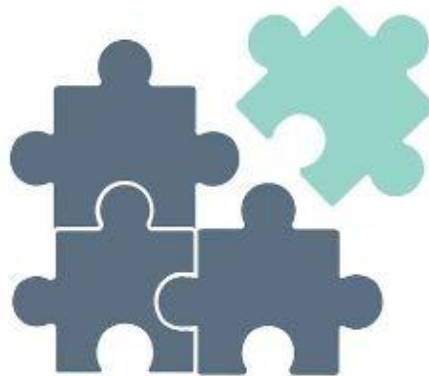


## Actualisation of the local governments participation as a social dialogue party at the territorial level



Kharkiv 2023

***Actualisation of the local governments participation as a social dialogue party at the territorial level /I.Dubrovskiy, D.Kostin, V.Repin – Kharkiv., 2023. – 25 p.***

*Ukrainian national platform of the Eastern partnership civil society Forum (<http://eap-csf.org.ua/>) is a network of more than 140 non-governmental organizations in Ukraine that defends Ukrainian interests within the framework of the Eastern partnership. The platform is a part of the Eastern partnership civil society Forum (EaP CSF).*

*Eastern partnership civil society Forum (<https://eap-csf.eu/>) is a multi-level regional civil society platform aimed at promoting European integration, fostering reforms and democratic transformation in six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. As the civic element of the EaP, EaP CSF tries to strengthen civil society in the region, increase pluralism level in public discourse and politics by promoting participatory democracy and fundamental freedoms.*

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## LIST OF ABBREVIATIONS

EU – European Union

ETUC - European Centre of Employers and Enterprises

LU - Law of Ukraine

LCU - the Labour Code of Ukraine

CMU - Cabinet of Ministers of Ukraine

ILO – International Labour Organisation

LDC - local development programme

SME - small and medium-sized enterprise

NLA - normative legal act

CSO - Civil society organisations

LSGB – local self-government bodies

ATC - amalgamated territorial community

AA - Association Agreement between Ukraine, on the one party, and the European Union, the European Atomic Energy Community and their Member States, on the other party

## PREAMBLE

Current trends in state administration show that its effectiveness is based on tools for establishing relations between entities with different (sometimes opposing) social and economic interests. An important component of this process is the system of social dialogue, which is now the basis of the International Labour Organization.

This specialised UN agency was created to improve welfare through the creation of constructive relationships between the organisations of the main subjects in the labour market - employees and employers - with the participation of the authorities. The ILO's activities are enshrined in many conventions and recommendations that construct relationships that are not confrontational but rather cooperative to ensure an optimal balance of interests. And thus, to create the preconditions for political and social sustainability of society - a necessary condition for its development and success.

In Ukraine, social resilience during a full-scale war has acquired a new meaning - as a component of national security and preservation of the state's ability to maintain social cohesion in the situation of threat.

European and Euro-Atlantic integration remains a constant priority, which makes no sense without establishing dialogue relations. Both those established by the ILO and those that are situationally determined, which is especially evident at the level of specific communities. And it is not only about the current issues of local labour markets, but also about the need to address the problems of martial law, despite which local governments continue their work today.

Direct military actions, occupation, missile and artillery shelling, internally displaced people, evacuations, blackouts are obvious factors that create additional challenges for local authorities. A particular factor that affects local labour markets and local budgets is the relocation of some businesses from the war zones and neighbouring areas. Thus, local authorities face the issues how to operate under such conditions. And these activities require the involvement of various actors in decision-making.

Interaction between state authorities, local community leadership, legally established organisations representing labour market entities and NGOs representatives and volunteer initiatives is today the "puzzle" that makes up the self-organisation that can become a model for the Ukrainian system of social dialogue. After all, the experience gained during the war actualises the participation of local governments as a subject of dialogue relations in general and as an already existing party, normatively determined system of social dialogue.

Nevertheless, the results of the preliminary analysis indicate that local self-government bodies are working in a stable vertical system inertially, which is incompatible with the very idea of social dialogue as a consultative and negotiating interaction. One of the reasons for this is the lack of social dialogue actualisation in the LSGB activities and the lack of awareness of the possibilities of dialogue practices at the community level. This was a kind of "trigger" for the formation of a specific initiative and contributed to the formulation of its name. It should be noted here that there

are many interpretations of the term "actualisation" - from psychological to engineering. We stick to a purely managerial understanding of it. It is an activity aimed at transferring something from a potential state to a real, actual state that meets modern conditions.

The initiative was implemented in several communities in Kharkiv region. The choice of locations was influenced by different experiences of the communities during the war, namely communities that:

- were under occupation;;
- felt the impact of military events or were in the so-called "grey zone";
- are in the zone of "relative peace".

Without claiming to be a thorough study, the project team aimed to identify problems and find ways to solve them. Thus, the implementation of the initiative "Actualisation of the local governments participation as a social dialogue party at the territorial level" is a pilot project, as the participants in the process are aware that this problem is one of the most fundamental in the public administration area.

One of the work conditions (which was discussed during the first contacts with the LSGB management) was a certain "anonymity" of the locations, which is related to the specific situation of the communities in Kharkiv region at the time of the project, which was at the frontline. So, with gratitude to all those who helped in this work, we have to note that the topic of social dialogue at the territorial level is significant and relevant. The only thing that remains is the actualisation and understanding of this in the cooperation of those who create the military and will create the post-war and peaceful space of communities.

## 1. SOCIAL DIALOGUE. HOW SHOULD IT BE?

According to the current legislation of Ukraine, social dialogue is a process of defining and converging positions, making coordinated decisions by the parties representing the interests of employees, employers, executive authorities and local governments.

The idea itself emerged in post-war European countries as one of the concepts of social action - a form or method of solving social problems and contradictions based on the clash of interests and needs of the main social forces of a particular society.

There are two opposing models of resolving social contradictions.

The first model is formational. It is dominated by the approach that the opposing interests of the social relations subjects are so contradictory that their fulfillment is possible only through confrontation.

