

Social partnership in labour sphere: lecture 2

***Author: PhD in Law, associate
professor S.A. Sobolev***

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 - **Present publication is developed in accordance with educational program course «Labour law in Russia».**
 - **Legislation about law and court practice is given for December 20, 2011**

Lecture 2. Issues:

- Concept, content and structure of collective contract and agreement (further CC and CA).
- Development order, conclusions and alterations of CC and CA.
- Period and sphere of validity CC and CA.
- Order of advice registration CC, CA.
- Abidance control CC, CA.
- Responsibility for legislation abuse about social partnership (SP).

Collective contract – legal act, regulates social-labour relations in organization or individual entrepreneur and is formed by employees and employer in the person of its representatives (art. 40 LC RF).

1. Parties of CC (Ch. 4 LC RF)

2. Content and structure of CC (art. 41 LC RF)

3. Order of development CC and period of validity (art. 42, 43 LC RF)

Agreement – legal act, regulates social-labour relations and forms general principles of regulation connected with economical relations, formed between Plenipotentiaries of employees and employers at federal, inter-regional, regional, branch (inter-branch), and territorial levels (art. 45 LC RF).

1. Parties of CA (Ch. 4 LC RF)

2. Content and structure of CA (art. 46 LC RF)

3. Order of development CC and Validity period (art 47, 48 LC RF)

Content of CC is agreed provisions by parties (covenants), appealed to regulate ...relations (O.V. Smirnov, I.O. Snigireva)

2. Content and structure of CC (art. 41 LC RF)

forms, systems of labour remuneration

employment, re-education, conditions of release

working hours and rest period

improvement of terms and labour protection, other issues

Organizational

alteration, control for discharge of CC.

**2. Content and structure of
CC
(art. 41 LC RF)**

obligation

- **mutual parties' responsibilities**

normative

- **elaborates general norms LL;**
- **fills norms of LL;**
- **provides in norms LL.**

informational

- **provisions are used from existing legislation**

Actions of collective contract

is saved

Change of
name

Cancellation of LC
with employer

In reorganization
in form of
reorganization

is saved during
specified time

In change of form of ownership
-3 months from the passing
of property

During the whole period of
reorganization (merger,
joining, division,
allotment

During the whole term of
liquidation

2. Types of agreements (art. 45 LC RF)

General – sets general principles of Regulation in social–labour and connected with them economic relations at federal level

Inter-regional – ...two and more subjects of Russia

Regional - ...at subject level of Russia

Branch (inter-branch) – sets general labour remuneration, guarantees, compensations and benefits to employees of branch (branches)

Territorial - ...municipal education

other agreements

2. Types of agreements (art. 45 LC RF)

“General agreement between general Russian trade unions,
General Russian employers unions and
Government of the Russian Federation for 2008 - 2010”

“Branch agreement of organizations rocket-cosmic industry of the Russian Federation for 2011 - 2013”
(adopted by Trade union of employees of general mechanical engineering, Ruscocosmos 20.09.2010)

“Udmurt republican trilateral agreement between
Government of Udmurt Republic, republican
Employers Unions and Trade unions Federation of
Udmurt Republic for 2010 - 2012”
(concluded 26.11.2009)

Responsibilities of parties of social partnership (Chapter 9 art. 44-45 LC RF)

Types of responsibility:

Disciplinary,
material

Civil-law

administrative

criminal

Employer or representative person takes the responsibility:

For deviation from participation
in
negotiations – art. 5.28 KoAP
RF

from 1 to 3 thousands roubles;
For not providing information
– art. 5.29 KoAP RF

from 1 to 3 thousands roubles;
For unfounded refuse from
collective agreement,
agreements –

Art. 5.30 KoAP RF

From 3 to 5 thousands roubles

Scientific literature:

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3. Labour law: tutorial / In edition by S.P. Mavrin, E.B. Khohlov, 2007.
4. Nurtdinova A.F. Collective-agreement regulation of labour relations in modern Russia. M., 1998