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THE ROLE OF SOCIAL PARTNERS IN THE FORMATION AND IMPLEMENTATION OF EU POLICY

Abstract. The article substantiates the relevance of restoring and strengthening the participation of trade unions and employers in the development and adoption of political decisions at various levels in various spheres of public administration to ensure social and economic stability in the conditions of the ongoing military aggression of the Russian Federation, the implementation of the «Ukraine Recovery Plan». The urgency of the tasks of implementing EU standards regarding social dialogue in the context of Ukraine's acquisition of the status of a candidate country for EU accession was emphasized. The role of social partners as subjects of the European Social and Economic Committee (EESC), its role in the organizational support and institutional design of the European social dialogue, the affirmation of the role of the European social partners in the formation and implementation of EU policy is revealed.

The current EU agreements were analyzed, the provisions of the Treaty on the Functioning of the EU were analyzed, which define: the role of European institutions and social partners in the field of social dialogue in the EU and member states; tasks of European institutions (EU Council, European Parliament and European Commission) regarding the formation and implementation of policy in the field of social dialogue; legal standards of the legislative procedure for acceptance and fulfillment of legal obligations on social dialogue issues; conducting consultations.
with employers and employees and ensuring balanced support of the parties in the field of social dialogue in the EU and member states, etc.

The growth of the political demand for the development of social dialogue on the part of the EU institutions in recent years has been clarified. Emphasis is placed on the importance of applying the EU Council Recommendations on strengthening social dialogue in the European Union in the processes of formation and development of social dialogue in Ukraine.

Keywords: EU policy; regulatory legal acts of the EU; social partners; social dialogue.

Introduction. For the second year now, the Russian Federation has been waging an aggressive war of aggression against Ukraine, causing a devastating impact on all spheres of life of the population of our country, the indirect consequences of which are felt throughout the world. Ukrainian workers and employers are now facing serious problems common to many European countries and countries of the world in general, arising from long-standing social and economic crisis phenomena, such as poverty, social isolation, growing inequality, social crises and emergency situations, related to climate change and biodiversity, which continue to grow. These challenges were intensified by the consequences of the pandemic and, starting from February 24, 2022, the aggressive war of the Russian Federation against Ukraine and were affected by changes in the cost of living, inflation and the energy crisis [14]. As a result of the destruction of industrial and social infrastructure, the termination of operations and relocation of enterprises, mass forced internal displacements and foreign migration of millions of Ukrainians, the national labor market underwent special crisis changes.

The main characteristics of the wartime labor market are its rapid change and imbalance. Thus, according to the State Employment Service, if in January-May 2022, 579,900 unemployed people were officially registered in Ukraine, then in the same period of 2023, 321,300 people were registered. At the same time, the number of vacancies registered in the State Employment Service as of June 1, 2023 (41,322 vacancies) increased compared to this period last year (25,312 vacancies), which indicates a shortage of personnel (~30% of employers had difficulties with hiring personnel) [5]. The changes caused by the increase in the number of vulnerable categories of persons in the labor market, primarily veterans and people with disabilities [7: 9] are also influential. In particular, today's veterans face problems related to the unconscious perception in society of the scale of the problem and the reluctance of employers to employ veterans; lack of opportunities for retraining; problems of adaptation of workplaces for employment of people with disabilities [4], etc.
Given the complexity and urgency of solving problematic issues in the conditions of dynamic changes and large-scale challenges, one of the key needs facing civil society and the authorities of Ukraine today is the need to restore and strengthen the participation of trade unions and employers in the formation and implementation of political decisions at all levels in all spheres for the implementation of the «Ukraine Recovery Plan» (2022) [3] and the fulfillment of requirements for Ukraine to maintain the status of a candidate country for EU accession (2022) [7].