Another model is the evolutionary-consensus model. It involves cooperation between social subjects based on the recognition that contradictions are not absolute and unsolved, that there are opportunities to reconcile interests and reach potential agreement. This approach allows us to consider social dialogue as a legitimate and orderly mechanism for resolving social contradictions. And dialogue procedures and technologies help to reduce social tension in the latent stage, before it turns into open conflict. This reduces social risks, preserves the resources of the parties, and overcomes negative consequences of contradictions.

Orderliness implies that interaction is ensured by special institutions that have the legal capacity to negotiate and reach an agreement and have a sufficient level of autonomy at the same time. And thus, to act democratically, when all processes and decisions have to be open and agreed with all participants.

Any social action requires a social base on which the forces that carry it out - consciously and actively acting people - can rely. In a social state, this implies simultaneous improvement of the society structure and management of the processes taking place in it. Management based not on hierarchy and pressure, but on constructive interaction and dialogue. In turn, this implies not only the willingness of participants to compromise, but also compliance with the key principle of building a welfare state - the principle of participation or complicity.

Of course, the picture in which of all the citizens are solving issues at the same time and in the same place looks unrealistic and, moreover, frightening. Here we are talking about organised communications, which are determined not by the individual traits of their participants, but by their structural characteristics.

Thus, constructive participation in the society and state management implies the presence of subjects, who:

- First, they represent the interests of various social groups - professional, age, ethnic, religious, etc. These interests usually do not coincide with the interests of other groups, sometimes directly contradicting them. In other words, representation involves interaction in the conflict.

- Secondly, they have the authority to represent the interests delegated to them by a certain group.
- Thirdly, they have competences for the conflict interaction.
- Fourth, recognised by other subjects as the participants in the interaction.

Such diversity characterises publicity, which attribute is dialogic - the ability to be engaged in open, parity exchange<sup>1</sup>. Dialogic resources (institutional, communicative, intellectual, psychological) are an important indicator of social resilience.

Labour relations are one of the most controversial areas of any society, where objective contradictions between the main subjects of the labour market - employers and employees - are concentrated. The state of relations between them directly or indirectly affects other spheres, and thus the stability or instability of the society and the state.

This is what formulated the ILO practices, through which social dialogue, i.e. dialogue in the field of labour relations, is considered as a model of the public sphere, in which the procedures for resolving contradictions are directly developed.

Over time, this idea has evolved into consultative and negotiating practices that today shape successful social-economic policies of the countries – members of the European Union.

These practices are quite flexible and allow engagement of the subjects whose voices are significant in the negotiations. The flexibility in defining the issues, parties, procedures has made it possible to define so-called "national" models of the social dialogue. Today, we speak of French, German, Polish, Scandinavian and other models.

The unifying feature for different models is adherence to the principles of social dialogue, namely:

- ✓ legitimacy;
- ✓ representativeness and authority of the parties and their representatives;
- ✓ independence and equality of the parties;
- ✓ constructive interaction;
- ✓ voluntariness and acceptance of real commitments;
- ✓ mutual respect and search for compromise solutions;
- ✓ mandatory consideration of the parties' proposals;
- ✓ priority of conciliation procedures;
- ✓ openness;
- ✓ obligation to comply with the agreements;
- ✓ responsibility for obligations fulfilment.

These principles formulated by the ILO are reflected in the current legislation of Ukraine. First of all, the Law of Ukraine "About the Social Dialogue in Ukraine".

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<sup>1</sup> In domestic practice, an erroneous interpretation of the phenomenon of dialogue (from the Greek - *Διάλογος*) because of the prefix "Δύο -", which means "two, instead of "Διά-", which has the meaning of movement through and penetration (for example, "diagonal" is literally translated as "that which goes through...").

As for the orderliness of interaction, this law provides for:

- First, the levels - national, sectoral, territorial and local (enterprise, institution, organisation).
- Secondly, procedures that include: information exchange, consultations, coordination actions and negotiations that lead to agreements signed at certain levels and have names corresponding to those levels (Table 1.).

**Table 1**

<b>Interpretations of the "social dialogue" concept</b>
The system of goals, objectives and principles of building mutually agreed social-economic relations between subjects that represent the interests of the social and labour relations parties (employees, employers and the state) at the national, sectoral, regional, local and enterprise levels
The process of defining and converging positions and making coordinated decisions by the social dialogue parties which represent the interests of employees, employers, executive authorities and local self-government bodies in the issues of formulation and implementation of the state social-economic policy and regulation of the social and labour relations
The process of coordinating the directions of the economic and social policy development of the state, industry and region, which includes a set of actions in decision-making, setting strategic goals and developing development programmes taking into account the interests of employees, employers and the state as a whole

On this basis, we can say that social dialogue is a mechanism of finding adequate means of group interests' fulfilment on the basis of the parties parity (equal opportunities and equal conditions), joint interest in achieving a socially significant result, and a clearly worked out structure of functioning.

As a developed form of interaction, social dialogue implies institutionalisation of these relations, when its subjects are organisationally formed interest groups, and the result is consensus between the parties.

At the territorial formations level, LSGBs are involved as a party to social dialogue. They become one of the most important institutions aimed at creating the basis for regional social-economic development. Their participation as a party representing the interests of communities is a significant lever in solving infrastructure problems, attracting investments, resolving issues in local labour markets relations, creating and distributing resources, and many other important issues.

This is what an "ideal model" of social dialogue looks like...

## 2. SOCIAL DIALOGUE AT THE TERRITORIAL LEVEL. HOW IS IT NOW?

So, a system of social dialogue has been created in Ukraine, which at first glance corresponds to the ideal model. This system has general level and procedural features, as discussed in the previous section.

However, the issue of representation and compliance with the legal framework in Ukraine remains open. It is about changing the format, which, for example, is currently being actively discussed in the form of the “Social Dialogue+3” concept. It is about involving civil society organisations whose activities are not directly related to labour markets in the existing system. This aspect of the social dialogue system development in Ukraine still needs to be worked out separately with the involvement of various actors.

However, in terms of labour relations, the problem of representation, procedure and, as a result, compliance with the principles of social dialogue at the ATC level remains unresolved.

