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STATE REGULATION OF SOCIAL-LABOUR RELATIONS: THEORETICAL ASPECTS

Holovchenko Ye.Yu., Kakhovska O.V. State regulation of social-labour relations: theoretical aspects.

The article covers an actual and significant problem for Ukraine – regulation of social and labour relations. The features and particulates of the Ukrainian model of social and labour relations are outlined; ways of its improvement are also outlined. The principles of state regulation of labour relations are researched.

A comprehensive description of social and labour relations is made, the essence of such categories as the party, subject, body, object of relations in the social and labour sphere, their types, etc., is clarified. Taken together, these elements and relations reflecting them form a system of social and labour relations. Conclusions on the current state of social and labour relations in Ukraine in modern conditions are made and ways to improve it are provided.

Key words: social and labour relations, state, trade union, state regulation, employee, employer, labour market.

Головченко Е.Ю., Каховская Е.В. Государственное регулирование социально-трудовых отношений: теоретический аспект. В статье освещается актуальная и значимая проблема для Украины – регулирование социально-трудовых отношений. Раскрыты признаки и особенности украинской модели социально-трудовых отношений, указаны пути ее улучшения. Также исследованы принципы государственного регулирования трудовых отношений.

Сделана комплексная характеристика социально-трудовых отношений, выяснена сущность таких категорий, как сторона, субъект, орган, предмет отношений в социально-трудовой сфере, их видов и тому подобное. В совокупности эти элементы и отношения, которые их отображают, образуют систему социально-трудовых отношений. Сделаны выводы о современном состоянии социально-трудовых отношений в Украине, в современных условиях, и приведены способы его возможного усовершенствования.

Ключевые слова: социально-трудовые отношения, государство, профсоюз, государственное регулирование, рабочий, работодатель, рынок труда.

Головченко Є.Ю., Каховська О.В. Державне регулювання соціально-трудових відносин: теоретичний аспект. В статті висвітлюється актуальна і значуща проблема для України - регулювання соціально-трудових відносин. Розкриті ознаки та особливості української моделі соціально-трудових відносин, окреслені шляхи її покращення. Також досліджено принципи державного регулювання трудових відносин.

Державне регулювання сфери соціально-трудових відносин є одним із найважливіших напрямів державного управління, особливо в умовах перехідної економіки, коли вплив держави на економічні процеси зменшується, а потреба в державному втручанні зберігається через кризовий стан економіки і особливо соціальної сфери. Саме тому виникає потреба у формуванні ефективної соціальної політики, яка спроможна реалізувати та сконцентрувати зусилля державних органів на розв'язанні найгостріших проблем соціально-трудових відносин.

Більше того, саме “сьогодні соціально-трудова відносина в Україні є сферою, в якій виникає найбільше конфліктних ситуацій. Спад виробництва, масове зростання безробіття, глибока диференціація населення за рівнем доходів привели до того, що більшість населення опинилися за межею бідності. За цих умов різко зростає соціальна напруженість, спори і конфлікти у сфері трудових відносин.

В статті проаналізовано стан державного регулювання соціально-трудових відносин в Україні в сучасних умовах, розкриті ознаки та особливості української моделі соціально-трудових відносин, окреслені шляхи її покращення. Також досліджено принципи державного регулювання трудових відносин.

Зроблена комплексна характеристика соціально-трудових відносин, з'ясована сутність таких категорій, як сторона, суб'єкт, орган, предмет відносин у соціально-трудова сфері, їхні видів тощо. У сукупності ці елементи та відносина, що їх відображають, утворюють систему соціально-трудових відносин.

Ключові слова: соціально-трудова відносина, держава, профспілка, державне регулювання, робітник, роботодавець, ринок праці.

Formulation of the problem. State regulation of the sphere of social and labour relations is one of the most important directions of public administration, especially in a transition economy, when the state's influence on economic processes is decreasing, and the need for state intervention is preserved because of the crisis situation of the economy and especially of the social sphere. That is why an effective social policy that can realize and concentrate the efforts of state authorities on solving the most acute problems of social and labour relations is necessary. Despite the fact that under the Constitution, Ukraine has the status of a social state, today in society we can notice the sharp contradictions that manifest themselves in the ineffective use of labour potential, low social standards, weak social protection, imbalances in the labour market, and increased labour emigration of workforce abroad. Economic and social relations should develop evenly: in the case of an underdeveloped economy, it is not possible to fully develop social relations because of inadequate funding. In case of a lagging social sphere from an economic one, the economy is slowed down due to insufficient quantity and quality of labour resources, lack of motivation from the population, strengthening of emigration.

An analysis of recent research and publications, in which the solution to this problem is launched. The scientific works of the leading domestic and foreign scholars as B. Genkin [1], V. Grinova [3], O. Grishnova [2; 13], A. Kolot [6; 7; 13], Y. Ostapenko [12], and other researchers are the basis for consideration of problems of state regulation and development of social-labour relations and determination of the role of the state in their regulation.

