



SOCIAL DIALOGUE IN RUSSIA: CONSTITUTIONALIZATION AND EXPANDING THE LEGAL CONTENT OF THE CONCEPT

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The subject of research is the concept of social dialogue in labor and relations directly related to them that was enshrined by Russian Constitution for the first time in Russian history in 2020.

The purpose of article is to confirm or disprove hypothesis that the constitutionalization of social dialogue, the unprecedented expansion of the legal content of the concept to a much wider range of social relations (that are no longer associated exclusively with the social and labor sphere) requires a new definition of the social significance of social dialogue, its connection with other social processes and institutions.

The methodology of research is formal legal and logical interpretation of Russian Constitution and labor legislation, analysis of the academic publications concerning labor law.

The main results, scope of application. The constitutionalization of social dialogue requires to identify its interrelation with other social processes and institutions - economic, political and social solidarity, social responsibility of business, civil society, the social state. The author tries to trace the transformation of the conceptual apparatus, content and regulatory framework of social dialogue and develops recommendations for improving its legal regulation. Based on the analysis of the practice of applying articles of the amended Russian Constitution, it is proposed to amend Art. 23 of Russian Labor Code. At the same time, the content of the elements of this system of social dialogue in the field of labor relations will be disclosed in articles of the second and thirteenth sections of Russian Labor

Code. It is proposed to amend the normative acts adopted in accordance with the Russian Labor Code containing the appropriate terminology. Normative acts of social dialogue (sectoral tariff agreements and collective agreements), the effect of which is limited in time, can be updated simultaneously with the planned measures for the development and conclusion of relevant acts for the future period.

Conclusions. Ensuring the implementation of the principles of social dialogue is entrusted by the Constitution to the Government of the Russian Federation. The content of these principles is disclosed in the norms of the Labor Code of the Russian Federation. With the entry into force of amendments to the Constitution, these scientifically grounded and legislatively enshrined principles do not need a radical revision based only on the very fact of the appearance of the corresponding constitutional provision. At the same time, the work on their analysis and filling with new legal meaning based on the rule-making and current law enforcement practice is not excluded and can be useful.

1. Introduction.

In 2020, large-scale amendments to the Constitution of the Russian Federation came into force. For the first time in Russian history, the concept of social partnership is enshrined at the level of the Basic Law. Moreover, the amendments have significantly expanded its legal content. The need for this study is dictated by the need for a scientific analysis of the evolution of the sources of legal regulation of social partnership in the labor sphere in Russia over the past thirty years since the legalization of this term - from the decree of the President of the RSFSR of November 15, 1991 No. 212 "On social partnership and the resolution of labor disputes (conflicts)" adopted in its development of the laws of the Russian Federation ("On Collective Agreements and Agreements", "On the Procedure for Resolving Collective Labor Disputes", "On the Russian Tripartite Commission for the Regulation of Social and Labor Relations"), which regulated certain elements of the phenomenon under study and established the procedure the functioning of individual parts of its legal mechanism, up to the Labor Code of the Russian Federation, the adoption of which introduced a new quality - consistency and, finally, the Constitution of Russia, which gave the concept and content of social partnership a high constitutional status.

Moreover, it is necessary to disclose the essentially revolutionary expansion of the legal content of the concept of social partnership to a much wider range of social relations that are no longer associated exclusively with the labor sphere.

Over the years, the problems of social partnership in the labor sphere and the legal regulation of its individual elements have been in the focus of attention of many scientists. Comparative legal studies of BN Zharkov, VI Usenin [1], SA Ivanov [2; 3], I. Ya. Kiseleva [4] and others. Theoretical problems of the legal status of trade unions, collective-contractual regulation of labor relations and the resolution of labor disputes were worked out by N. G. Aleksandrov [5], K. N. Gusov [6], E. B. Khokhlov [7], K. D. Krylov [8; 9], A. M. Kurenniy [10], S. P. Mavrin [11], G. K. Moskalenko [12], V. N. Skobelkin [13], V. D. Shakhov [14], A. I.

Shebanova [15] and others. They laid the foundation for the development of I. O. Snigireva of the conceptual foundations of social partnership in the world of work, ways of creating an appropriate Russian system, including as a means of overcoming their deep economic and political crisis [16], conducting by M. V. Lushnikova [17] and A. F. Nurtdinova [18] complex comparative studies, which created the preconditions for the inclusion of a special section in the Labor Code of the Russian Federation.