Since December 2020, ATCs have been the primary units of Ukraine's administrative and territorial structure. This event is a logical chain of the administrative reform introduced in 2016. However, this reform was not reflected in the Law of Ukraine "On Social Dialogue in Ukraine". The place and role of communities in the dialogue remained unspecified for a long time. Thus, one of the most important levels of social dialogue, the territorial level, seems to have "fallen out" of the very logic of this model. Although territorial agreements are being drawn up, they do not represent the interests of either specific communities - the subjects of social dialogue - or ATC - its party.

It is noteworthy that even the "Practical Guide to Organising the Work of Local Self-Government Bodies of Amalgamated Territorial Communities"<sup>2</sup> published in 2016 does not mention any mechanisms for implementing a social dialogue that can be used by communities to:

- a) solving the problems they face;
- b) involving the communities potential in solving regional problems.

This situation did not contribute to the formation of the subjectivity of ATCs and their bodies as the social dialogue participants. Subjectivity is a characteristic of activity that manifests a focus on certain actions. This implies a conscious organisational and qualitative readiness to participate in a social dialogue.

The lack of subjectivity of ATCs and LSGBs as representatives of their interests in social dialogue is the first problem that needs to be looked at. This was confirmed by the results of the reconnaissance study conducted in June 2023 in Kharkiv district of Kharkiv region<sup>3</sup>.

The choice of locations was influenced by the need to take into consideration the experience of communities during the war, as this experience is a determining factor in shaping the position of

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<sup>2</sup> <https://decentralization.gov.ua/uploads/library/file/61/mod3web.pdf>

<sup>3</sup> It should be noted that the study does not claim to be representative, as it was impossible to construct a sample due to certain information limitations imposed by the specifics of the Kharkiv region as a frontline area. However, the pilot nature of the study and the results of a series of focused interviews allow us to form an idea of the state of social dialogue processes at the territorial communities' level.

ATCs in the dialogue system. Thus, the initiative team focused on communities with the experience of: occupation/de-occupation recovery; "grey zone"; the zone of "relative peace" (Diagram 1).

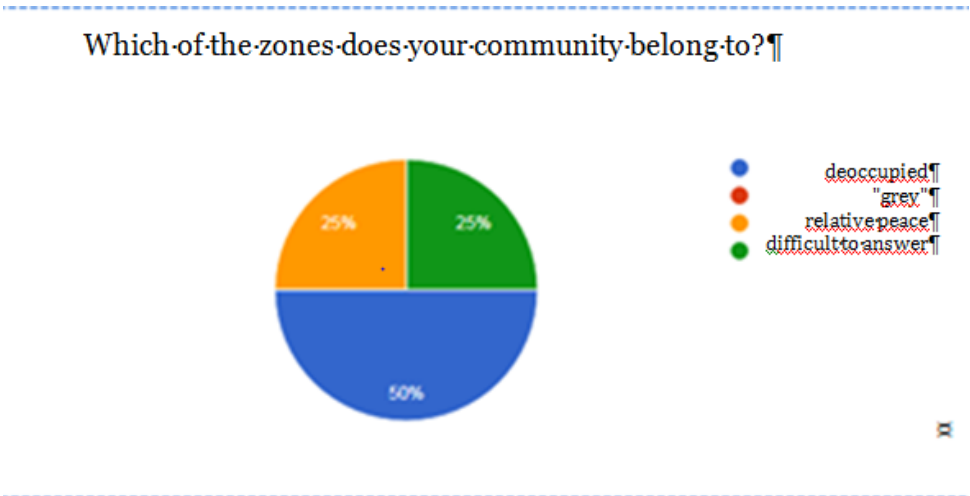


Diagram-1

One of the results is the fact that local government officials (including ATCs) are not aware of the social dialogue model. The participants were heads of communities, their deputies and public relations specialists.

It is noteworthy that a quarter of the participants were unable to determine the community status, as the course of events does not always allow constructing the vision of the situation. Similarly, almost a quarter of the participants do not even know about the Law of Ukraine "On a Social Dialogue in Ukraine" and its relevant regulations (Diagram 2).

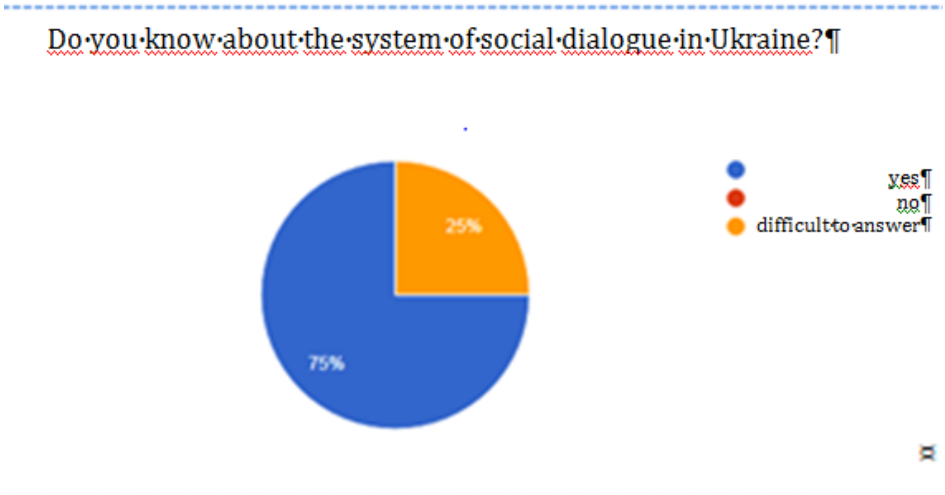


Diagram-2

When it comes to the subjects of the social dialogue system defined by the relevant Law of Ukraine, we also have to note certain problems. We are talking about a critically low level of awareness of the main subjects' activities defined by the Law (Diagrams 3 and 4).

Do you have information about trade union activities in your community?

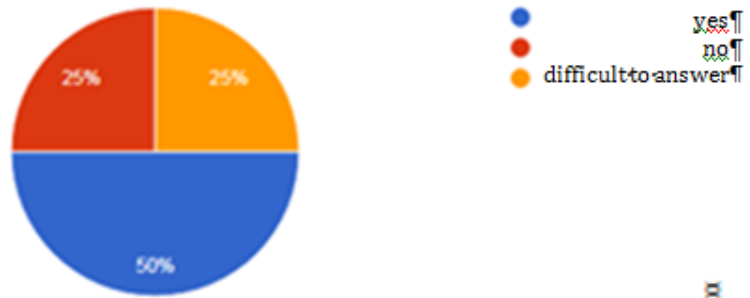


Diagram 3

Do you have information about the activities of employers' organizations in your community?



