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IMPLEMENTATION OF INTERNATIONAL STANDARDS ON SOCIAL PARTNERSHIP INTO NATIONAL LEGISLATION

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ABSTRACT

The article is devoted to the issues of representation of employees and employers, who play a key role in labor relations, social partnership, international legal documents regulating representation and social partnership, experience of foreign countries and legislation are analyzed. The legal content of the models formed on social partnership is highlighted. Attention is drawn to the fact that the national legislation of the EU member states is not the same in the regulation of representation issues. Changes made to the national legislation of the Republic of Uzbekistan in regulating the issue of social partnership are highlighted.

KEYWORDS

Representation, social partnership, trade union, convention, foreign experience.

INTRODUCTION

Today, the Republic of Uzbekistan is leading the way to building a legal democratic state, a free civil society, which includes a system of developed independent, stable civil institutions, supported by a wide segment of the population. The principle "From a strong state to a strong civil society" is being actively implemented in our country, which provides for expanding the rights and powers of civil institutions, as well as non-governmental and non-profit organizations in protecting human rights, freedoms and legal interests. These processes require the development of mutual

dialogue and partnership between the government and non-governmental organizations in solving issues related to the life of the state and society, and improvement of its legal foundations. It is important to take into account the rules of conventions and recommendations adopted by the International Labor Organization (ILO) in the field of social partnership and communication.

Noting that the labor sector has undergone a number of changes in the last decade, the ILO enumerates its major factors [1]. It is noted that four of them directly

affect labor relations and, in turn, social partnership. These are technological revolutions, demographic processes, climate change and globalization. These cases indicate the complexity of effective regulation of labor relations today without the use of social partnership.

Social dialogue includes negotiations, discussions and exchanges of information between representatives of the government, employers and employees on social and economic issues representing common interests. Social dialogue, on the other hand, is the core of the ILO's activities, and it is reinforced in all ILO conventions, recommendations, and the Decent Work Program. Most provisions of the Convention and Recommendation require direct consultation with the social partners.

The fact that the first priority of the country's Decent Work program adopted by the Republic of Uzbekistan and the ILO is called "Strengthening social partnership in Uzbekistan for the implementation of basic principles in the field of labor" shows the importance of this process.

Within the framework of the ILO, the structures that cooperate on the basis of the principle of tripartism, the representation of the government, employers and employees, are used in ILO practice with the term social partnership. The concept of "Tripartism" within the framework of the ILO is explained as follows: "mutual cooperation of the government, employers and employees (through their representatives) as equal and independent partners in solving issues of common interest."

The concept of social partnership was first mentioned in ILO documents in the 1949 ILO Convention 98 "On the Application of the Principles of the Right to

Organize and Conduct Collective Bargaining", to which Uzbekistan is a participant.

Two different approaches to the concept of "social partnership" can be seen in the literature. The first of them explains the conflict as a way of regulating social and labor relations, while the second one evaluates it as a complex multifaceted social process [2].

In our opinion, regardless of how it is interpreted, social partnership should include two important aspects: the first is the presence of three main subjects of the relationship: the state, the employee and the representative of the employer, and the second is that the object of the relationship should be focused on working conditions.

According to the Law of the Republic of Uzbekistan on Social Partnership, adopted on September 25, 2014 - Social partnership is the implementation of social and economic development programs of the country, including network, regional programs, as well as normative legal documents and citizens' rights and cooperation in the development and implementation of other decisions related to their legal interests [3].

However, if we pay attention to the fact that the concept of tripartite social partnership used in the framework of cooperation with the ILO covers the government, employers and trade unions, this concept is broadly interpreted in the above law, and labor issues are not specifically mentioned in this concept.

If we pay attention to the experience of foreign countries, the concept of social partnership used in the field of labor relations is directly included in the labor code [4].



In addition, we can see that the following models of social partnership have been developed in economically developed countries.

According to the American model, employees can participate in the management of the organization. This implies that the employee participates in both the management and ownership of the enterprise where he works. Participation can take many forms, from forming a problem-solving team to electing employees to the board of directors. In the American model, works councils are widespread, and include representatives of all employees: from ordinary workers to top managers. Their goal is to jointly develop and make decisions that take into account the interests of all groups in the enterprise as much as possible.

The German model of social partnership is based on a system of national and corporate solidarity, which is supported by the formation of appropriate financial mechanisms (for example, social insurance). Participation in social funds is mandatory for both the employer and the employee, and all this is regulated by the state. The German model is based on mutual obligations of employees and employers, and the person who works more, earns more and pays social contributions is considered better off. The state determines all the basic conditions of employment of employees.

The Anglo-Saxon model of social partnership assumes that business, first of all, pursues its economic and financial interests, the company's profit, and the solution of social problems of employees is not based on legislation, but in accordance with the codes of companies and business associations. Social partnership and solving social problems of employees

depend on traditions in the business community, ethical principles of employers [5].

It should be noted that the meaning of the phrase "social partnership" implies the implementation of joint activities of the subjects of labor relations. More broadly, the term refers to consultation and cooperation between employees and employers at various levels in an enterprise to determine mutually acceptable terms of employment and remuneration.

The subjects of social partnership in labor relations are employees, employers and the state. The relationship between these three structures is called "tripartism".

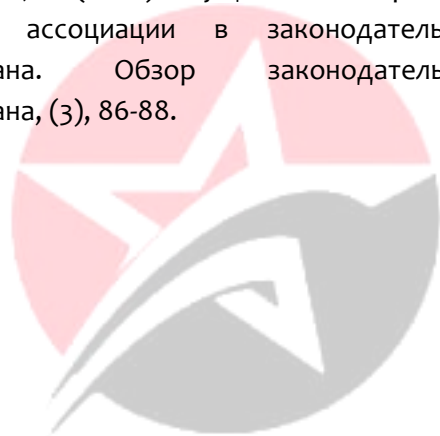
The ILO also notes that in the implementation of the tripartism principle at the national level, state bodies have an obligation to promote cooperation between employers' and workers' organizations in the implementation of legislation aimed at the implementation of the provisions of the Convention or in the development and implementation of national policies [6]. Based on the above, it is appropriate to reflect the concept of social partnership, its implementation forms and principles in the labor legislation. This, in turn, serves to further strengthen the legal process of implementing the provisions of the 144th Convention on Trilateral Consultations of the ILO ratified by the Republic of Uzbekistan.

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