

**DEVELOPMENT OF SOCIAL PARTNERSHIP AND SOCIAL
DIALOGUE AS MEANS OF ACHIEVING AGREEMENT
IN RESOLVING SOCIAL AND LABOR CONFLICTS:
THE EXPERIENCE OF UKRAINE**

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INTRODUCTION

In a democratic society, in countries with socially oriented market economies, a fundamentally new type of social and labor relations is formed, as well as a qualitatively new principle of regulation of these relations. First, the essence of these innovations is that the employee ceases to be only the object of social and labor relations, and as the owner, entrepreneur, employer becomes an active subject of these relations and an active participant in their regulation at various levels. Secondly, the most important principle of regulating social and labor relations is the principle of equal participation in this process of the state, representatives of the owner, entrepreneur, employer and employee representatives. Social partnership itself is a systemic quality of modern civilization in developed democracies with market economies, serves to prevent and peaceful resolution of social conflicts, a guarantee of social harmony and progress. In modern conditions, when Ukraine has accumulated some experience in the development of social partnership, the needs of a systematic theoretical analysis of social partnership problems and proposals for practical balance in the realization of fundamental socio-economic interests of workers, employers and the state come to the fore.

However, in the scientific literature it is widely believed that the priority aspect of social partnership is the social aspect, and the most important area of functioning of social partnership – the sphere of social and labor relations and related economic relations. However, this provision does not deny that, firstly, social partnership as a social phenomenon is inextricably linked, interdependent in its functioning with the institutions of public administration, public organizations and political processes. Secondly, social partnership objectively and inevitably affects the sphere of political relations (for example, in the process of developing and implementing social policy of the state, etc.). Researchers N. Balabanova, V. Golovko, L. Didkivska, L. Zhukov, V. Mikheev, G. Semigin, V. Skuratovsky, F. Khmil and other

researchers are devoted to the analysis of the essence, content, principles of functioning of the system of social partnership and social dialogue.

However, the question of the development of social partnership between government, business and workers in a crisis in the context of the need to reduce social tensions in society remains poorly understood. Therefore, the analysis of the existing model of social partnership in Ukraine and the definition of ways to increase its effectiveness in modern conditions is relevant. Another area of research is to study the state of social and labor relations in Ukraine, prevention of causes of social conflicts in the labor sphere, which should be carried out on the basis of social partnership and social dialogue at the state level, taking into account public administration and administration.

Unfortunately, the state of social and labor relations in Ukraine is characterized by the existence of tensions, namely some facts of non-payment of wages, and its delay, deteriorating working conditions, the presence of contradictions between employees and employers. Recently, there has been a reduction in the number of statistical indicators that reflect the state of social and labor relations and the characteristics of social conflicts in the state statistics of Ukraine. In such circumstances, it is essential to carefully plan and implement measures to improve the quality of social partnership and social dialogue, the implementation of prevention of social and labor conflicts, and especially the prevention of strikes, both at the state level and public administration and administration.

In the middle of the XX century a scientific direction was formed, which comprehensively and deeply studies the problem of social conflicts. The most famous representatives of this trend are Ralph Dahrendorf and Lewis Coser. Researchers paid attention to separate general theoretical and practical issues related to the procedure for resolving collective labor disputes, general practice of resolving social and labor conflicts in Ukraine and foreign countries S. Gerbeda, Yu. Gritsenko, D. Dedov, I. Zub, I. Kiselyov, V. Lazor, I. Lositsa, V. Mironov, O. Okis, V. Pastukhov, P. Pilipenko, V. Prokopenko, O. Protsevsky, S. Pushkareva, V. Rudenko, V. Safonov, G. Chanisheva, V. Shevchenko, I. Yakushev, O. Yaroshenko and other scientists. All researchers emphasize the need to use public administration and administration to prevent social and labor conflicts and strikes. Therefore, another area of research is important and relevant, it is the analysis of the state and development of social and labor relations, social conflicts in Ukraine, especially to prevent strikes as the highest form of social conflict that destroys the fundamentals of the economy.

