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REPRESENTATIVENESS CRITERIA FOR THE PARTIES TO COLLECTIVE BARGAINING TO CONCLUDE OF COLLECTIVE CONTRACTS, AGREEMENTS

Taking into consideration the provisions of the Article 4 of the Law of Ukraine "On social dialogue in Ukraine" the Parties of the Collective Agreement on national, industrial and territorial levels are exclusively trade unions, their associations, employers' organizations, their associations and executive authorities. At the same time, only those trade unions, their associations, employers' organizations and their associations that meet the criteria of representatives, determined for specified level of social dialogue, are recognized as the entities of trade unions' and employers' party according to the Law.

The general and specialized criteria of representatives, described in the Law of Ukraine "On social dialogue in Ukraine", were analyzed in the article together with the outlining of the quantitative and qualitative criteria. Attention is paid to the problems, arisen during the procedure of representatives confirmation of the trade unions and employers' organizations on territorial level, the quantitative criteria for which is determined by the percentage ratio of the working population. This refers to the employment level established according to the methodology of the International Labor Organization. Information about this level is absent on the district and city levels, what makes the procedure of representatives confirmation of the entities with the corresponding status acting

within the territorial-administrative unit and initiating the collective negotiations aiming to the conclusion of the collective agreements. The article offers amendments to the third part of the art. 4 of the Law of Ukraine "On social dialogue in Ukraine" concerning the determination of the quantitative criteria not according to the working population ratio but to the number of workers employed in enterprises, institutions and organizations.

Assessment of the correspondence to the criteria of representatives and confirmation of representatives of the entities of trade unions and employers' parties, performed by the National Mediation and Conciliation Service and by its authorities, does not contradict international acts. The above mentioned provision of the Law of Ukraine "On social dialogue in Ukraine" is not an interference to the internal activity of the trade unions and employers' organizations from each other's side and from the side of the government whereas the recognition of the executive organizations of employees and employers for the participation in Collective negotiations is implied by the acts of International Labor Organization, in particular, by the Convention of International Labor Organization No. 154 concerning the assistance to the collective agreements and Recommendation No. 163 concerning the assistance to the collective agreements.