Diagram 4

At the same time, there is full awareness of the activities of the organisations in the communities that are the subjects of the civil society (Diagram 5). Public organisations and volunteer initiatives are active subjects that (as defined by local authorities) influence community affairs.

Do you have information about the activities of other citizens' associations (public organizations, volunteer initiatives) in your community?

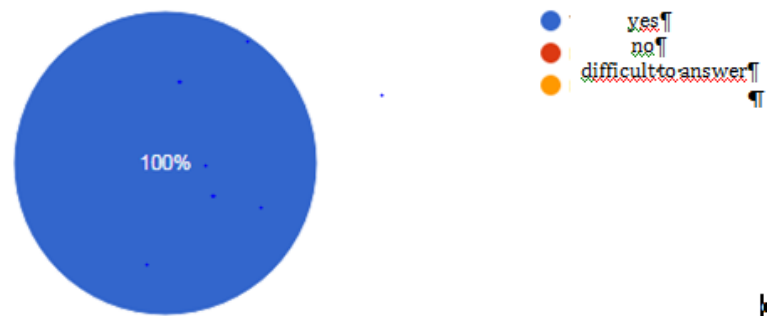


Diagram 5

The analysis of the open source data on the activities of communities as potential subjects of the social dialogue in Kharkiv region confirms the reconnaissance study data. The presence of organisations in certain communities that are required by law to be parties of a social dialogue is indicative. For example, in three communities with the experience of occupation, a war zone and "relative peace", dated 17.07.2003 (according to the state statistics) there are no trade unions and almost no employers' organisations (Table 2).

<b>Table 2</b>				
Name of the territorial community	Totally	Including		
		OPFG code 830- Trade union	OPFG code 835- Trade union	OPFG code 850- Employers' organisation
Derhachivska TC	919	18	-	1
Merefianska TC	582	13	-	-
Lypetska TC	366	6	-	-

Another problem is a real discrepancy between the representation that exists at the community level and the so-called "ideal model". This means uncertainty and sometimes even the absence of either trade unions or employers' organisations at the community level. This means a certain withdrawal from the principles of social dialogue, which require the participation of at least these subjects to ensure parity between the main subjects in the labour market. In fact, as formalised organisations that can participate in the dialogue in the status of those responsible for agreements. At the same time, public associations that are involved in community affairs in one way or another are not even an object of statistical observation. In order to identify areas for further activities to develop social dialogue at the local level, a map of stakeholders that should influence dialogue relations at the local levels was created.

Official community websites were also an important source of information for us. First of all, it is worth noting that at the beginning of 2023, official websites in 15 out of 17 urban communities in the region are fully operational. The exceptions are two de-occupied communities - Kupianska and Vovchanska. The state of coverage of collective agreement campaigns on the eve of a full-scale war (2021-2022) on the communities' websites of Kharkiv district is illustrative. Thus, out of 15 communities, only four covered these campaigns (i.e. the local level of social dialogue).

Only one community considers the issue of self-organisation bodies, which, according to the relevant Law, are also a potential participant in a social dialogue. The conclusion is that for 2023, most of the models of democratic governance with general coverage of various areas of territorial communities in Kharkiv region have not yet become systemic.

The third problem is the *practical alienation of civil society organisations*, which are often actively involved in the communities' activities, especially those affected by war. In other words, they are not seen as either a subject of social dialogue or a negotiating party. Nevertheless, today they are a real actor that influences the solution of community problems.

The fourth problem lies in certain *legal conflicts in the regulation of the social dialogue system in Ukraine* (Table 3). This table provides just one example of the inconsistencies that were identified during the comprehensive analysis of the main regulatory documents governing the social dialogue system in Ukraine. Namely: The Constitution of Ukraine, the Law of Ukraine "On a Social Dialogue in Ukraine", the Law of Ukraine "On Employers' Organisations, their Associations, Rights and Guarantees of Their Activities", the Law of Ukraine "On Trade Unions, their Rights and Guarantees of Activities", the Law of Ukraine "On Local Self-Government in Ukraine", the Law of Ukraine "On Local State Administrations", the Law of Ukraine "On Collective Agreements and Contracts", as well as the existing territorial agreements in force in 2020-2023.

<b>Table 3</b>	
<b>An example of conflicts, or who should represent the executive authorities at the territorial level?</b>	
<b>The Law of Ukraine "On a Social Dialogue in Ukraine"</b>	<b>The Law of Ukraine "On Local Self-Government"</b>
<p><b>Article 4.</b> Levels and parties of a social dialogue</p> <p>2. The parties of a social dialogue include: at the territorial level - the trade union party, whose subjects are trade unions of the respective level and their associations operating on the territory of the respective administrative-territorial unit; the employers' party, whose subjects are employers' organisations and their associations operating on the territory of the respective administrative-territorial unit; the executive authorities' party, whose subjects are local executive authorities operating on the territory of the respective administrative-territorial unit. On the territory of the respective administrative-territorial unit, <b>local self-government bodies may be a party to social dialogue</b> within the</p>	<p><b>Article 5:</b> The System of local self-government</p> <p>1. The system of local self-government includes: territorial community; village, settlement, city council; (<b>Article 10.</b>Councils - representative bodies of local self-government) village, settlement, city mayor; (<b>Article 12.</b>Village, settlement, city mayor)</p> <p>1. A village, settlement, city mayor is the chief official of the territorial community of a village (voluntary amalgamation of residents of several villages into one territorial community), settlement, or city, respectively.</p> <p>3. The head of a village, settlement, city heads the executive committee of the respective village, settlement, city council and presides at its meetings).</p>

limits of their powers determined by the legislation.	Executive Bodies of Village, Settlement, City Councils; ( <b>Article 11.</b> Executive Bodies of Councils) 1. The executive bodies of village, settlement, city, district councils in cities (if established) are their executive committees, departments, offices and other executive bodies established by the councils). district and regional councils representing the common interests of territorial communities of villages, towns and cities; bodies of self-organisation of the population.
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To be fair it should be noted that the legal framework of social dialogue in Ukraine is slowly changing. Thus, in spring 2023, amendments to the Law of Ukraine "On Social Dialogue in Ukraine" were adopted. According to these amendments, local governments acquire the status of a party in a social dialogue. *However, this will come into force only six months after the cancellation of martial law.* And even then, the issue of subjectivity arises, which does not arise by itself, but is the result of a certain, rather long and purposeful previous activity.