The complex scientific studies that followed after the adoption of the Labor Code of the Russian Federation [19] made it possible to correct certain provisions of the code regulating certain aspects of social partnership in the world of work, to develop and adopt the necessary changes to the current legislation on social partnership.

These studies, carried out at the turn of the millennium, noted and supported the expansion of the content of the concept of "social partnership" as a result of its extension to relations not related to labor, although the legal basis for this at that time and for almost twenty years was absent at the federal level of legal regulation.

The constitution of social partnership in the Basic Law of the country requires adjustments to the conceptual apparatus, content and scope of this complex legal phenomenon, enshrined in the current legislation and the legal (primarily labor law) doctrine. For this, it seems necessary to redefine the social significance of social partnership, its connection with other social processes and institutions - economic, political and social solidarity, social responsibility of business, civil society, and the social state. The article is supposed to analyze the process of the formation of the system of social partnership in modern Russia since the beginning of the nineties of the last century and to develop recommendations for improving its legal regulation after amendments to the Constitution of the Russian Federation, to trace the transformation of its conceptual apparatus, content and regulatory framework.

2. Constitutional reform and expansion of the legal content of the concept of social

partnership

The concept of "social partnership" is applied in two articles of the amended Constitution: in Article 75.1, according to which "In the Russian Federation ... a balance of the rights and duties of a citizen, social partnership, economic, political and social solidarity is ensured" and in paragraph E. 4 of paragraph 1 of Article 114, which gives the Government of the Russian Federation the authority to ensure the implementation of "the principles of social partnership in the regulation of labor and other directly related relations".

These provisions of the Constitution of the Russian Federation deal with various legal phenomena - social partnership in the field of labor as part of social partnership in public relations as a whole.

It should be noted that in foreign legal literature and normative acts, from which, in fact, the domestic legal doctrine and the legislator borrowed the concept of "social partnership", cooperation between employees and employers is more often designated by the term "social dialogue" (social dialogue) [20], although the term "social partnership" as a derivative of social partners is sometimes used, especially in states where the legal structure is based on the traditions of Soviet legislation [21; 22]. At the same time, interestingly, the term "social solidarity" is also used to denote the interaction of subjects in the field of labor.

Please note that in sub clause E. 4, clause 1, Article 114 of the Constitution of the Russian Federation, the term "social partnership in the field of regulation of labor and other directly related relations" is confused with the definition of this concept, enshrined in art. 23 of the Labor Code of the Russian Federation: "Social partnership in the field of labor (hereinafter referred to as social partnership) is a system of relations between employees (representatives of employees), employers(representatives of employers), state authorities, local self-government bodies aimed at ensuring coordination of the interests of employees and employers on the regulation of labor relations and other directly related relations." It can be assumed that this was done by the legislator in

order to further "shade" the social and labor partnership named in Article 114 of the Constitution from the social partnership referred to in Article 75.1. Another practical or doctrinal meaning of changing the terminology established in the legislation ("social partnership in the sphere of labor") we don't find it.

In addition to the trade unionist [23, 40-44] understanding of social partnership as a system of relations between subjects of labor and related relations exclusively in the field of labor, which is based in Russia on the presidential decree of November 15, 1991. No. 212 "On social partnership and the resolution of labor disputes (conflicts)", back in the nineties of the last century, there was a tendency to consider social partnership in a broad sense: as a system of relations, cooperation not only in the sphere of these relations between these subjects, but along with them in other spheres between public organizations, social and religious groups, etc. [24; 25; 26] This approach found indirect support from the regional legislator who legalized the concept. Thus, in the Law of the Omsk region of May 20, 1997, No. 100-OZ "On Social Partnership" (Part 1 of Article1) it was stated that "social partnership is a way of combining the interests of various social strata and groups, resolving contradictions arising between them by reaching agreement and mutual understanding, renouncing confrontation and violence." A broad understanding of social partnership is also allowed by the federal legislator, calling section 2 of the Labor Code of the Russian Federation "Social partnership at work", and not just "Social Partnership", assuming that the latter, unlike, for example, vacations (Chapter 19 of the Labor Code), may not be related to labor relations.