Selection of previously unsettled parts of the general problem to which the article is devoted. However, given the complexity and multidisciplinary nature of the problem, many tasks in the field of theoretical substantiation of social and labour relations as a subject of state regulation remain unresolved or underdeveloped.

The purpose of the article. Study the principles of state regulation of labour relations and analyse the main problems of state regulation of social and labour relations in Ukraine.

Since 1998, the International Labour Organization (ILO) pays special attention to the problems of regulation of labour relations arising from the dynamic development of the modern world economy. Within the concept of decent work, which is proclaimed by ILO, the Employment and Labour Relations Act was approved in 2003 [4].

The need for a special ILO recommendation was indicated there that would facilitate collective bargaining and social dialogue, taking into account changes in labour relations and gender aspects. This recommendation was approved by the 95th Annual ILO Conference in June 2006.

As is known in Ukrainian legislation, labour law is isolated in an independent sub-sector, in which the regulation of individual and collective labour relations is distinguished. The basic legislative acts on labour relations

in Ukraine are the Labour Code of Ukraine and the Law of Ukraine "On Collective Contracts and Agreements."

The term "social and labour relations" entered the scientific circle and is used relatively recently in Ukraine. Its inclusion in the system of concepts and categories of labour economics is associated with the development of scientific and applied ideas about the contribution of people to the development of the economy. The legislation of Ukraine does not contain a definition of the term "social and labour relations," as well as the categories of persons to whom such relations apply, and exceptions from the sphere of labour relations. Consequently, at present, Ukraine lacks a sufficient legal basis for the good functioning of one of the key aspects of the economy – social and labour relations.

Social-labour relations cover a wide range of issues – from the socio-economic aspects of property relations to the system of organizational, economic, and legal institutions, which are related: with collective and individual negotiations; the conclusion of agreements and agreements; the definition of the conditions and amounts of remuneration; the adjustment of labour conflicts; participation of employees in the management of production, etc.

The main condition for the emergence and functioning of social and labour relations in a market economy is the legal independence of the parties of these relations.

In the process of the emergence and functioning of social and labour relations, workers transfer the right to use their workforce to the owner of the means of production while maintaining their personal independence.

An important feature of social and labour relations in a market economy is their functioning on a competitive basis. Compete with each other as workers providing labour services under the conditions specified in the employment contract, as well as purchasers of labour supply – employers.

The complex characteristic of social and labour relations involves clarifying the essence of such categories as a party, subject, body, object of relations in the social and labour sphere, their types, etc. Taken together, these elements and relations reflecting them form a system of social and labour relations.

The main subjects of social and labour relations in a market economy are:

- employee;
- entrepreneur (employer);
- state.

An employee – a citizen who has concluded an employment contract with the employer, the head of the company or another authorized body. An employee can be a separate worker and a group of employees. The development of market relations implies the existence of institutions that act on behalf of workers and protect their economic and labour interests. The most widespread among them is trade unions – there are the mass organizations, associations of workers, which are connected with the public.

An employer is a citizen who works independently and constantly hires for the work one or many persons. Usually, it is the owner of the means of production, but not necessarily, the employer is also considered the head of a state-owned enterprise, for example, the director of the plant.

A state as a subject of social and labour relations carries out legislative, protective (in the form of trade unions), and regulatory functions. In addition, the state acts as an employer since a certain share of enterprises is concentrated in state ownership.

There is a weakness of domestic trade unions at the moment. Since current labour legislation provides only a minimum of social and labour guarantees and targets the parties of social and labour relations to build relationships on a contractual basis, the level of security of the interests of workers in relations with employers within the existing economic situation depends on the "negotiation power" of trade unions.

However, according to experts, about a half of all enterprises and institutions, as well as the vast majority of enterprises (small and medium) from a new private sector, do not have the trade unions at all. Traditional (Post-Soviet) trade unions dominate in the large enterprises and state institutions. These trade unions actually continue to fulfil the function of "social protection departments" from administrations and intermediaries in the relations between employers and employees from the Soviet era in the new economic conditions. The fulfilment of such a role by trade unions does not allow protecting the interests of employees effectively and, accordingly, does not contribute to the growth of confidence in them [5].

There are still only a few new alternatives and independent trade unions, which deliberately set the task to defend the interests of workers. Their participation in the process of implementing social dialogue is complicated by rigid criteria of representativeness, established by Articles 5-7 of the Law of Ukraine "On Social Dialogue" [11].

The object of social and labour relations is understood as the socio-economic processes and phenomena that arise in the social and labour sphere. All of them can be divided into three structural blocks:

- social and labour relations of employment;
- social and labour relations, which are connected with the organization and efficiency of labour;
- social and labour relations that arise in connection with the remuneration for work.

According to the results of the empirical analysis and the latest research, the following main problems in the development of social and labour relations in Ukraine were identified:

- low social standards: low wages, pensions, social benefits;
- significant differentiation of incomes of people by regions;
- high unemployment rate;
- incomplete coverage of employees by collective agreements;
- low level of trade unions development;

- violations of labour legislation by employers regarding employment, working conditions, and dismissal.