1. History and essence of social partnership and social dialogue

The term “partnership” in social relations between workers and employers was first used by the English philosopher John Stuart Mill, who argued in his study “Fundamentals of Political Economy and Some Aspects of Their Application to Social Philosophy” (1848) that the development of social relations would take place by uniting workers with the capitalists and through the unification of the workers among themselves. In the first half of the twentieth century, under conditions of increasing concentration of production, complication of economic ties, aggravation of social problems, militarization of the world economy, there was an expansion of economic functions of the state. The state began to intervene more actively in the regulation of economic and social relations.

In many countries of Western Europe and the United States in the 40 – 50’s of the twentieth century, under the pressure of leftist forces and trade unions, social legislation developed. The state social policy included programs to achieve a high standard of living by creating a state system of education, health care, housing, social protection programs, regulation of the minimum wage, and so on. They were later supplemented by demographic, environmental and other programs. A system of minimum social security standards for citizens guaranteed by the state has been developed and approved. The result of this activity of the state was a fairly clear fixation of the part of social and labor relations (minimum wage, average working week, holidays, the amount of social assistance, etc.), in which the state was the guarantor.

At the same time, the state identified an area where social and labor issues could be the subject of negotiations between employees and owners of capital (issues of wages, employment, social security, which are set above the state-guaranteed minimum). The idea of social partnership was put into practice in Germany in the 1960s, where “conciliation actions” began to take place, in which representatives of business associations and trade union leaders decided on the country’s economic policy with the participation of the government.

Tripartite commissions with the participation of the government, employers and trade unions became an instrument of such interaction, social partnership agreements were concluded annually and employers’ activities were regulated (timely payment and indexation of wages, job creation, safety) and employees (etc.). In general, the concept of “social partnership” scientists understand as a system of collective relations between employees, employers, the state, which ensures the realization of their socio-economic rights and interests. There is a well-established definition that social partnership is a way of reconciling the interests of employees and employers, which is carried out with the intermediary role of the state. In accordance

with the purpose of the study, it is necessary to supplement the definition of social partnership with its importance in preventing social and labor conflicts. Therefore, the supplemented definition of “social partnership” is a way to legally resolve and prevent labor, social, economic, environmental and man-made conflicts, it is also a way to resolve conflicts between the interests of workers and owners, based on the principles of equality, trust, social justice, mutual responsibility, and this method is implemented by concluding a social contract or agreement between the state, trade unions and employers in accordance with applicable law, and this method is implemented by identifying areas for improvement based on social dialogue.

The essence of social partnership is revealed through its functions. First, it can act as a tool for reconciling social interests, taking into account their differences and even contradictions. Secondly, it can be a means of implementing social policy that ensures the participation of all social actors in organizational and managerial activities. At the same time, social partnership can ensure the interaction of social actors in the economic, political and cultural spheres. The state in social partnership exists in several roles: owner, legislator, mediator, employer. Therefore, the main functions of the state in the system of social partnership: legislative, rule-making, organizational, prognostic, control and judicial. Social partnership is based on the so-called concept of “tripartism” (In Latin, tres – three and partis – part, industry, department), ie labor relations are governed by the conditions of tripartite cooperation between the state, workers and employers. At the same time, the conclusion of each individual employment contract is under the influence of the state, employers ‘organizations and workers’ organizations (trade unions). The employee, concluding an individual employment contract, enjoys the support of the state and the union, the employer – the state and employers’ organizations. Reconciliation of the interests of employees and owners of capital in the field of social and labor relations is carried out through negotiations and ends with the conclusion of collective agreements and contracts.