Indeed, the mechanism and principles of social partnership can be transferred from labor relations to other spheres of social life, which will only benefit from this.

One of the first labor scientists who drew attention to the overcoming of the concept of "social partnership" within the framework of the basic industry was V. M. Lebedev, who proposed the term "social and labor partnership" for industry use [27, 60-76] or "social partnership in the field of labor", later applied by the federal legislator in the Labor

Code.

The problems of cooperation between the state and civil society structures were relevant both in the nineties of the last century and in modern Russia. In no one most developed society can the state cope with social problems alone [28, 66-68; 29, 69-70; 23, 170-173]. Moreover, the state is interested in involving citizens and their initiatives in solving social issues. However, we assign an equally important role in the functioning of the system to those forms of interaction, the initiators and driving force of the formation of which was the third sector itself, the organized public.

Among them, experts distinguish the creation of public councils (coordination, consulting, expert), whose activities are aimed not only at streamlining citizens' initiatives, but also at establishing cooperation with business structures and state bodies; signing temporary cooperation agreements [23, 46]; assigning responsibilities for interaction with third-sector organizations to divisions or individual employees of state and municipal bodies; various kinds of meetings, permanent committees, whose participants are representatives of the state and the public [30, 104-105].

The State is also trying to create conditions for the functioning of the system, including by encouraging commercial sector organizations to participate in the implementation of socially significant programs; holding consultations in order to jointly solve specific problems. In recent years, in the context of modernization of economic processes, deep digitalization and the use of artificial intelligence elements [31, 19-30], a discussion about the social responsibility of business, corporate social responsibility, which goes far beyond labor relations, but finds legal consolidation in corporate social partnership acts, has been widely developed. At the end of 2010, the ISO 26 000: 2010 Guide to Social Responsibility was added to the ISO portfolio of standards, addressed to organizations in the private, public and public sectors. Thus, the methodological basis for the development of effective interaction, the study of the boundaries of responsibility of subjects, taking into account mutual obligations, has been laid. The appearance of this standard indicates the beginning

of a new stage in the development of ideas not only about social responsibility, but also about the management of organizations. With the release of the ISO 26 000: 2010 standard, social issues have taken their rightful place in the management of companies. In the ISO catalog of standards, the "Guide to Social Responsibility" is included in the group of standards in the field of management. The standard outlines general approaches to the integration of social responsibility into the organization's activities, allows you to raise the question of the quality of management in this area and outlines approaches to its assessment.

A new process of global social dialogue has been significantly developed [32, 99-102], which is manifested, among other things, in the form of framework agreements concluded between individual multinational companies and global trade union federations. Since the beginning of the 1990s, 27 such agreements have been concluded over the decade. By 2018, the number of them between one Global Trade Union IndustriALL and multinational corporations around the world reached 44. Unlike agreements at the local and national level, framework agreements are more likely to ensure compliance with basic principles, such as freedom of association and the right to collective bargaining. Thus, the agreement between the International Federation of Trade Unions of Workers of the Chemical Industry, Power Engineers, Miners and Handymen, the Trade Union of Workers of the Oil and Gas Industries and Construction of the Russian Federation and the Open Joint Stock Company "Oil Company "LUKOIL", concluded on May 12, 2004 [33], as well as the Global Framework Agreement that replaced it between the Global Union IndustriALL, the Professional Union of Workers of the Oil and Gas Industries and Construction of the Russian Federation, the International Association of Trade Union Organizations of OAO Oil Company Lukoil and OAO Oil Company Lukoil signed on October 4, 2012, with provisions on the observance of human rights, which is not typical not only for social partnership acts in organizations, but also for agreements of different levels of regulation of social and labor relations.

The activity of the state is not disinterested and is aimed at solving a number of social problems

with the help of the public, firstly, in order to reduce budget expenditures and, secondly, realizing that the executive power alone is not able to overcome all of them.

Even at the beginning of the century, the need was noted "to gradually transfer to the non-state sector functions that the state should not or is not able to effectively perform. It also makes sense to use the experience of public chambers accumulated in a number of regions of Russia. Such permanent non-governmental organizations can provide an independent examination of the most important ... acts affecting the interests of citizens" [34]. Obviously, such organizations are actively functioning today, take for example the All-Russian Popular Front, numerous volunteer organizations.

