

Kostyuchenko O. The essence of social partnership

The research is devoted to the analysis of social partnership in Ukraine. In the article, there are considered theoretical problems regarding the definition of social partnership as a phenomenon. This phenomenon is described as a relationship between subjects of labour law. It is revealed the status of the subjects of social partnership; the object of these relations and their content are determined. It is proved that two subjects of labour law (employees and employers) in the social partnership act through their representatives, the third entity – the state is a specific subject and always acts through its bodies. In this paper, the social dialogue is described as an object of social-partnership relations, namely: social dialogue is a voluntary process of making agreed decisions; social dialogue is inextricably connected with the coexistence of the rights and interests of employees, employers, and the state; the specifics of social dialogue is its transparent character, which consists in the stratification of its substantive spheres; social dialogue cannot be separated from labour relations; an object of social-partnership relations is not the result of reached agreements but the process of achieving these agreements; a social dialogue exists in certain forms in the law; a social dialogue is an indicator of the moral and ethical state of society. In this paper, in accordance with the current legislation, there are defined the corresponding rights and obligations of social partners that form stable legal relations between them.

Social partnership as a social phenomenon can act as an instrument for managing the interests of participants in relations in the field of labour. Becoming the status of participants in social-partnership relations, the parties balance the mutual requirements and claims by concluding collective agreements and contracts. “Social Dialogue” as actions of the participants of the relations provides the opportunity to find the ways of providing the interest balance in the labour sphere not only to employees and the employer but also to the state, whose interest at least ensures the provision of social peace and harmony in society by means of contractual means on the basis of voluntary wills of the parties.

Key words: social partnership, social dialogue, workers, employers, state, social and partner relations.