In addition, the system of social partnership is implemented through the conclusion of agreements at the level of society as a whole or at the level of individual regions (vertical system of agreements and contracts). At the level of society, the main areas of socio-economic policy of the state, including the development of indicators of social welfare of the nation, the system of social guarantees for all segments of the population, as well as measures to protect the interests of social and labor relations. Relevant agreements are made between organizations representing employees, employers’ associations and the state. In Ukraine, such a document is the General Agreement (here in after – the Agreement) between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers ‘and entrepreneurs’

organizations and all-Ukrainian trade unions and trade unions. Thus, in accordance with the Agreement for 2008-2009, the parties undertook to direct coordinated efforts to radically accelerate human development and fulfill priority priorities in the socio-economic and labor spheres, increase employment and adequate material support, further develop social dialogue, achieve stability and harmony in society. The parties also agreed: to conduct a social dialogue on the implementation of state socio-economic policy, including during the development of draft legislation relating to economic and social-labor relations, social protection, and to consider them with the participation of all-Ukrainian associations of employers and entrepreneurs who are subjects of the agreement, and trade unions; not to allow the Cabinet of Ministers to submit for consideration and adopt acts of legislation relating to socio-economic, labor rights and interests of employees and employers without prior social dialogue. In addition, in order to increase the role of trade unions and employers' organizations and their associations in shaping the economic and social policy of the state, further development of social dialogue as one of the main factors of social stability, civil society development, prevention of social conflicts and, accordingly, to Decree of the President of Ukraine of December 29, 2005 № 1871 "On the development of social dialogue in Ukraine", the National Tripartite Socio-Economic Council (here in after – the National Council) was established as an advisory body to the President of Ukraine from representatives of the Cabinet of Ministers of Ukraine, all-Ukrainian trade unions and their associations, all-Ukrainian associations of employers' organizations¹.

The main tasks of the National Council are: to promote the coordination of the positions of the parties to the social dialogue on ways to further develop socio-economic and labor relations, the conclusion of agreements on the regulation of such relations; development and submission to the President of Ukraine of proposals on the formation and implementation of state socio-economic policy. The National Council has a tripartite structure of representation of the parties to the social dialogue: from the government, all-Ukrainian trade unions and their associations, all-Ukrainian associations of employers' organizations. The Council is chaired by three co-chairs, who are also the coordinators of the parties. In accordance with the decision of the National Council, 4 standing commissions were formed in its structure with the same number of members of the parties: on legislative activity and minimum state social standards; information and methodological work and relations with social dialogue institutions at all levels; observance of norms and principles of social dialogue; issues of competitiveness of the domestic economy.

¹ Національна тристороння соціально економічна рада. URL : http://www.ntser.gov.ua/pro_nazradu/page7 (дата звернення: 15.12.2020).

According to world experience, one of the main tasks of the National Council should be to ensure the optimal ratio between the level of wages and prices for goods and services in the country. Therefore, in addition to the commission on legislative activity and minimum state social standards, it is advisable to create a commission on prices and pricing. It should regulate prices for goods and services for which prices are not set within the state regulation, and prevent their unjustified growth. That is, any increase in them entrepreneurs (representatives of employers' organizations) carry out only after consultation with the "social partners", during which such an increase is justified in detail. All decisions to increase prices and increase wages are made by the National Council on the proposal of commissions on legislative activity and minimum state social standards and the commission on prices and pricing proposed by us. In case of impossibility to reach an agreement on the amount of wages and price levels within the National Council, the "social partners" may make recommendations on the introduction of a mechanism of state regulation provided by the law on prices or raising social standards. That is, state regulation of prices, legislative introduction of social standards and regulation in the system of "social partnership" – the processes are interconnected and should complement each other. One of the parties to the social partnership is trade unions and their associations, other employees' organizations established by them in accordance with current legislation. The experience of economically developed countries shows that social partnership relations can be realized only in the presence of developed public institutions, especially trade unions. Domestic trade unions are weak, do not sufficiently influence social relations in society and in some industrial and economic organizations. The result of social partnership and social dialogue is the Plan for modernization of Ukraine for the period up to 2035, developed by employers, demonstrates the trend of transition from crisis to economic growth². The Modernization Plan of Ukraine (from crisis to economic growth) is the first program document prepared by Ukrainian employers, trade unions, leading scientists with the involvement of European experts, aimed at achieving a certain vision of socio-economic development of Ukraine by 2035. For the first time in the history of Ukraine, efforts have been made by Ukrainian employers and trade unions who are ready to work together to implement the program document to overcome poverty in Ukraine and stop emigration.