Despite this, the provisions of the current legislation not only fail to disclose the composition, powers and mechanisms, but also contradict each other. This situation gives rise to many conflicts that lead to negative consequences. For example, the territorial agreements accepted are rather formal and do not contain (especially on the part of the state, and in some cases for local governments) actual compliance obligations. According to the information available for review, there is no activity after the signing of the agreement.

These trends, in our opinion, are the result of a formal approach to the consultation process and the basis for its functioning. However, this process is not systematised, there are no explanations on how to comply with the requirements of the legislation, and taking into consideration the problems discussed above, this threatens to turn a constructive model of interaction into a formal procedure that may turn into an additional bureaucratic burden on the participants of social dialogue and, above all, on the LSGBs.

The main conclusion of the legal framework analysis in which the system of social dialogue in Ukraine operates is that *the legal acts regulating interaction are not coordinated.* Therefore, even a fairly extensive legal framework does not meet the requirements for engaging communities in the social dialogue system. This leads to the following problems:

1. The lack of subjectivity of communities and local authorities as representatives of their interests in social dialogue is the first problem that needs to be looked at.
2. The real discrepancy between the representation that exists at the community level, the so-called "ideal model". Uncertainty and sometimes even the absence of either trade unions or employers' organisations at the community level.
3. The de facto alienation of public organisations, which are often actively involved in the affairs of communities, especially those affected by the war.
4. Insufficient legal support for procedural aspects of the potential subjects of the social dialogue system participation in the representative bodies' activities.

5. Lack of legal mechanisms to ensure parity as a basic principle of interaction between the social dialogue system's subjects.

### **3. SOCIAL DIALOGUE AT THE TERRITORIAL LEVEL. PROPOSALS FOR CHANGES.**

Thus, the purpose of the pilot study was to identify:

- general trends concerning the participation of ATCs and LSGBs in a social dialogue
- trends specific to the communities of Kharkiv region, which is affected by the war.

The second position is not exclusive to Kharkiv region or other regions that are directly in the war zone. The state of the social dialogue system is influenced by the overall state of communications in Ukraine. One of the observations was the lack of interaction between organisations or initiative groups that are in some way related to the social dialogue issues.

For example, several public events held in June 2023 and attended by the participants of this project brought together narrow groups of experts and functionaries. So, the project participants took part in:

- The public discussion "Wartime Self-Government: Political and Economic Life of Kharkiv Region Communities in 2023" was held on 13 June 2023. The event was initiated by the Analytical Centre "Observatory of Democracy". The results of the expert and analytical monitoring of the functionality of local self-government in the communities of Kharkiv region were discussed. In particular, they discussed communication, decision-making and transparency in the wartime communities.
- "Regional Forum for Economic Recovery and Development. The way to victory". 21 June 2023, Kharkiv, initiated by the "Association of Private Employers". The Forum identified problems related to the lack of trust between business and government, insufficient awareness and understanding of the needs and problems of each party, as well as insufficient interaction between them.
- "Public consultations on certain aspects of social dialogue in Ukraine". On 22 June 2023 that was held by the Committee on Social Policy and Veterans' Rights of the Verkhovna Rada of Ukraine. The consultations focused on changes in the conditions and formats of social dialogue and the search for answers to the following questions: is social dialogue in the 3+ format typical for Ukraine? And is it possible and necessary to change it in this direction, involving civil society institutions in various types of dialogue?

Despite the common theme of social dialogue, the general conclusion was that there was a lack of coordination. And, most likely, even ignorance of each other's parallel activities.

This report is based on data from the official sources only. After all, a full-scale war has significantly changed the structure and priorities of communication. The process included:

- analysis of the current legislation and regulations on social dialogue in Ukraine at the territorial communities level;

- analysis of the local governments participation as the subjects of social dialogue in Ukraine;
- secondary analysis of the sociological surveys conducted in 2023 by the “Observatory of Democracy” analytical centre, Institute of Sociology of the National Academy of Sciences of Ukraine and Kyiv International Institute of Sociology. The purpose of the analysis was to identify the objective status of the social dialogue parties in Ukraine and, in particular, at the local level;
- analysis of the statistical data on the activities of the social dialogue subjects in Kharkiv region.

For example, Diagram 6 below (the study conducted by Razumkov Analytical Centre in spring 2023) shows certain trends in attitudes towards the main and potential participants in the social dialogue in Ukraine<sup>4</sup>.

