



## **Social Partnership on Labour Field: Moldova and Georgia Experience (draft)\***

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The history of formation of social partnership and its role in the development and execution of tripartite agreements has been shaped earlier. The necessity to attract main social partners to discuss and settle significant problems relative to social life and establishment of tripartite structures (Government, entrepreneurs, trade unions) to achieve such goals, started to be perceived and realized both at national and international levels at the beginning of the last century. Although the first attempts to solve labor conflicts through negotiations between employers and employees have been reported since the XIXth century, only after the World War One, along with the establishment of the International Labour Organization, one may talk about the genesis of the principles of social partnership and collective negotiations as a means to solve problems specific to labour relations.

In its contemporary sense, social partnership was consolidated at the middle of the XXth century, along with the outburst of the economic crisis, which had a severe impact not only on small business, but also on big corporations. The economic crisis led to intensification of the employees struggle for their rights and interests. Thus, strikes broke out across the whole Europe. In 1948 in France, for instance, over 6 million people took part in strikes and demonstrations. This strain created within the society forced employers to change their strategy and tactics of cooperation with trade unions. As a result, a bipartite partnership was created, which over the years evolved into a tripartite arrangement. At the beginning of the XXIst century, some researches made by the ILO set forth a multipartite partnership.

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Upon enlargement of the European Union, the problem of a new social partnership arose, which turned into “a cross-sector alliance in which individuals, groups or organizations agree to: work together to fulfill an obligation or undertake a specific task; share the risks as well as the benefits; and review the relationship regularly, revising their agreement as necessary.” Social partnership is also.... a voluntary and collaborative effort among businesses, nonprofit groups, and government agencies working on a sustained basis to address a...challenge that is important to all the parties.” As a foundation of a multipartite social partnership, it is worth mentioning that it may represent „ Three or more organizations – representing the public, private and voluntary sector – acting together by contributing their diverse resources to pursue a common vision with clearly defined goals and objectives. The objective of a partnership should be to deliver more than the sum of the individual parts.”

Analysis of the Western experience, along with still insignificant experience of the Republic of Moldova within social partnership, outlines that relations are evolving based on fundamental principles and norms, such as those proper for social and labour fields, on interaction between state bodies and civil society, as well as on universal principles, such as social equity. Social partnership is based solely on mutual recognition of equality among partners in deciding upon the steps and methods to be used to attain their common goal, while maintaining independence and non-interference in the affairs of the other partners. Such relations are built on trust, mutual respect and goodwill.

Pursuant to Article 17 of the Labour Code of the Republic of Moldova, the main principles of social partnership in the Republic of Moldova are as follows:

- 1) Lawfulness;
- 2) Parties’ equality;
- 3) Parity of parties’ representation;
- 4) Interest of the parties for participation in the contractual relations;
- 5) Respecting by the parties of the norms of laws in force;
- 6) Mutual trust between parties;
- 7) Assessment of real possibilities of fulfillment of obligations undertaken by the parties;



- 8) Priority of methods and procedures of conciliation and the obligatory consultation with the parties on the issues related to labour field and social policies;
- 9) Obligatory execution of the collective labour contracts, collective conventions and other agreements;
- 10) Taking decisions and undertaking actions within the limits of the rules and procedures coordinated by parties.

Establishment of principles of social partnership in law does not necessarily imply their observance. For this purpose, social partners and society as a whole shall apply all reasonable efforts. In its practical activity, social partnership is being guided by the international standards and expresses itself through mutual consultations, discussions and taking of joint decisions. The Republic of Moldova, being a member of the ILO, follows the international labour standards. Our country has already ratified several international conventions, developed by the foregoing international body, quite important to the implementation of social partnership in the Republic of Moldova.

The Republic of Moldova offers real conditions for the social partnership to contribute to socio-political stability, coordinating various aspects of socio-economic policy of the state. References to the policy of tripartite collaboration are being made in many legislative acts, through which the state has expressed its willingness to promote relations, other than authoritarian, including in the social sphere of labour.

The Constitution of Georgia guarantees the right to form and join trade unions of one's choice. The Republic of Georgia has also ratified all ILO core conventions. The basic law governing labor relations is the Labor Code of Georgia, a Soviet-era labor law that was amended by parliament in 1997, 2010 and 2013. The new law on Trade Unions, the Law on The Rules for the Regulation of Collective Labor Disputes, and the Law on Collective agreements are other relevant laws. The trade unions stance against corruption, wage arrears, and government's perceived violation of union rights (mainly through harassment and intimidation of unionists) led to an uneasy relationship between the two for quite a while.

With regard to strengthening social dialogue in Georgia, the Tripartite Social Partnership Commission (TSPC) is operational to help government and social partners in order to promote



collective bargaining at the company and sector levels. The Georgian trade unions are looking forward to the resumption of the work within the Tripartite Social Partnership Commission (TSPC). This is an important development, as it will give the social partners the opportunity to raise their concerns directly with the highest level of the government.

Where the culture of dialogue among social partners already exists unions were readily invited to the discussions. In Georgia the unions requested for participation before they were invited to discussions.