The Modernization Plan of Ukraine contains ambitious but realistic goals, namely:

² План модернізації України: від кризи до економічного зростання (на перспективу до 2035 року). URL : http://modernization.fru.org.ua/images/documents/Ukraine_part.pdf (дата звернення: 15.12.2020).

- ensuring an average annual growth rate of real gross national product of 5-6% compared to 0.5% on average over the previous 10 years;
- increase in total expenditures on research and development 3 times to 1.5-2.0% of gross national product and entry into the TOP – 45 countries in terms of innovation from the current 63rd place in accordance with the Global Innovation Index;
- reduction of the tax burden on business from the existing 45% to 30% of gross national product;
- qualitative change in the structure of exports. Instead of exporting raw materials – exporting products with high added value and deep processing. Achieving exports of up to 70 billion dollars. USA;
- significant improvement of transport infrastructure, in particular, improving the quality of roads and achieving the Top 70 place in the ranking of Road Quality (World Economic Forum) from the current 139th place in 144 countries;
- development of entrepreneurship and increase of the contribution of small and medium business to the gross national product of Ukraine from the current 15-20% to 50%.

In addition to the goals of economic development, significant emphasis is placed on employment, improving social standards and quality of life. In particular, the vision envisages an increase in the average life expectancy of Ukrainians from 71 to 75 years, an increase in total health care costs from the current \$ 315 to \$ 700 per person. To address these goals, it is proposed to implement a set of functional and institutional measures to attract investment, export development and domestic consumption with a focus on the rapid development of the processing industry, energy conservation and infrastructure modernization.

On December 17, 2020, a Memorandum on the implementation of the Decent Work Agenda for Ukraine was signed between the International Labor Organization and Ukraine³. The memorandum was signed at the site of the National Tripartite Socio-Economic Council by the Co-Chairs of the Government, employers and trade unions. The memorandum is the final stage of a powerful comprehensive work of the tripartite social partners to prepare a new Decent Work Agenda for Ukraine for 2020–2024. The program provides for joint work to implement 3 main priorities: improved

³ Відбулося підписання Меморандуму щодо впровадження Програми гідної праці для України. URL : <https://fru.ua/ua/media-center/news/fru/vidbulosya-pidpisannya-memorandumu-shchodo-vprovadzheniya-programi-gidnoji-pratsi-dlya-ukrajini?fbclid=IwAR0iNZN8LJmwt1H18B57sQniTTkNL5Gz47eRgNfV7ppHITaF4LM8JG81VOI> (дата звернення: 15.12.2020).

social dialogue; inclusive and productive employment; improved working conditions and social protection.

The implementation of each priority involves the achievement of specific end results both in terms of the impact on the implementation of socio-economic policy in general and the institutional capacity of each of the tripartite partners. As part of the Program, employers plan and count on the support of the International Labor Organization in developing and implementing strategic documents, recommendations on socio-economic policy and their advocacy, development of services for member companies and sectoral and territorial organizations, deepening knowledge and skills of collective management. negotiations. The Decent Work Agenda is the main planning system for ILO support to member states. They outline a medium-term plan that guides the ILO's work in the country in accordance with the priorities and objectives agreed with governments, trade unions and employers. The new Decent Work Agenda supports the national development priorities set out in the 2030 Agenda for Sustainable Development, the Government-Ukraine Partnership Framework Program (RPP), the EU-Ukraine Association Agreement, the Canada-Ukraine Free Trade Agreement (CUFTA), the General Agreement on the Regulation of Basic Principles and Norms of Principles of Implementation of Socio – Economic Policy and Labor Relations in Ukraine for 2019–2021.