Ukraine's acquisition of the status of a candidate country for EU accession is the first of three stages of the process on the way to EU membership:

1) official and formal confirmation of its European integration aspirations and the prospect of one day becoming a member of the European Union;

2) the start of the procedure of official negotiations on membership - involves the adoption of the relevant EU legislation; preparation for its implementation; implementation of judicial, administrative, economic and other reforms necessary to meet the requirements (criteria) of the candidate state's accession to the EU;

3) membership negotiations begin only after a unanimous decision by all 27 member states that the candidate state has completed all tasks and is ready to begin negotiations within a specific agreed format [1].

Therefore, the European Commission will carefully consider Ukraine's application in accordance with the accession criteria (Copenhagen criteria), and the accession process begins only with the unanimous decision of the European Council to start negotiations. To make such a decision, Ukraine as a candidate country is required, first of all, to fulfill the conditions - to bring its legislation into line with the existing set of EU standards (known as ACQUIS), as well as to improve its infrastructure and administration.

The importance of addressing the topic of social dialogue is due to the need for its development as an effective mechanism of public administration, capable of ensuring the coordination of the interests of the parties - the state, local government, workers, employers, searching for optimal solutions to overcome crisis phenomena caused by the consequences of the full-scale military invasion of the Russian Federation, creating conditions for the post-war recovery of Ukraine, the acquisition of membership in the EU and its further sustainable social and economic development as a strong European state.

The purpose of this article is clarification of the social partners role in the formation and implementation of EU policy.

Methodology. Research on the topic of the article is based on the results of the analysis of scientific publications [1; 2], information [5; 6; 7], analytical materials [4; 7; 9], legal acts of the EU [10-33] on the topic of social dialogue.

The research uses general scientific methods of analysis, synthesis, induction, deduction. The method of content analysis was used to study the legal acts of the EU on the topic of research and clarify the legal basis of the institutionalization of the
status and the establishment of the role of social partners as subjects of the policy of the EU and member states.

**Results.** From the very beginning of European integration, issues of dialogue, the involvement of social partners as representatives of employees and employers have been an important element in the development of European legislation and had an important meaning in the legal documents of the European community. The importance of social partners in the formation and implementation of EU policy is indicated by special provisions in the main founding documents about their participation and functions as key subjects in the activities of EU advisory bodies (Table 1).

<table>
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Source: [2, P.126].

According to the Treaty on the Establishment of the European Coal and Steel Association (1951), social partners were involved in the activities of the Consultative Committee on Coal and Steel [28], and according to the Treaty on the Establishment of the European Economic Community [33] and the Treaty on the Establishment of the European Atomic Energy Community of energy [27] - to the
Economic and Social Committee (EESC) founded by them. The participation of social partners in the formation and implementation of EU policy was also properly reflected in the treaties that today form the basis of the primary law of the European community. These are the Treaty on European Union [31] and the Treaty on the Functioning of the European Union [32].

Created as an advisory body of the European Union, the EESC plays an important role in the organizational support and institutionalization of social dialogue in the European governance system. The EESC is a consultative body that acts as a guarantor that the interests of various economic and social groups are represented in the EU governance structure. According to the Treaty on the Functioning of the European Union (clause 2 of Article 300), it includes representatives of three groups: «employers» (group I), «employees» (group II) and «civil society organizations» (farmers, professions and consumers, etc. - group III). Each group has its own secretariat. EESC members themselves choose which group they want to join. Members of the EESC are nominated by the governments of EU member states and approved by the Council of the EU. He represents the interests of civil society and social partners in the Commission, Council and Parliament of the EU [32].

The committee advises on issues related to economic and social policy, and may express its position on other issues on its own initiative. The EESC maintains regular contacts with regional and national economic and social committees throughout the EU and beyond, contributing to the development of social dialogue [32].

Within the framework of the EESC’s activities, social partners, along with representatives of other interest groups, have been given an official opportunity since its creation to express their point of view on the creation of a common market and participate in briefings on a wide range of European policy issues. An important place is given to the organizational provision of the participation of social partners in the activities of the European Parliament, the Council of the EU and the European Commission also in the new European legislation - a separate section of the Treaty on the Functioning of the EU regulates the activities of the EESC (Article 1, Chapter 3, Articles 300–304) [20].

