most important benefit. What is the content of the law? Does this impose a duty on governments to promote full employment? Does this commitment to protect decent work? There is also the question of copyright holders. For example, are migrants entitled to work? At the same time, many people would prefer not to work. What is this right if many do not want to have it?

The evolution of the nation was accompanied by the evolution of the law:

• As society pays more attention to the education and well-being of children, child labor laws ensure that more and more children enjoy education and leisure.

• As society has become less concerned about traditional gender roles, laws promoting equality have expanded the opportunities for women in the workplace.

• As society has become less tolerant of prejudice, legislation prohibiting discrimination in the workplace has improved employment opportunities for minority workers.
• As society became more concerned about the safety of workers, laws were passed that helped reduce the number of workers affected by serious injuries in the workplace.
• And with the advent of federal protection of organized labor and access to membership in trade unions, all workers have more opportunities for collective bargaining to improve working conditions.

These changes came together to create a workforce that is better educated, more diverse, safer, and works in better conditions today than in 1915.

At present, the need for a detailed study of positive foreign experience in the sphere of regulating labor and other directly related relations continues to be relevant. This task can be achieved by examining labor laws on the example of one of the developed countries.

The choice of a country like France for this study is due to the fact that this state of Europe is characterized by a high level of development of social and labor legislation, as well as the fact that France has a wealth of experience and legal system of labor law.

In addition, France is one of the most influential states of the European Union, the development of labor legislation there has its own characteristic feature. Labor law in France is based on various sources: these are state standards, international conventions, national legislation, collective agreements, local regulations and precedent.

Moreover, the strengthening of globalization processes in the world is a consequence of the increasingly widespread free movement of labor resources, and this, in turn, necessitates studying the labor legislation of the most developed countries of the world and analyzing relevant scientific material.

At the beginning of the 21st century, French labor law, like others, faces important problems. Globalization, new technologies at work, the growth of precarious work, productive decentralization - these are some of the difficult problems that have to be faced. This occurs in the context of widespread criticism of the French model of labor law, which is largely regulated by law. Too hard, too complicated, French labor law needs reform. An understanding of the general logic of a system is necessary for understanding its evolution.

The reforms that have recently taken place in France (the adoption of the new Labor Code on May 1, 2008, the introduction of amendments to it in December 2008) require the study and new assessment of existing experience in the development of labor law.

In this regard, the study of labor law in France is very interesting and allows you to more reflect the trends of foreign development of labor legislation, having different traditions and features of legal systems.

The following provisions in French law are noteworthy:

- the strike is intended to force the employer to fulfill the stated economic, social or political requirements;
- a strike can be declared by workers at any time, regardless of whether any measures were taken to resolve the dispute peacefully or not; a lockout is understood as the closure of the doors of an enterprise by an employer with the aim of imposing its own working and wage conditions on employees.

It is concluded that compared with the French legislation, the level of guarantee of the rights of participants in the strike in the CIS countries is lower.

Unlike civil and commercial law, labor and social legislation did not have deep historical roots in France, on the contrary, the first acts of the French Revolution were rather pronounced anti-labor in nature.

Adopted in 1791, the law of Le Chapelle was aimed at fighting not so much with corporations of the medieval type, as with workers' associations. The law prohibited unions of workers of the same profession, declaring strikes and even workers' meetings to discuss working conditions illegal.

The law of Le Chapelier and the criminal bans based on it have become a serious legal obstacle to the organization of trade unions. With the development of capitalism in France, legislation prohibiting the unification of workers became increasingly divorced from life and ineffective.

Napoleon III, who used the tactics of flirting with the workers, in 1864 abolished the law of Le Chapelier. This was the way workers' trade unions (trade unions) and strikes were legalized, unless they were accompanied by "illegal" actions.

But in the conditions of the Second Empire regime, the workers' organizations could not freely form and function. Only in 1884, in connection with the new growth of the labor movement, the Parliament of the Third Republic legalized the free education of workers' unions, which pursued economic goals.

From time to time, the ruling circles of the Third Republic made certain minor concessions in the regulation of working conditions. Laws 1874-1892 banned the work of children under 13 years of age, set a 10-hour working day for teenagers under 16, and an 11-hour working day for women and teenagers under 18. In 1898, a law was passed that provided for the responsibility of the entrepreneur for the industrial injuries of workers.

In fact, labor and social legislation as components of the French legal system originated only in the XX century. The development of labor and social law is directly related to the level of organization and consciousness of the labor movement, the degree of development of state mechanisms for regulating social relations, the willingness of entrepreneurs and workers themselves, as well as society as a whole, to search for and use social compromises.

A noticeable milestone in the creation of legal principles for regulating labor disputes and working conditions was the special Labor Code adopted in 1910. But the emergence of a modern legal system of labor and social regulation is associated with the post-war period and the last decades of the 20th century.

An important milestone in the formation of modern labor and social law was the Constitution of the Fourth Republic (1946). The preamble to this Constitution was a real charter of labor. It not only recognized the right of workers to work, to create trade unions, to strike, etc., but also provided for a state program of social support for mothers, children, the disabled, the elderly, the unemployed, etc.

The 1958 Constitution did not contain any new provisions on labor and social policy. But, as is known, she retained the preamble to the 1946 Constitution as a valid legal document. Hence, the obligations of the government of the Fifth Republic in the field of labor and social security were derived.

In accordance with the 1958 Constitution, laws define only the fundamental principles of labor law. Issues that do not fall within the scope of legislative regulation of labor are resolved in a regulatory and administrative manner. Thus, the Constitution left parliament with the right to develop general principles of labor law, while the implementation of these principles was granted to the government.

The most important source of labor law in France is the Labor Code, which is currently in force in the 1973 edition with the amendments of 1981-1982. This Code is an incorporation of numerous laws on labor, adopted at various times by Parliament and the Government.

The current legislation also acts as an additional source of law. In particular, the decrees of the Minister of Labor (Social Affairs), which are connected with the regulation of collective bargaining, fix the rules on safety and industrial hygiene, etc.

Labor Code has undergone in the XX century. Big changes. At first it only extended to industrial workers who demanded special legal protection. At present, it acts in relation to all wage earners, both ordinary workers and representatives of the management elite.

The labor code and legislation of recent decades, reflecting the trend towards democratization and the expansion of the social policy of the state, regulate a wide range of relations.

Firstly, they regulate the very organization of the work of state bodies in the sphere of labor relations (Labor Inspection, etc.).

Secondly, the rules are established relating to the employment contract as the main legal document regulating the relationship between the employer and the employee. It also provides for the regulation of wages and labor disputes, which are resolved by special courts.

Thirdly, the Labor Code regulates collective labor relations, as well as the creation and activity of professional associations of workers and employers.

Thus, in the era of the global financial and economic crisis, the problem is the protection of labor rights and interests of workers, as well as the fact that globalization gives rise to the flexibility of labor law of foreign countries, which leads to the replacement of standard labor relations (les standard relations de travail) on non-standard labor relations (les non-standard relations de travail) on

the basis of fixed-term employment contracts and part-time working conditions. Naturally, the role of labor law, both France and Kazakhstan in these conditions, will consist in optimizing and improving the process of protecting the labor rights and interests of employees.

At present, the need for a detailed study of positive foreign experience in the sphere of regulating labor and other directly related relations continues to be relevant. This task can be achieved by examining labor laws on the example of one of the developed countries.

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