2. State regulation of social and labor conflicts: the experience of Ukraine

On November 17, 1998 in accordance with the Law of Ukraine “On the Procedure for Resolving Collective Labor Disputes (Conflicts)”⁴ and pursuant to the Decree of the President of Ukraine, in order to improve labor relations and prevent collective labor disputes (conflicts), their forecasting and timely the decision created a state institution – the National Mediation and Conciliation Service (NSPP). The National Mediation and Conciliation Service (NSPP) is a permanent state institution established by the Decree of the President of Ukraine of 17.11.1998 № 1258/98, in accordance with the Law of Ukraine “On the Procedure for Resolving Collective Labor Disputes (Conflicts)” and the ILO Recommendation on Voluntary Reconciliation and Arbitration № 92, 1951. NSPP is created on the principle of similar foreign services. Similar services in the world have existed for over 100 years. In particular, the Federal Mediation and Conciliation Service in the United States has been operating since 1917, the Arbitration and Conciliation

4 Про порядок вирішення колективних трудових спорів (конфліктів) : Закон України від 3 березня 1998 р. № 137/98-ВР. URL : <http://zakon2.rada.gov.ua/laws/show/137/98-вр>. (дата звернення: 15.12.2020).

Advisory Service in Great Britain since 1896, and the National Mediation Service in Sweden since 1899. Chairman of the National Mediation and Reconciliation Service from 31.10.2006 (Decree of the President of Ukraine dated 31.10.2006 № 911/2006) to the present – Okis Oleksandr Yaroslavovych, civil servant of the 1st rank, Candidate of Sciences in Public Administration, Honored Worker of Education of Ukraine. The Chairman of the NSPP reports to the President of Ukraine on the results of the Service's activities. The NSPP also systematically informs the Office of the President of Ukraine, the Cabinet of Ministers of Ukraine, the National Security and Defense Council of Ukraine, the International Labor Organization and the social dialogue on the state of social and labor relations in Ukraine, collective labor disputes, strikes and social protests. NSPP has branches in Kyiv and all regions of Ukraine.

The main strategic objectives of the NSPP⁵:

- promoting the interaction of the parties to social and labor relations in the process of settling collective labor disputes (conflicts) that have arisen between them;
- forecasting the occurrence of collective labor disputes (conflicts) and promoting their timely resolution;
- mediation and conciliation in resolving collective labor disputes (conflicts);
- ensuring the implementation of social dialogue, development of agreed proposals for the development of socio-economic and labor relations in Ukraine;
- implementation of measures to prevent the occurrence of collective labor disputes (conflicts);
- raising the level of legal culture of participants in social and labor relations.

The competence of the NSPP includes the following strategic activities:

- registration of claims and collective labor disputes (conflicts) put forward by employees;
- analysis of requirements, identification and generalization of the causes of collective labor disputes (conflicts), preparation of proposals for their elimination;
- training of mediators and arbitrators who specialize in resolving collective labor disputes (conflicts);
- formation of lists of arbitrators and mediators;

⁵ Повноваження та завдання Національної служби посередництва і примирення.
URL : <http://www.nsp.gov.ua/home/povnovazhennya-ta-zavdannya-nspp>. (дата звернення: 15.12.2020).

- verification, if necessary, of the powers of the representatives of the parties to the collective labor dispute (conflict);
- mediation in resolving a collective labor dispute (conflict);
- involvement of people’s deputies of Ukraine, representatives of state power, local self-government bodies in conciliation procedures.

The results of the activity of the National Mediation and Reconciliation Service for 2019 demonstrate the effectiveness of work on the implementation of social partnership, social dialogue and prevention of social and labor conflicts⁶.

During 2019, the activities of the National Mediation and Conciliation Service (here in after abbreviated as NSPP) were aimed at fulfilling the tasks defined by the laws of Ukraine “On the Procedure for Resolving Collective Labor Disputes (Conflicts)” with changes and additions, “On Social Dialogue in Ukraine”, mediation and conciliation of the National Service, approved by the Decree of the President of Ukraine of November 17, 1998 № 1258/98 as amended.