It should be noted that it is very difficult to draw a clear line between social and labor partnership and three-sector interaction. By and large, tripartism in itself is not a pure social and labor phenomenon, either theoretically or practically. A collective agreement may regulate relations that generally fall within the scope of civil law and legislation on privatization. The agreements may include state obligations on benefits to enterprises that create additional jobs, other measures for the development of the labor market [35, 62–64]. Such norms will mainly regulate administrative (financial, tax, customs, etc.) relations. The practical side of our statement should also include the habit of fixing certain rules for providing housing to employees in the text of collective agreements.

A comprehensive study of employee associations (including their special type – trade unions), employers, state and municipal bodies outside of the system of social partnership as a three-sector interaction will be difficult, since a number of legal relations, the subjects of which they act (including representing the interests of workers, employers), go beyond the social and labor.

When attempting a labor-law study of three-sector interaction – social partnership in the broad sense of the word, put into this concept by Article 75.1 of the Constitution of the Russian Federation, we do not mean at all referring the relevant legal relations to the subject of labor law.

Our reasoning pursues completely different goals.

It is clear that with the legalization of the concepts of "social partnership", "social solidarity" at the constitutional level, constitutional scientists, representatives of the science of state and municipal law, human rights, etc. will actively study the relevant relations. Thus, S. N. Baburin, analyzing Article 75.1 of the Constitution of the Russian Federation, agrees that "social partnership as a phenomenon characterizes not only business (entrepreneurship), but also public relations. ... Social solidarity and partnership is the consent of the nation to the universalism of social relations, the general recognition of the good not only of external action, but also of an internal spiritual sense of mutual understanding and mutual assistance. Social solidarity covers the most diverse spheres of society, and it is unthinkable outside the presence of the state. ... The constitutionalization of social partnership in 2020 is an important step towards restoring our civilizational identity. It is the cultural, historical and national characteristics of each people, their consideration and conservation that underlie the sustainable development of both states and the modern world as a whole" [36, 25–26]. T. A. Soshnikova considers "partnership, interaction between representatives of the state, business and civil society" as one of the sustainable development goals approved by the UN General Assembly resolution on September 25, 2015 [37, 72–73]

However, the fact that the problems of ensuring social partnership, although in the narrow sense of this concept, are most fully theoretically and practically worked out within the framework of labor law, gives the latter great opportunities to participate in the development of public relations in Russia as a whole, the formation of civil society institutions. Referring to the best practices of labor lawyers, theorists and practitioners will once again emphasize the relevance of labor law not only as the most important regulator of public life, but also as a source of knowledge for other industries. After all, neither social and labor partnership, considered as a mechanism for regulating exclusively labor relations, nor three-sector interaction without its most important social and labor component will be self-sufficient phenomena.

So, social partnership in the sphere of

regulation of labor and other directly related relations (social partnership in the field of labor) is an element of social partnership in the broad sense – three-sector interaction. They relate as a part and a whole. It is impossible to fully function three-sector interaction as a system without social and labor partnership and the latter without a universal system of relations, an element of which it acts. Civil society as a self-organization of non-State elements is a sufficient condition for bilateral cooperation between employees and employers, commercial and non-profit sectors. To create a Russian system of social partnership as a three-sector, three-way interaction with the participation of executive authorities, the second necessary element is a social state aimed at solving public problems through an effective social policy and ready for this to cooperate with all interested responsible structures of society, including trade unions and socially responsible business. It is this approach that will make it possible to implement the constitutional provisions of Article 75.1 and sub clause E. 4 p. 1 Article 114: to ensure the balance of the rights and duties.

3. Prospects for the transformation of the sectoral conceptual apparatus of social partnership in the field of regulation of labor and other directly related relations under the influence of the constitutional reform

Pointing to the expansion of the concept of "social partnership" in the Constitution, we have already drawn attention to the confusion in paragraphs E. 4, paragraph 1 of Article 114 of the concept of "social partnership in the sphere of labor" with the definition of this concept, enshrined in Article 23 of the Labor Code of the Russian Federation: "Social partnership in the sphere of labor is a system of relations between employees (representatives of employees), employers (representatives of employers), state authorities, local self-government bodies, aimed at ensuring the coordination of the interests of employees and employers on the regulation of labor relations and other relations directly related to them." Now pp. E. 4 p. Article 114, the Government of the Russian Federation has the authority to ensure the implementation of the "principles of social

partnership in the regulation of labor and other directly related relations". We assumed that this was done by the legislator in order to further separate the social and labor partnership named in Article 114 of the Constitution from the social partnership referred to in Article 75.1.