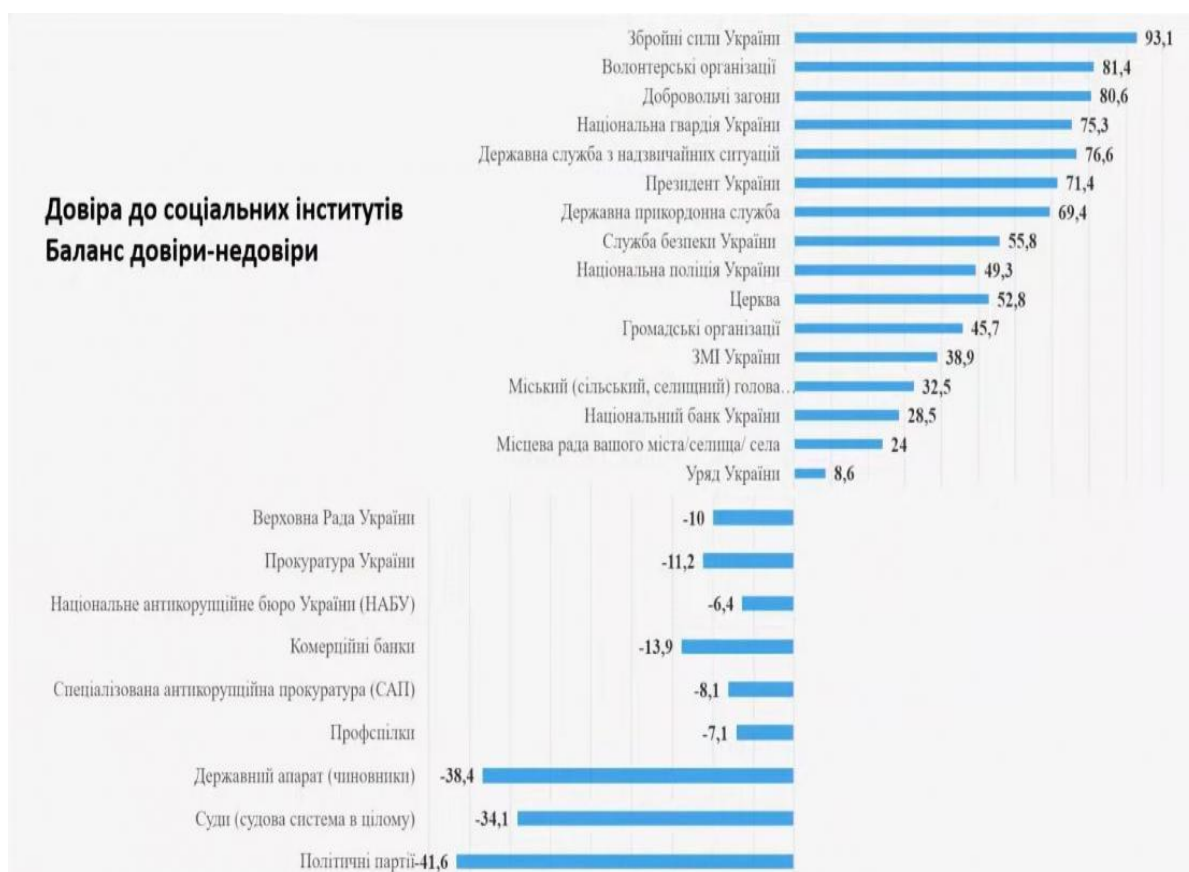


Diagram 6

This shows that:

- public organisations have a positive balance of trust;

<sup>4</sup><https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kraini-ta-dii-vlady-dovira-do-sotsialnykh-instytutiv-liutyi-berezen-2023r>

- b) local authorities have a positive, though marginal balance of trust;
- c) trade unions have a negative balance of trust;
- d) employers' organisations are not even considered as a subject (which most likely means unawareness of these organisations' activities).

Also, participation in a number of public events allowed us to formulate the following - the issue of public governance not only remains relevant, but also acquires new features, which is associated with the activation of public associations and employers' organisations as well.

Thus, we can observe that public and employers' organisations operating at the local levels are not considered as either current or potential subjects of the social dialogue system.

At the same time, there are problems that need to be solved, namely:

- 1) lack of social dialogue relevance as a recognised and legally enshrined model that forms the basis of public governance;
- 2) the separation of the vision of the main participants joint participation in a social dialogue from each other's activities and, as a result, the lack of coordination of actions of the structures that represent them;
- 3) a lack of a common vision of the place and role of ATCs in socio-economic realities formation.

This refers not only to Kharkiv region (which became the space of the pilot study), but also to the Ukrainian society as a whole. Here, we observe the recording of an illustrative, typical state of affairs in Ukraine - the lack of actualisation of the possibilities of public governance and, above all, social dialogue.

The analysis of the problem, the results of which are briefly outlined in the previous paragraphs, has led to the need to look for pros and cons.

Firstly, the problems described above do not imply any shortcomings in the life of communities.

Despite the complexity of the situation, economic and security risks, local self-government remains resilient and manageable. Thus, sceptical forecasts about the functionality of LSGBs (and in particular in Kharkiv region) have not been confirmed. And it is extremely important that work on strengthening democratic governance continues in parallel with solving the pressing problems of community life.

The key is to define the main problem. It looks quite simple. Participation in the social dialogue is not relevant to the activities of communities and local self-government bodies.

It is about crystallising the areas of further activity, namely:

1. Development of the social dialogue institution at the level of territorial communities and determination of its features at the local level through the formation of the subjectivity of ATCs and LSGBs as subjects and parties of the social dialogue.

2. Development of information interaction between current and potential subjects of the social dialogue.

3. Involvement of CSOs in consultative and negotiation practices of social dialogue at the community level.

4. Creation of constructive communications system between current and potential participants of the social dialogue.

5. Developing proposals on the procedure of forming representative bodies of the social dialogue parties at the territorial level<sup>5</sup>.

Having outlined the parties and their attitudes to social dialogue, it is clear that this institution is only beginning to develop at the local level (in particular, in Kharkiv region). Functionally, local self-government bodies are currently not ready for sustainable consultative and negotiating interaction. There are many organisational issues that require consolidated work of representatives of different actors, namely:

- non-transparent decision-making system within territorial communities;
- unformed base of potential social dialogue participants at the community level;
- lack of motivation of local self-government bodies at the territorial level to participate in a social dialogue;
- complicated for the analysis at the local level regulatory framework of the social dialogue relations functioning;
- lack of awareness of potential participants in social dialogue at the local level about the legal and regulatory framework of this institution functioning;
- unformed interdisciplinary pool of experts, and thus, lack of programme-oriented influence on public opinion on social dialogue and absence of information and education policy on social dialogue at the local level.

The areas of solution can be divided into four conditional components:

1. Monitoring and analysis of the legal framework of the social dialogue functioning at the national and local levels.
2. Information and education programmes on social dialogue at the local levels.
3. Analysis of the possibilities of changing the formats of social dialogue with the involvement of civil society organisations.
4. Advocacy of social dialogue relations at the communities level, taking into consideration the conditions provoked by the large-scale aggression against Ukraine.

These areas should become the basis of a “road map” for solving the problem, which is the main proposal for its continuation. After all, the solution of the above mentioned problems should be project-based. A project road map is a strategic tool for planning and managing changes. It is a visualised plan for the development of the project with the

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<sup>5</sup> An assumption that requires a separate study is that social dialogue interaction is not relevant in the minds of either community members or local government officials. What is the reason for this? Perhaps it is simply a lack of awareness of the very existence of the social dialogue system and the potential of this model for the functioning and development of communities.

definition of: tasks, participants, stages, deadlines, and dependencies between them (Fig. 3).