Thus, in 2019, the NSPP contributed to the resolution of 370 collective labor disputes (conflicts), shot (CLD (c)) which is 18.6% more than in 2018 (3 – in the national, 3 – in the industry, 6 – in the territorial, 358 – in the level of production), the direct participants of which were almost 1.5 million employees of 6798 business entities.

The largest number of CLD (c) was registered, in particular, at enterprises, institutions, organizations of Lviv (96), Zakarpattia (58) and Volyn (30) regions; among the types of economic activity – at enterprises, institutions, organizations of the budget sphere (115), mechanical engineering (38), transport (33), housing and communal services (26), public administration (25).

In 370 disputes, employees filed 719 claims, which is 8.9% more than in the previous year, of which: 394 (54.8%) – for non-compliance with labor legislation; 193 (26.8%) – on the implementation of the collective agreement, agreement or some of their provisions; 114 (15.9%) – on the establishment of new or changes in existing socio-economic conditions of work and working life; 18 (2.5%) – on concluding or amending a collective agreement, contract.

Of the total number of (CLD (c) the resolution of which was facilitated by the NSPP, in 2019 there were 193 disputes (2 – at the territorial and 191 –

⁶ Інформація про результати діяльності Національної служби посередництва і примирення за 2019 рік. Опубліковано: 20 лютого 2020. URL : <http://www.nspp.gov.ua/home/struktura-nspp-5/12479-informatsiia-pro-rezultaty-diiialnosti-natsionalnoi-sluzhby-poserednytstva-i-prymyrennia-za-2019-rik>. (дата звернення: 15.12.2020).

at the production level), which is 15% more than in 2018, of which almost a quarter – from the reasons for the existence of arrears of wages and violation of the terms of payment of current wages.

In the registered 193 (CLD (c) employees hired 308 claims, of which: 203 (66%) – for non-compliance with labor legislation; 57 (19%) – on the implementation of a collective agreement, contract or some of their provisions; 38 (12%) – on the establishment of new or changes in existing socio-economic conditions of work and working life; 10 (3%) – on the conclusion or amendment of a collective agreement, agreement.

With the assistance of the NSPP, 193 disputes (2 – at the territorial, 191 – at the industrial level) and 303 lawsuits were resolved and canceled during the conciliation proceedings, of which almost two thirds – on non-compliance with labor laws; a quarter – on the implementation of a collective agreement, agreement or some of their provisions; 14.2% – to establish new or change existing socio-economic conditions of work and working life; 1.3% – for the conclusion or amendment of a collective agreement, agreement.

In total, in 2019 the Service conducted 5083 conciliation proceedings, which is 8.5% more than in 2018, aimed at facilitating the resolution of (CLD (c) and preventing their occurrence, including 4779 conciliation meetings, 286 meetings of the conciliation commission and 18 labor arbitration meetings.

As a result of measures taken by the NSPP in the course of assistance in resolving the (CLD (c) and preventing their occurrence, wage arrears in the amount of UAH 777.1 million, or 68% of the total debt, were repaid. Cause of disputes and conflicts, and another UAH 131.1 million. – deregistered due to the termination of employment relations between the parties to the EIA, including the dismissal of more than two thirds of employees who demanded payment of arrears of wages.

In order to prevent the emergence of (CLD (c) NSPP has taken measures to resolve 906 differences between the parties to the ETS in 797 conflict situations (8 – at the territorial, 789 – at the production level) at 861 enterprises, primarily in Rivne (108), Ternopil (73), Zakarpattia (60), Donetsk (55), Zaporizhia (53) and Khmelnytsky (50) regions.

Enterprises, institutions and organizations of the budget sphere (239 conflict situations), construction (100) were marked by an increased level of conflict; spheres of housing and communal services (85); transport (66); mechanical engineering (56); mining (51).

With the assistance of the NSPP, 602 conflict situations were resolved (5 – at the territorial level, 597 – at the production level) or 75.5% of the total, which is 3.4% more than in 2018, and 681 differences between the

parties to the ETS were resolved (75, 2% of the total, which is 3.7% more than in 2018) at 663 companies.