One way or another, we will have to answer the question of whether the legislation in force at the time of the Constitution change, operating with "unconstitutional terminology" - "social partnership in the sphere of labor" should be redacted.

It seems that the amendments to the Constitution, which have fixed the concept of "social partnership" in different meanings, do not leave us much choice in order to avoid terminological confusion in the future. The introduction of amendments to the Constitution requires the amendment of the sectoral labor law conceptual apparatus - the Labor Code of the Russian Federation and the normative acts adopted in its development - following the appearance of the constitutional: introduction of Art. 114 of the Basic Law in the legal circulation of the term "social partnership in the field of regulation of labor and other directly related relations", which differs in content from the term of Article 75.1. "social partnership".

The first thing that will have to be changed is the Labor Code, followed by the normative acts adopted in its development, including the normative acts of social partnership-collective agreements and agreements.

The term "social partnership" is used by the legislator in dozens of articles of the Labor Code, while "social partnership in the sphere of labor" is indicated only three times – in the title of the second section, the title of Article 23 of the Labor Code, as well as in the definition of social partnership in the sphere of labor proposed by the named article. The same article contains a reservation that in the following text, instead of the term "social partnership in the field of labor", the abbreviated "social partnership" will be used as a synonym. Obviously, this reservation also applies to cases of using the term in the articles of the Labor Code preceding the second section of the Code (Article 1 Goals and objectives of labor legislation", Article 2 "Basic principles of legal regulation of labor relations and other directly related relations", Article 6

"Delimitation of powers between federal state authorities and state authorities of the subjects of the Russian Federation in the field of labor relations and other directly related relations"). Taking into account the terminological reservation, give the names of the second section and art. 23 TC in accordance with the wording of the Constitution will not be difficult, but making changes to the text of Article 23 itself will require a simultaneous change in the concept of social partnership proposed by this norm. Obviously, it is impossible to define "social partnership in the sphere of regulation of labor and other directly related relations" as a system of relations "on issues of regulation of labor relations and other directly related relations". Article 23 of the Labor Code at one time already experienced a significant reduction, having lost the second part, as, in fact, it acquired – the clarification of the concept with the words "in the sphere of labor" in the Labor Code appeared later. It is possible to correct the text of the definition and state the content of art. 23 TC: "Social partnership in the field of regulation of labor and other directly related relations (hereinafter-social partnership) is a system of relations between employees (representatives of employees), employers (representatives of employers), state authorities, local self-government bodies aimed at ensuring the coordination of the interests of employees and employers." At the same time, the content of the elements of this system will be disclosed by other articles of the TC, mainly the second and thirteenth sections.

One can also propose a doctrinal definition, although revealing the main elements of the system, but hardly acceptable for inclusion in the code: "Social partnership in the field of regulation of labor and other directly related relations is a system of relations regulated and unsettled by legal norms between employees (labor collectives of organizations, collectives of employees of branches, representative offices, other divisions and trade unions), on the one hand, employers – on the other hand, as well as state authorities of the Russian Federation and its subjects, local self-government bodies – with the third, their representatives and jointly formed bodies, consisting in mutual consultations, negotiations on

socio-economic policy and the conclusion of agreements, the preparation and conclusion of collective agreements and agreements, the participation of employees and their representatives in the management of organizations, pre-trial and out-of-court settlement of labor disputes with the participation of representatives of employees and employers, based on the principles of equality of the parties, respect and consideration of their interests, the interest of the parties in participating in contractual relations, assistance of the state in strengthening and developing social partnership on a democratic basis, compliance by the parties and their representatives with labor legislation and other normative legal acts containing labor law norms, the powers of representatives of the parties, freedom of choice when discussing issues within the sphere of labor, voluntary acceptance and reality of obligations assumed by the parties, mandatory execution of collective agreements, agreements, control over the implementation of decisions taken, responsibility of the parties, their representatives are responsible for non-fulfillment of agreements and collective agreements through their fault and pursue the goals of protecting the rights and interests of employees, employers and society."