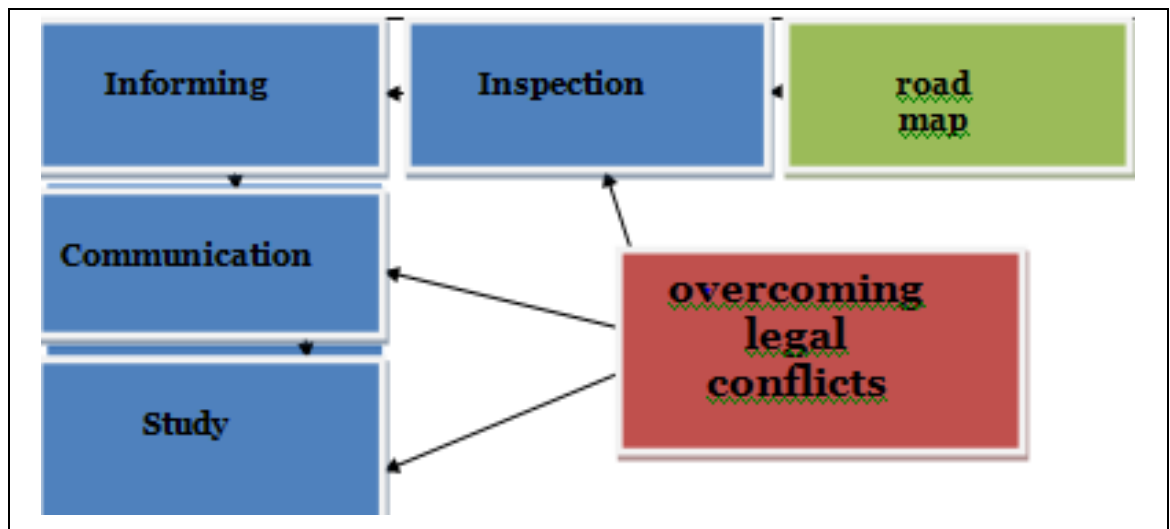


Figure 3

Outline of a road map

The initiative team believes that the first direction is a key one. It is the monitoring and analysis of the legal framework for the functioning of social dialogue at the national and local levels. The basis for this conclusion is the inconsistency of certain provisions in various legal acts regulating the social dialogue functioning, in particular at the level of local communities.

Therefore, there is an urgent need to continue work on building social dialogue at the community level in order to overcome the above-mentioned organisational shortcomings, namely:

1. Identification of the social dialogue development vision by potential participants.
2. The list of issues necessary to be reflected in social dialogue at the community level.
3. Methodology for social dialogue development, including the development of territorial agreements.
4. Study of community needs, followed by the creation of mandatory issues to be considered in the process of social dialogue, determination of actual, rather than formalised rights and obligations of the social dialogue parties, development of control and responsibility for such issues system.
5. Proposals development on the procedure of forming representative bodies of the social dialogue parties at the community level.
6. Initiate the involvement of civil society organisations that are not direct participants in labour markets in the social dialogue system.
7. Creating an interdisciplinary pool of experts to inform, engage and train specialists for the social dialogue development at the level of territorial communities.
8. Educational projects formation to update social dialogue at the territorial communities level.

## CONCLUSION

The above mentioned is not an complete list of problems and ways to solve them. However, it is a problematisation that implies the formation of a certain strategy aimed at creating a system of social dialogue in Ukraine that meets the challenges of the times. First of all, at the territorial communities level. At the level where problems that threaten social sustainability directly arise and must be solved. Especially during the war.

Thus, through the actualisation of the LSGBs participation as a social dialogue party at the territorial level, a ground of interconnected resources on which social resilience is based should be created:

- ✓ Economic development - the amount and diversity of resources and the equity of their distribution.
- ✓ Social capital is a resource derived from social relations. It refers to the formal (organisational) and informal ties that connect community members and form their identity as a community.
- ✓ The competence of a community, which is a prerequisite for its subjectivity, as well as its skills and ability to cooperate. In other words, it is about the community collective effectiveness. As a resource, it depends on the willingness to contribute, the ability to manage conflicts and reach consensus and the empowerment and capacity to participate in collective decision-making.
- ✓ Communication, including reliable sources of information that can provide effective mechanisms for its transmission and receipt for management decision-making.

However, the process of updating requires programme work involving all possible actors, which is proposed as a road map that should begin with overcoming legal conflicts.

So we are working on it further.