The agreements define the areas for which consultations must be held, [20]: agriculture, rural development and fishing; climatic actions; cohesion, regional and urban policy; consumers; digital changes and information society; economic and monetary union; education and training; employment; energy; enterprise; environment; foreign relations; financial services and capital markets; basic rights and rights of citizens; industry and industrial changes; institutional affairs and the EU budget; migration and asylum; research and innovation; services of general interest; single market; social affairs; Sustainability; taxation; transport.

Today, the EESC has 6 subcommittees: Economic and Monetary Union, Economic and Social Cohesion (ECO), Single Market, Production and Consumption
The EESC additionally ensures the fulfillment of the following tasks: strengthening the cohesion and greater participation of organized civil society at both national and European levels; strengthening the role of organized civil society in neighboring countries outside the European community or where a structured dialogue with civil society organizations is developing; promoting the creation of consultative structures based on his own model, in particular in candidate countries for joining the EU.

Thus, within the framework of the EESC, not only European institutions and politicians work on the European system, but also associations, employers, organized citizens involved in economic, social and public life in their countries.

In its consultative role, the EESC is working on the introduction of a democratic perspective model in Europe and in other countries of the world, to complement representative democracy. These tasks are the same as the tasks of the institutions that work on the European system, that is, they are aimed at harmonious and sustainable development and promotion of the European model of society, a social model that puts universal human values at the center of development. The work program of the EESC depends on the work program of the European Commission, but also on the priorities of each Presidency of the Council of the EU and on the work program presented by each President of the Committee before his election.

The EESC consists of 329 members from all EU member states, who are appointed for a renewable five-year term. Members are nominated by national governments and appointed by the EU Council. They are independent and perform their duties in the interests of all EU citizens. The number of members in each country is proportional to the country's population. Every year, the EESC issues between 160 and 190 opinions and information reports, 70% of which are at the request of the Council, the European Commission and the European Parliament, 21% are own-initiative proposals and information reports, and another 9% are research materials that it usually requests the country that presides over the EU [19].

Institutional confirmation and strengthening of the role of social partners in the formation and implementation of EU policy took place during the conceptualization and institutionalization of the European social dialogue. The development of social dialogue with the aim of strengthening economic, social and cultural rights is considered as one of the most priority directions of the EU's internal and external policy.
According to the current treaties, the development of policy in the field of social dialogue is currently the task of three European institutions: the Council of the EU, the European Parliament and the European Commission. The Council of the EU and the European Parliament adopt legislative acts (regulations and directives), decisions, recommendations and conclusions (Article 288 of the Treaty on the Functioning of the European Union). These documents have different legal force [18]:

− regulations are binding in their entirety and directly applicable in all EU member states;
− directives set mandatory goals that must be achieved by the member states to which they are addressed - member states are free to choose the way to achieve these goals;
− decisions are also binding in full; decisions, in which it is indicated to whom they are addressed, are binding only for their addressees;
− recommendations and conclusions are advisory in nature and are non-binding acts.

The Treaty on the Functioning of the EU (par. 2 of Article 153) provides for two types of legislative procedure for the adoption and implementation of legal obligations on issues of social dialogue:

− directives establishing «minimum requirements» on issues of social dialogue (occupational safety, professional education, equality of men and women in labor relations, etc.) are adopted on the basis of a joint decision-making procedure;
− decisions on issues of social security, protection of the rights of employees after the termination of the employment contract, negotiations and settlement of collective disputes between employees and employers, employment of foreign citizens permanently residing in the territory of the EU, and financial allocations to promote employment and create new jobs must be adopted by the Council of the EU unanimously at the proposal of the European Commission [32].

According to Article 154 Treaty on the functioning of the EU, the EC must consult the social partners before taking any measures in the field of social policy. Then the social partners can choose an agreement among themselves. They have nine months to negotiate, after which they can [32]:

1) conclude an agreement and jointly appeal to the EC to propose the European Council to implement the decision;
2) /or conclude an agreement and implement it independently, in accordance with their own specific procedures and practices and those of member states («voluntary» or, later, «autonomous» agreements);
3) /or decide that they cannot reach an agreement, in which case the EC resumes work on the disputed proposal.