Due to the preventive measures of the NSPP, only 27 conflict situations (1 – at the territorial level in educational institutions of Kirovohrad region, 26 – at the production level) and 41 differences became the subject of CCC (K).

In addition, as part of the implementation of measures to promote the improvement of STV and prevent the emergence of (CLD (c) NSPP employees participated in 524 meetings of commissions (regional, local, district) administrations, which considered, in particular, the repayment of arrears of wages to employees 1746 enterprises in the amount of almost UAH 2.1 billion.

NSPP specialists studied the objective and subjective causes of conflict in 479 enterprises, of which almost 71.4% – utilities and state enterprises.

First of all, these are municipal enterprises of Khmelnytsky (46) and Volyn (28) oblasts and state enterprises of Dnipropetrovsk (14) and Donetsk (12) oblasts; in terms of economic activities – enterprises, institutions, organizations in the budget sphere (162), housing and communal services (57), mining (38), transport (29), professional, scientific and technical activities (25).

A careful analysis of the NSPP's factors that create conflicts (552), which may further lead to the emergence of (CLD (c), showed that more than two-thirds are factors for non-compliance with labor legislation, and more than a quarter – to establish new or change existing social -economic conditions of work and industrial life.

During 2019, the NSPP helped to reduce social tensions and find mutually acceptable solutions between the parties to the conflict by conducting 18 strikes and 86 social protests (here in after – SSP), which were attended by almost 43 thousand employees.

The largest manifestations of protest activity took place in Donetsk (7 strikes and 17 SSP), Dnipropetrovsk (6 strikes and 12 SSP), Lviv (1 strike and 17 SSP) oblasts and Kyiv (10 SSP).

Among the types of economic activity – in enterprises, institutions, organizations of the extractive industry and quarry development (43), the budget sphere (30).

During the last year, the NSPP and its branches in the oblasts organized relevant work on timely and objective consideration of 1970 appeals of citizens, letters of legal entities and representatives of associations of citizens without the status of a legal entity, in which 2179 issues were raised, in particular:

- procedures for admission and decision of the (CLD (c), – 637 (29% of the total);
- payment of wage arrears – 319 (14%);

- conclusion and fulfillment of terms of employment agreements, collective agreements, agreements – 239 (11%);
- organization and procedure for conducting social dialogue, assessment of compliance with the criteria of representativeness – 202 (9%);
- dismissal from work, the procedure for dismissal of employees and payment of settlement funds upon dismissal of an employee – 188 (9%);
- rationing and wages – 169 (8%);
- holding social protest actions – 84 (4%);
- other issues – 341 (16%).

During 2019, the NSPP held 62 meetings of the Commissions to assess the compliance with the criteria of representativeness and confirm the representativeness of the parties to trade unions and employers' organizations.

According to the results of the work of the Commissions, the following were recognized as representative:

- 1) at the sectoral level – 3 all-Ukrainian branch trade unions and 4 associations of employers' organizations;
- 2) at the territorial level – 29 regional trade union organizations and 4 regional employers' organizations.

In addition, NSPP experts took an active part in meetings and round tables of the Verkhovna Rada Committee on Social Policy and Protection of Veterans' Rights, in particular, on: discussion of the draft Law of Ukraine On Amendments to Certain Legislative Acts on Determining the Representativeness of Trade Unions and Employers "in social dialogue bodies"; discussion of ways of effective, influential and inclusive social dialogue in Ukraine; modernization of legislative regulation of labor relations.

Within the framework of the projects of the International Labor Organization "Wages in Ukraine: technical assistance to overcome wage arrears, minimum wage and equal pay" and "Inclusive labor market to create jobs in Ukraine" NSPP participated in the discussion of the analysis of legal regulation arrears of wages in Ukraine, as well as in the training "Mediation in labor disputes", conducted by experts of the International Training Center of the ILO in Turin (Italy).