## LEGAL AND REGULATORY FRAMEWORK

1. Excerpts from the International Labour Organization Conventions on the right employees' organisations participation in resolving labour and social-economic issues [[https://zakon.rada.gov.ua/laws/show/993\\_522#Text](https://zakon.rada.gov.ua/laws/show/993_522#Text)]
2. ILO Declaration on fundamental principles and rights at work [[https://zakon.rada.gov.ua/laws/show/993\\_260#Text](https://zakon.rada.gov.ua/laws/show/993_260#Text)]
3. Directive (EU) 2019/1152 of the European Parliament and Council dated 20.06.2019 on transparent and predictable working conditions in the European Union [[https://www.ilo.org/wcmsp5/groups/public/ed\\_dialogue/lab\\_admin/documents/gener icdocument/wcms\\_748901.pdf](https://www.ilo.org/wcmsp5/groups/public/ed_dialogue/lab_admin/documents/gener icdocument/wcms_748901.pdf)].
4. Directive 2002/14/EC of the European Parliament and Council dated 11.03.2002 on establishing a common framework for the information and consultation of employees in the European Community - Joint Declaration of the European Parliament, Council and Commission on employees representation [[https://minjust.gov.ua/m/str\\_45891](https://minjust.gov.ua/m/str_45891)]
5. Council Directive 2001/23/EC dated 12.03.2001 on the approximation of the laws of the Member States relating to the protection of the employees' rights in the case of transfers of enterprises, business establishments or parts of enterprises or business establishments [[https://minjust.gov.ua/m/str\\_45891](https://minjust.gov.ua/m/str_45891)]
6. Council Directive 91/533/EEC dated 14.10.91 on the employer's obligation to inform employees about the terms and conditions applicable to a contract or employment agreement [[http://online.budstandart.com/ua/catalog/doc-page.html?id\\_doc=77791](http://online.budstandart.com/ua/catalog/doc-page.html?id_doc=77791)]
7. Council Directive 97/81/EC dated 15.12.97 on a framework agreement on part-time work adopted by the ETUC [Union of European Business and Employers' Confederations], the ETUC [European Centre for Employers and Enterprises] and the ETUC [European Trade Union Confederation] [[https://minjust.gov.ua/m/str\\_45891](https://minjust.gov.ua/m/str_45891)]
8. Council Directive 98/59/EC of 20.07.98 on the approximation of the laws of the Member States relating to collective dismissal [[https://minjust.gov.ua/m/str\\_45891](https://minjust.gov.ua/m/str_45891)]
9. Voluntary national review of the Sustainable Development Goals in Ukraine [<https://me.gov.ua/Documents/List?lang=uk-UA&id=938d9df1-5e8d-48cc-a007-be5bc60123b8&tag=TSiliStalogoRozvitku>]
10. European Social Charter (revised) [[https://zakon.rada.gov.ua/laws/show/994\\_062#Text](https://zakon.rada.gov.ua/laws/show/994_062#Text)]
11. The Law of Ukraine "On the Principles of State Regional Policy" [<https://zakon.rada.gov.ua/laws/show/156-19#Text>]
12. The Law of Ukraine "On Collective Agreements and Contracts" [<https://zakon.rada.gov.ua/laws/show/2937-20#Text>]
13. The Law of Ukraine "On Local State Administrations" [[https://ips.ligazakon.net/document/view/ji03536x?an=5&ed=2021\\_11\\_17](https://ips.ligazakon.net/document/view/ji03536x?an=5&ed=2021_11_17)]

14. The Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" [<https://zakon.rada.gov.ua/laws/show/1045-14#Text>]
15. The Law of Ukraine "On Local Self-Government in Ukraine" [<https://zakon.rada.gov.ua/laws/main/280/97-%D0%B2%D1%80#Text>]
16. The Law of Ukraine "On Social Dialogue in Ukraine" [<https://zakon.rada.gov.ua/laws/main/2862-17#Text>]
17. ILO Convention No. 135 concerning the protection of the employees' representatives rights at work and the facilities available to them [[https://zakon.rada.gov.ua/laws/show/993\\_186#Text](https://zakon.rada.gov.ua/laws/show/993_186#Text)]
18. ILO Convention No. 95 on the salary protection [[https://zakon.rada.gov.ua/laws/show/993\\_146#Text](https://zakon.rada.gov.ua/laws/show/993_146#Text)]
19. ILO Convention No. 98 on the application of the right to organise principles and to hold collective negotiations [[https://zakon.rada.gov.ua/laws/show/993\\_004#Text](https://zakon.rada.gov.ua/laws/show/993_004#Text)]
20. ILO Convention No. 189 on decent work for domestic employees (freelancers) [[https://zakon.rada.gov.ua/laws/show/993\\_530](https://zakon.rada.gov.ua/laws/show/993_530)]
21. ILO Convention No. 87 concerning freedom of association and protection of the right to organise [[https://zakon.rada.gov.ua/laws/show/993\\_125#Text](https://zakon.rada.gov.ua/laws/show/993_125#Text)]
22. The Constitution of Ukraine [<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>]
23. The National report "Sustainable Development Goals: Ukraine" [<https://me.gov.ua/Documents/List?lang=uk-UA&id=938d9df1-5e8d-48cc-a007-be5bc-60123b8&tag=TSiliStalogoRozvitku>]
24. The Resolution of the Cabinet of Ministers of Ukraine dated 25 October 2017. No. 1106 "On the Implementation of the Association Agreement between Ukraine, on the one party, and the European Union, the European Atomic Energy Community and their Member States, on the other party" [<https://zakon.rada.gov.ua/laws/show/1106-2017-%D0%BF/paran13#n13>].
25. ILO Recommendation No. 92 on voluntary conciliation and arbitration [[https://zakon.rada.gov.ua/laws/show/993\\_232#Text](https://zakon.rada.gov.ua/laws/show/993_232#Text)].
26. ILO Recommendation No. 198 on labour relations [[https://zakon.rada.gov.ua/laws/show/993\\_529#Text](https://zakon.rada.gov.ua/laws/show/993_529#Text)].
27. ILO Recommendation No. 91 on collective agreement [[https://zakon.rada.gov.ua/laws/show/993\\_231#Text](https://zakon.rada.gov.ua/laws/show/993_231#Text)].
28. ILO Recommendation 189 concerning general conditions for promoting jobs creation in small and medium-sized enterprises [[https://zakon.rada.gov.ua/laws/show/993\\_293#Text](https://zakon.rada.gov.ua/laws/show/993_293#Text)].
29. Order of the Cabinet of Ministers of Ukraine dated 16 September 2020 No. 1127-r "On Approval of the Draft Letter of the Government of Ukraine to the Secretariat of the

International Coalition for Equal Pay (EPIC)"

[<https://zakon.rada.gov.ua/laws/show/1127-2020-%D1%80#Text>]

30. Association Agreement between Ukraine, of the one party, and the European Union, the European Atomic Energy Community and their Member States, on the other party (ratified with declaration on 16 September 2014)

[[https://zakon.rada.gov.ua/laws/show/984\\_011#Text](https://zakon.rada.gov.ua/laws/show/984_011#Text)]

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**Ukrainian national platform  
of the Eastern partnership civil society Forum  
eap-csf.org.ua unp.eap@gmail.com  
www.facebook.com/unp.eap.csf**

**NGO "The Centre of Social Security and Regional Initiatives"  
<http://scc.org.ua/>  
<https://www.facebook.com/groups/307535618652704>  
dubrig@ukr.net**

**Kharkiv Regional Organisation  
of the Trade Union of Entrepreneurs  
www.facebook.com/KRO-TUE  
repinv@ukr.net**