The social dialogue between the subjects of labour relations is not observed. At present under such conditions, Ukraine is in the process of decentralization, the state partially transfers functions to places that are a good sign for the domestic economy, but because of the imbalance in the labour market, which is the excess supply of labour over demand, employers dictate their conditions, often leaving the interests of employees unprotected, sometimes they remain workers' interests unprotected. Violation of the interests of at least one subject creates ineffective social and labour relations, requiring changes in the direction of the balance of interests.

In modern conditions, one of the main requirements for the formation and functioning of an effective mechanism of state regulation of social and labour relations is the maximum consideration of the peculiarities of the transition period and the realities of the Ukrainian economy. In this context, the definition of priority areas of state regulation of social and labour relations, as well as ways and methods for its implementation, becomes paramount. Among the main areas of state regulation of social and labour relations should be emphasized the following:

- searching for methods to solve the problems of employment taking into account peculiarities of economic development of Ukraine;
- ensuring a decent wage level as one of the requirements for restructuring the economy and socio-economic policies in general;
- maintaining the achieved standards of social protection of citizens and ensuring their increase;
- development of organizational and legal foundations of social dialogue at all levels of socio-economic management.

From the above-mentioned directions of state regulation of social and labour relations, the formation of employment policy and the main mechanisms for its implementation should be considered as the main and decisive factor.

According to the Constitution, Ukraine is a social state [8], whose policy is aimed at creating conditions that ensure a decent life and the free development of man. The purpose of the social state is to protect the interests of most members of society, first of all, in the social and labour sphere.

The achievement of this goal involves realization of certain directions of development of social and labour relations and their state regulation. In this connection, the problem of scientific and theoretical substantiation of ways of improving the mechanism of state regulation of social and labour relations is actualized.

The abandonment of the passive unemployment control policy and the transition to an active employment policy aimed at implementing a system of measures to reduce unemployment was typical for the economically developed countries during the last decade. Against this backdrop, for Ukraine, the main direction of improving social and labour relations is the formation of such

programs of socio-economic development that would provide the solution to specific problems in the field of employment. It means that the regulation of the labour market and employment represents a process of influence on the labour sphere in order to achieve the goals, which are regulated by the subject of regulation.

Regulation should be mainly addressable. Until now, the employment policy in Ukraine is limited mainly to measures to promote employment, that is, a system of measures for the registration of unemployed persons and the provision of employment assistance or vocational training.

The organization of public works aimed at creating jobs, first of all for the low-skilled workers, has independent value. This is confirmed by the experience of Slovenia, where public works are widely used, but the wages of those employed on them cannot exceed 70% of market rates at similar workplaces [9].

An important step towards improving the state regulation of socially employment relations in Ukraine was the adoption of the new Law of Ukraine "On Employment of the Population," which entered into force on January 1, 2013. It significantly changes the principles of employment and the basic rules, which govern relations between employers, employees, and control body [10].

According to international experts, this law is one of the most up-to-date solutions in Europe. They even intend to publicize the Ukrainian law so that other countries can familiarize with the mechanisms of the Ukrainian government about the unemployment problems. The newly enacted law provides the introduction of measures that promote employment of the population. It should contribute to resolving three main tasks. Firstly, introducing incentives for employers, so that it would be advantageous for them to create jobs. Secondly, solving the problem of youth employment. Thirdly, supporting people of mature age who find it difficult to compete in the labour market.

Another strategically important direction for improving the state regulation of labour relations is the creation

of a mechanism for regulating wages. As an economic category, wages in modern conditions provide the provision and support of labour income at a decent level and its timely payment.

One of the peculiarities of the processes of transformation in the Ukrainian economy is the low rates of increase in the cost of labour in comparison with the increase in the cost of fixed assets and material and technical resources. This inevitably leads to a slowdown in the rate of recovery of productive capacity and actually contributes to the displacement of technology by cheap labour, which in turn can lead to a degradation of the labour market as a whole.

The mechanism of state regulation of social labour relations in the field of remuneration should include the definition of national labour standards and a system of measures for their provision and gradual improvement, including the regulation of minimum wages, taking into account the cost of living of the population; the transition to the normative establishment of the share of wages in gross domestic product; establishing the percentage of the company's income as a percentage of the wage fund and incorporating these norms into collective agreements; reduction of wage differentiation.

Conclusions. Thus, state regulation of social and labour relations in the conditions of development of modern society, de-standardization and flexibility of employment should be based on the principles of a systematic approach to employment development, legal provision of the diversity of forms of employment, problem-oriented orientation, deideologization, awareness, and informatization. Firstly, to solve the problem of social security of workers and the population as a whole, it is necessary not to increase the size and variety of benefits but to create conditions under which the Ukrainian economy can allocate the necessary amount of funds for social security. Under such general economic conditions, we can stimulate entrepreneurship to work, fight against the shadow economy and corruption.

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