



LAW OF UKRAINE

on Social Dialogue in Ukraine

This Law determines legal fundamentals for the organisation and procedure of social dialogue in Ukraine aimed at formulating and implementing state social and economic policy, regulating labour, social and economic relations, and ensuring higher living standards for people as well as social stability in the society.

Article 1. Social dialogue

1. Social dialogue shall mean a process of defining and aligning positions, achieving common agreements, and making concerted decisions by the parties to social dialogue representing interests of employees, employers and executive authorities and local governments, on the matters of shaping and implementation of state social and economic policy and regulation of labour, social and economic relations.

Article 2. Legislation of Ukraine on social dialogue

1. Legislation of Ukraine on social dialogue shall be based on the Constitution of Ukraine (254к/96-BP) and shall consist of the Act No. 1045-XIV of 15 September 1999 on trade unions, their rights and guarantees concerning their activities, Act No. 2436-III of 24 May 2001 on employers' organizations, Act No. 137/98-VR of 3 March 1998 on the procedure of settlement of collective labour disputes (conflicts), this Law, labour legislation, and other regulatory legal acts.

2. Unless provisions other than those specified in the legislation of Ukraine on social dialogue are established by an international treaty consented to by the Verkhovna Rada of Ukraine as binding, the provisions of the international treaty shall apply.

Article 3. Basic principles of social dialogue

1. Social dialogue shall be conducted on the following principles:

- legality and the rule of law;
- representativity and authority of the parties and representatives thereof;
- independence and equality of the parties;
- constructive approach and interaction;
- voluntariness and assumption of realistic obligations;
- mutual respect and search for compromise solutions;
- mandatory consideration of the parties' proposals;
- priority of conciliation procedures;
- openness and publicity;
- mandatory compliance with agreements reached;
- responsibility for meeting obligations assumed.

Article 4. Levels of and parties to social dialogue

1. Social dialogue shall be conducted on the national, sector, territorial and local (enterprise, institution, organisation) levels on the trilateral or bilateral basis.

2. Parties to social dialogue shall be as follows:

on the national level – the trade union party, subjects of which shall include trade union associations having the all-Ukrainian status; the employers party, subjects of which shall include associations of employers' organisations having the all-Ukrainian status; the executive authorities party, with the Cabinet of Ministers of Ukraine as its subject;

on the sector level – the trade union party, subjects of which shall include all-Ukrainian trade unions and associations thereof operating within a certain economic activity type or several economic activity types; the employers party, subjects of which shall include all-Ukrainian associations of employers' organisations operating within a certain economic activity type or several economic activity types; the executive authorities party, subjects of which shall include relevant central executive authorities;

on the territorial level – the trade union party, subjects of which shall include trade unions of a respective level and associations thereof operating in the territory of a respective administrative-territorial unit; the employers party, subjects of which shall include employers' organisations and associations thereof operating in the territory of a respective administrative-territorial unit; the executive authorities party, subjects of which shall include local executive authorities operating in the territory of a respective administrative-territorial unit. In the territory of a respective administrative-territorial unit, local governments may be a party to social dialogue within the scope of powers specified by law;

on the local level – the employees party, subjects of which shall include primary trade union organisations or, in case of their absence, the representatives (representative) of employees freely elected for collective bargaining; the employer party, subjects of which shall include the employer and/or authorised representatives of the employer.

3. To participate in collective bargaining on the conclusion of collective agreements, in tripartite or bipartite bodies, and in international activities, a composition of subjects of the trade union party and the employers party shall be determined by representativity criteria.

Article 5. General representativity criteria

1. General representativity criteria for the trade union party subjects and the employers party subjects shall include:

legalisation (registration) of the above-mentioned organisations (associations) and their status;

for trade unions, their organisations and associations – the total number of their members, for employers' organisations and associations thereof – the total number of workers employed at the enterprises members of the relevant employers' organisations;

sector and territorial branching.

Article 6. Determining the representativity criteria on the social dialogue levels

[Article 6 shall take effect on 18.07.2011 – see para. 1, Article 20 hereof]

1. On the national level, for taking part in collective bargaining on the conclusion of a general agreement, for delegating representatives to the National Tripartite Social and Economic Council, to management bodies of general compulsory state social insurance funds, and to other tripartite bodies of social dialogue, and for taking part in international activities, representative shall be trade union associations and associations of employers' organisations that:

are legalised (registered) according to law;
are all-Ukrainian trade union associations numbering no less than one hundred and fifty thousand members;
are all-Ukrainian associations of employers' organisations, at the enterprises of which no less than two hundred thousand workers are employed;
include trade unions, organisations thereof and associations of employers' organisations in most administrative-territorial units of Ukraine specified in part two, Article 133, Constitution of Ukraine (254к/96-BP), as well as at least three all-Ukrainian trade unions and at least three all-Ukrainian associations of employers' organisations.