According to Article 154 Treaty on the functioning of the EU also gives member states the opportunity to entrust the social partners with the implementation of the decision of
the European Council regarding collective agreements concluded at the European level. In this case, the right of the European Parliament is limited to providing «consultations», that is, consultative decision-making procedures are applied (par. 3, Article 154 of the Treaty on the Functioning of the EU) [32].

The Commission develops draft regulations, programs, plans of other EU measures in the field of social dialogue, carries out ongoing monitoring and control of the state of affairs in this field, conducts consultations with state representatives, employers and trade unions, monitors compliance with labor legislation and EU social security legislation and submits drafts of new EU documents for consideration by the EU Council, manages the work of the European Social Fund.

The tasks of the European Commission regarding conducting consultations with employers and employees and ensuring balanced support of the parties in the field of social dialogue are defined in Art. 154 of the Treaty on the Functioning of the EU. The procedure for conducting consultations of the European Commission with employers and employees (according to Article 154 of the Treaty on the Functioning of the EU) is shown in fig. 1.

![Procedure for consultations of the European Commission with employers and employees](source: [32])

In Art. 155 of this Agreement declares that dialogue between employers and employees can lead to contractual relations. The Treaty on the Functioning of the EU recognizes the promotion of dialogue between the administration and workers as a common goal of the Union and the member states.
The establishment and development of social dialogue in the conditions of modern challenges is gaining special relevance. Today, the EU reaffirms its strong commitment to social dialogue as a cornerstone of the EU's social market economy and its competitiveness. On 25 January 2023, the European Commission addressed the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions with a communication on «Strengthening social dialogue in the European Union: using its full potential to manage just transitions». On the same day, January 21, 2023, the European Commission submitted «Proposals to the European Council for a Recommendation on strengthening social dialogue in the European Union». On June 12, 2023, the EPSCO Council approved the Proposal of the European Commission, and already on June 13, 2023, the EU Council approved «Recommendations on strengthening social dialogue in the European Union» [11].

In her «State of the Union in 2023» speech of 13 September 2023, European Commission President Ursula von der Leyen emphasized that «Social partners have played an indispensable role in solving the challenges facing the labor market – from skills shortages to transformative impact artificial intelligence. Their experience and representativeness are invaluable values that cannot be neglected» [25].

**Conclusions.** The urgency of revising the role of social partners is explained by the urgency of the tasks of implementing European standards regarding the participation of social partners (primarily, trade unions and employers) in the formation and implementation of political decisions at all levels in all areas for the implementation of the «Ukraine Recovery Plan» (2022) and Ukraine's fulfillment of requirements for the preservation the status of a candidate country for joining the EU.

The participation of social partners in the formation and implementation of the policy of the EU and member states is legally regulated by the primary acts that established the Economic and Social Committee (EESC). The institutional confirmation and strengthening of the role of social partners in the formation and implementation of EU policy took place during the conceptualization and institutionalization of the European social dialogue, the legal status of which is enshrined in the Treaty on European Union and the Treaty on the Functioning of the European Union.

European social partners are active participants in the development and implementation of key management decisions in the EU. The participation of European social partners and representatives of EU institutions balances the interests of employees and employers and promotes both economic competitiveness and social cohesion, strengthening resilience to challenges and ensuring sustainable socio-economic development. EU institutions recognize and support the role of social partners at their level, taking into account the diversity of national systems, and promote dialogue between social partners, respecting their autonomy.
The role of social partners is gaining more and more recognition in EU policy in the face of modern challenges - On June 13, 2023, the EU Council approved «Recommendations on strengthening social dialogue in the European Union».

Promising for further research and the clarification of approaches to measuring its role and evaluating its effectiveness for the system of socio-labor and socio-economic relations is critical for the promotion of social dialogue.

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