At the same time, the TC will require revision of the normative acts adopted in its development, containing the appropriate terminology. Normative acts of social partnership (agreements and collective agreements), the validity of which is limited in time, can be updated during planned activities for the development and conclusion of relevant acts for the future period.

In accordance with sub clause E. 4. paragraph 1. of Article 114 of the Constitution of the Russian Federation, "The Government of the Russian Federation ensures the implementation of the principles of social partnership in the field of regulation of labor and other directly related relations". It is necessary to determine which specific principles the Government prescribes to ensure the implementation of the Basic Law.

The principles of the institute of social partnership (or the subsystem of collective labor law) are listed in Article 24 of the Labor Code of the Russian Federation.

"Proceeding from the universally recognized

principles and norms of international law and in accordance with the Constitution of the Russian Federation the main principles of legal regulation of labor relations and other related relations admit" (article 2 TK), in particular:

"ensuring the rights of workers and employers to form associations to protect their rights and interests, including the right of workers to form trade unions and join them, the right of employers to form associations of employers and join them;

ensuring the right of employees to participate in the management of the organization in the forms provided for by law;

a combination of state and contractual regulation of labor relations and other directly related relations;

social partnership, including the right to participation of employees, employers, and their associations in the contractual regulation of labor relations and other relations directly related to them."

These are the sectoral principles of legal regulation of labor relations and other directly related relations, or rather, the part of them that is obviously related to the regulation of social partnership. Moreover, "social partnership, including the right to participation of employees, employers, and their associations in the contractual regulation of labor relations and other directly related relations" is in itself an independent sectoral principle that permeates all parts and institutions of labor law.

The principles of other institutions are also formulated in the articles of the TC. Thus, the principle of proportional representation in the formation of a single representative body for collective bargaining, the development of a single draft collective agreement and the conclusion of a collective agreement, enshrined in Article 37 of the Labor Code of the Russian Federation, is the principle of the institution of a collective agreement, which is part of the institute (subsystem) of social partnership.

Ensuring the implementation of the principles of the actual institute (subsystem) of social partnership (Article 24); the principle of the institute of collective agreement, which is part of

the institute (subsystem) of social partnership (Article 37); that part of the sectoral principles of legal regulation of labor relations and other directly related relations (Article 2), which directly permeate the institute (subsystem) of social partnership, is entrusted by the Constitution to the Government of the Russian Federation.

The content of these principles is disclosed in the norms of the Labor Code of the Russian Federation. It seems that when making amendments to the Constitution, the legislator proceeded from the fact that the principles of social partnership in the field of regulating labor and other directly related relations had already been developed and enshrined in legislation (namely, in the aforementioned articles of the Labor Code of the Russian Federation). Therefore, with the entry into force of amendments to the Constitution, these scientifically based and legislatively fixed principles do not need to be radically revised based only on the very fact of the appearance of the corresponding constitutional provision, but, at the same time, work on their analysis and filling with new legal content based on standard-making and current law enforcement practice, as well as a systematic interpretation of other norms of the Basic Law, including those regulating labor and directly related relations, is not excluded and can be useful.

We can already observe today how the Government exercises its powers within the requirements of sub clause E. 4. clause 1. Article 114 of the Constitution. This opportunity is provided by the time gap between the adoption of amendments to the Constitution by representative authorities and the direct expression of the will of the citizens of the Russian Federation during the popular vote, which was formed as a result of well-known events related to the difficult epidemiological situation [38, 69-73] in our country. During this period, the authorities in one way or another were already guided by the new constitutional provisions, although they had not yet been verified by popular vote. As an example of the different application of the principles of social partnership by the Government, we can indicate the approval of the Federal Law of June 8, 2020 in the Russian Trilateral Commission for the Regulation of Social and Labor Relations. No. 166-FZ "On Amendments to Certain Legislative Acts of the

Russian Federation in order to take urgent measures aimed at ensuring sustainable economic development and preventing the consequences of the spread of a new coronavirus infection" and the decree of the Government of the Russian Federation "On the specifics of legal regulation of labor relations in 2020". In the first case, despite the objections of representatives of employees and employers, the law was supported by the Government and adopted, in the second case, the norms not agreed by the social partners were not included in the text of the resolution [39, 176-179].