2. On the sector level, for taking part in collective bargaining on the conclusion of sector (inter-sector) agreements and for delegating representatives to the bodies of social dialogue of a respective level, representative shall be trade unions and associations thereof, employers' organisations and associations thereof that:

are legalised (registered) according to law;
are all-Ukrainian trade unions, with no less than three percent of workers employed in a corresponding sector as their members;
are all-Ukrainian associations of employers' organisations established on the sector basis, the enterprises of members of which employ no less than five percent of the workers employed in a corresponding economic activity (activities).

3. On the territorial level, for taking part in collective bargaining on the conclusion of territorial agreements and for delegating representatives to the bodies of social dialogue, representative shall be trade unions and associations thereof, employers' organisations and associations thereof that:

are legalised (registered) according to law;
are oblast or city trade unions, organisations and associations thereof established on the territorial basis, with no less than two percent of the employed population in a relevant administrative-territorial unit as their members;
are employers' organisations or associations thereof operating in the territory of a relevant administrative-territorial unit, the enterprises of members of which employ no less than five percent of the employed population in a relevant administrative-territorial unit.

4. On the local level, for taking part in collective bargaining on the conclusion of company-level collective agreements, according to law, representative shall be:

the employees party, subjects of which shall include primary trade union organisations or, in case of their absence, freely elected representatives (representative) of employees;
the employer party, subjects of which shall include the employer and/or authorised representatives of the employer.

5. Trade unions and associations thereof, employers' organisations and associations thereof that do not meet the representativity criteria may, as decided by the elected bodies, grant powers to representative organisations and associations of a relevant level to represent their interests or submit their proposals to relevant bodies of social dialogue for consideration. Such proposals shall be mandatory for consideration by the parties in the formulation of their aligned stand and decision-making.

Article 7. Assessment of conformity with the representativity criteria and confirmation of representativity

[Article 7 shall take effect on 18.07.2011 – see para. 1, Article 20 hereof]

1. Assessment of conformity of trade unions and associations thereof, employers' organisations and associations thereof with the representativity criteria shall be performed:
on the national and sector levels by the National Mediation and Conciliation Service;
on the territorial level by relevant branches of the National Mediation and Conciliation Services.

2. Confirmation of representativity of the subjects of the trade union party and the employers' party shall be performed by the National Mediation and Conciliation Service and its branches, respectively, once every five years. Trade unions, organisations and associations thereof, and employers' organisations and associations thereof, including newly established ones, shall have the right to apply to the National Mediation and Conciliation Service and relevant branches thereof for assessment of conformity with the representativity criteria given actual grounds therefore, but once a year at most.

3. The National Mediation and Conciliation Service and its branches shall maintain a register of such organisations (associations) based on results of the assessment of conformity with the representativity criteria and confirmation of representativity.

4. The procedure of assessment of conformity with the representativity criteria and confirmation of representativity of the subjects of the trade union party and the employers' organisations shall be approved by the National Mediation and Conciliation Service as agreed by the parties to social dialogue on the national level.

Article 8. Forms of social dialogue

1. Social dialogue shall be conducted between the parties to social dialogue of a respective level in the forms of:
information sharing;
consultations;
conciliation procedures;
collective bargaining for the conclusion of collective agreements.

2. Information sharing shall be conducted in order to ascertain positions, reach agreements, search for a compromise, and make joint decisions on economic and social policy matters.

Procedure of information sharing shall be determined by the parties. None of the parties may deny information unless such information belongs to restricted information pursuant to law.

3. Consultations shall be held at the suggestion of a party to social dialogue in order to define and align positions of the parties in their making decisions belonging to their competence.

An initiating party shall send all other parties a written proposal specifying the subject of a consultation and the date of holding it. The parties that received such a proposal shall be required to take part in the consultation, jointly agree upon its procedure and date, and define a list of its participants.

4. Conciliation procedures shall be conducted to consider the parties' positions and elaborate compromise concerted solutions in the drafting of legislative and regulatory legal acts.

The order of conciliation procedures shall be defined by the bodies of social dialogue of a respective level unless otherwise provided for by legislation or collective agreements.

Failure to reach a compromise between the parties based on results of the conciliation procedures may not constitute a ground to prevent the work of the bodies of social dialogue.