In addition, over the past year, NSPP experts took an active part in meetings, conferences and round tables on the development of social dialogue and legislative regulation of mediation in Ukraine, in particular to discuss the draft Law of Ukraine "On Amendments to Some Laws of Ukraine to Improve Social Dialogue"; prospects for implementation in Ukraine of the provisions of Chapter XXI of the Association Agreement between Ukraine and the EU on the development of public communications

and social dialogue; discussion of the draft law “On mediation activities”, as well as in the final round table presentation of the document “Basic principles of mediator training”, organized by the NGO “National Association of Mediators of Ukraine” in the framework of the project “Ensuring the quality of mediation services by standardizing the requirements for basic training of mediators”.

Significant assistance in raising the level of legal culture and improving the socio-psychological climate in the labor collectives of enterprises is provided by freelance institutions established by the Service. Thus, currently 412 labor arbitrators and 112 independent mediators of the NSPP work on a voluntary basis, as well as 522 information and consultation centers of the NSPP operate in district centers and cities of regional significance.

During the last year, NSPP specialists made 32 appearances on radio and television, prepared and published 102 publications in the print media, organized and conducted 602 events (seminars, meetings, round tables) on ensuring the implementation in Ukraine of the legal mechanism for resolving (CLD (c), and implementation social dialogue.

In order to increase the level of legal culture of the parties to social and labor relations, NSPP specialists gave 193 lectures, as well as took part in 1350 events organized by the parties to the social dialogue and social partners.

Information on activities and practical experience is systematically covered on the official website of the NSPP (www.nspp.gov.ua). In total, in 2019, 1,080 publications on the implementation of the provisions of the laws of Ukraine “On the procedure for resolving collective labor disputes (conflicts)” and “On social dialogue in Ukraine” were prepared and posted on the official website of the NSPP.

CONCLUSIONS

Based on the study, the following trends in social and labor relations in Ukraine were identified.

1. The development of social and labor relations largely depends on political factors and in particular socio-economic stability in Ukraine.

2. In 2017, the NSPP initiated amendments to the Law of Ukraine “On the Procedure for Resolving Collective Labor Disputes (Conflicts)” and the Code of Ukraine on Administrative Offenses on Liability for Violation of Legislation on the Procedure for Resolving Collective Labor Disputes (Conflicts) and took part in the work of the working group, groups of the Committee of the Verkhovna Rada of Ukraine on Legislative Support of Law Enforcement Activities to develop a draft Law of Ukraine on Amendments to the Code of Administrative Offenses of Ukraine and some other legislative acts of Ukraine on liability for violation of legislation on collective labor disputes. In December 2017, at a meeting of the Committee,

the bill was unanimously supported and a decision was made to submit it to the Verkhovna Rada of Ukraine. Efforts to update the content of this Law of Ukraine need to be renewed. A possible moment of improvement of this Law is the introduction of consideration of individual labor disputes (conflicts) within the framework of this Law.

3. Efforts to adopt and approve the Law on Mediation by the Verkhovna Rada of Ukraine need to be resumed. It is known that mediation and its applied forms – arbitration and mediation are successfully used in resolving social and labor conflicts.

4. It is also necessary to update the publication of the statistical collection “Labor of Ukraine” with statistical indicators of the characteristics of collective agreements, the state of arrears of wages, working conditions, and the number of registered collective disputes and conflicts.

5. It is necessary to explore the possibility of publishing reviews of the state of social – labor relations and conflicts by the central office of the NSPP.

SUMMARY

The research is devoted to studying the experience of Ukraine in the field of development of social partnership and social dialogue as means of achieving agreement in resolving social and labor conflicts. Definition of “social partnership” is a way to legally resolve and prevent labor, social, economic, environmental and man-made conflicts, it is also a way to resolve conflicts between the interests of workers and owners, based on the principles of equality, trust, social justice, mutual responsibility, and this method is implemented by concluding a social contract or agreement between the state, trade unions and employers in accordance with applicable law, and this method is implemented by identifying areas for improvement based on social dialogue. The research is devoted to studying the experience of activity Of The National Mediation and Conciliation Service (NSPP) is a permanent state institution too.

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