The question arises whether the government's powers to influence labor relations will be sufficient to ensure the implementation of citizens' labor rights and programs to reduce and eliminate unemployment (Article 16 of the Federal Labor Code of December 17, 1997 No. 2-FKZ "On the Government of the Russian Federation"), if they are always guided exclusively by a bipartisan understanding of the principles of social partnership, suppressing the public, state interest in these relations. In other words, are the social partners-employees and employers-able to ensure the necessary level of development of labor relations? It seems that in a situation where the establishment of uniform federal rules is required, and representatives of employees and employers will not be able to reach a compromise on this issue, the Government of the Russian Federation will hardly be able to do without the mandatory establishment of appropriate rules. This is all the more true because simultaneously with the obligation to ensure the implementation of the principles of social partnership, the Government of the Russian Federation received a constitutional (and after the entry into force of the Federal Constitutional Law No. 4-FKZ of November 6, 2011 "On the Government of the Russian Federation" (art. 17) – and legal) the right and obligation to ensure the protection of the labor rights of citizens, despite the fact that the corresponding authority in the law was not previously fixed in the Federal Labor Code on the Government of the Russian Federation.

4. Conclusions

The concept of "social partnership" is

applied in two articles of the amended Constitution: in Article 75.1, according to which "In the Russian Federation ... a balance of the rights and duties of a citizen, social partnership, economic, political and social solidarity is ensured" and in paragraph E. 4 of paragraph 1 of Article 114, which gives the Government of the Russian Federation the authority to ensure the implementation of "the principles of social partnership in the regulation of labor and other directly related relations". They are talking about different legal phenomena.

Social partnership in the field of regulation of labor and other directly related relations (social partnership in the field of labor) is an element of social partnership in the broad sense – three-sector interaction. Civil society as a self-organization of non-State elements is a sufficient condition for bilateral cooperation between employees and employers, commercial and non-profit sectors. In order to create a Russian system of social partnership as a three-sector, three-way interaction with the participation of executive authorities, the second necessary element is a social state aimed at solving public problems through an effective social policy and ready for this to cooperate with all interested responsible structures of society. This will make it possible to implement the constitutional provisions of Article 75.1 and in paragraphs E. 4 p. 1 Article 114: to ensure the balance of the rights and duties of a citizen, social partnership, economic, political and social solidarity, the implementation of the principles of social partnership in the regulation of labor and other directly related relations.

It is necessary to adjust the content of Article 23 of the Labor Code of the Russian Federation in accordance with the wording of paragraph E. 4, paragraph 1, Article 114 of the Constitution of the Russian Federation: "Social partnership in the sphere of regulation of labor and other directly related relations (hereinafter referred to as social partnership) is a system of relations between employees (employees' representatives), employers (employers' representatives), state authorities, local self-government bodies aimed at ensuring the coordination of the interests of employees and employers." At the same time, the content of the elements of this system will be disclosed by other articles of the TC, mainly the second and thirteenth

sections. At the same time, the TC will require revision of the normative acts adopted in its development, containing the appropriate terminology. Normative acts of social partnership (agreements and collective agreements), the validity of which is limited in time, can be updated simultaneously with planned measures for the development and conclusion of relevant acts for the future period.

Ensuring the implementation of the principles of the institute (subsystem) of social partnership (Article 24), the principle of the institute of collective agreement, which is part of the institute (subsystem) of social partnership (Article 37) and that part of the sectoral principles of legal regulation of labor relations and other directly related relations (Article 2), which directly permeate the institute (subsystem) of social partnership is entrusted by the Constitution to the Government of the Russian Federation.

The content of these principles is disclosed in the norms of the Labor Code of the Russian Federation. With the entry into force of amendments to the Constitution, these scientifically based and legally fixed principles do not need to be radically revised based only on the very fact of the appearance of the corresponding constitutional provision, but, at the same time, work on their analysis and filling with a new legal meaning based on standard-making and current law enforcement practice, as well as a systematic interpretation of other norms of the Basic Law, including those regulating labor and directly related relations, is not excluded and can be useful.

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