5. Collective bargaining shall take place in order to conclude collective agreements. Based on collective bargaining results, the following collective agreements shall be concluded:

- a general agreement – on the national level;
- sector (inter-sector) agreements - at the sector level;
- territorial agreements – at the territorial level;
- company-level agreements – at the local level.

The procedure of collective bargaining shall be specified by law.

Article 9. Bodies of social dialogue

1. To conduct social dialogue on the national and territorial levels, a National Tripartite Social and Economic Council and Territorial Tripartite Social and Economic Councils shall be established with an equal number of representatives of the parties to social dialogue of a respective level, according to the procedure specified by Articles 11 and 17 hereof.

Sector (inter-sector) tripartite or bipartite social and economic councils and other tripartite bodies of social dialogue (committees, commissions, etc.) may be established at the initiative of the parties.

On the local level, a bipartite working commission according to law shall be established by the employees party (subject of which are primary trade union organisations or, in case of their absence, freely elected representatives (representative) of employees) and the employer party (subjects of which are the employer and/or authorised representatives of the employer) for collective bargaining on the conclusion of company-level collective agreements.

2. Tripartite or bipartite bodies of social dialogue shall be established by a joint decision of the parties of a respective level at the initiative of any party to social dialogue of a respective level.

3. Upon making the decision by the parties on establishment of a tripartite or bipartite body of social dialogue and on its quantitative composition, each of the parties to social dialogue shall independently appoint (delegate) its authorised representatives to take part in the work of the body.

4. At the national level, representatives of the executive authorities party to the bodies of social dialogue shall be appointed by the Cabinet of Ministers of Ukraine; at the sector level, they shall be appointed by a decision of central executive authority; at the territorial level, they shall be appointed by decisions of local executive authorities and/or local governments operating in the territory of a respective administrative-territorial unit.

5. The trade union party and the employers party, subjects of which have confirmed their representativity, shall independently determine the procedure of election (delegation) of representatives of trade unions and associations thereof and of employers' organisations and associations thereof to the bodies of social dialogue at a meeting of authorised representatives of the organisations and associations thereof entitled to engage in social dialogue of a respective level.

The meeting may be initiated by any representative organisation (association) of a relevant level that shall send notices to all other representative organisations (associations) no later than one month prior to the meeting.

The meeting of authorised representatives shall be deemed as qualified if representatives of no less than a half of the representative organisations of a relevant level, which had agreed to take part in the meeting, were present.

To take part in the meeting, organisations that received the notice shall submit the resolution of the National Mediation and Conciliation Service or its relevant branches on their representativity to the organisers of the meeting no later than 10 days prior to the meeting date.

To establish quotas, representative trade unions and associations thereof, representative employers' organisations and associations thereof shall submit copies of the documents confirming their representativity to the meeting for consideration. Quotas shall be distributed among representative trade unions and associations thereof in proportion to the number of their members, and among representative employers' organisations and associations thereof in proportion to the number of employees working at the enterprises members of relevant employers' organisations, but no less than one representative from each representative trade union, employers' organisation, and their associations of a relevant level. In accordance with the quotas approved by a meeting of authorised representatives, representative trade unions and associations thereof, representative employers' organisations and associations thereof shall delegate their representatives to the trade union party and the employers party of the bodies of social dialogue based on decisions made by the elected bodies operating in those organisations pursuant to their statutes.

In case of rotation within the active tripartite bodies of social dialogue, a meeting of authorised representatives shall be held by respective parties of the bodies.

Any action of the organiser of a meeting of authorised representatives that infringes the rights of subjects of the parties to social dialogue, may be appealed against in a judicial procedure.

6. Powers and work organisation of the tripartite or bipartite bodies of social dialogue shall be regulated by this Law, other regulatory legal acts, statutes, regulations and rules approved by these bodies.

Any decision made by the tripartite or bipartite bodies of social dialogue within their powers shall be mandatory for consideration by public authorities, local governments, trade unions and associations thereof, and employers' organisations and associations thereof of a respective level.

The bodies of social dialogue shall inform the public on their activities and decisions made.

Article 10. Participation of the parties to social dialogue on the national level in international activities

1. Each of the parties to social dialogue on the national level shall independently designate its representatives for taking part in international activities, including the International Labour Organisation conferences.

2. To promote the application of international labour standards and the implementation of national activities related to the International Labour Organisation activities, the Cabinet of Ministers shall hold consultations on the national level with other parties to social dialogue, subjects of which are representative all-Ukrainian trade union associations and representative all-Ukrainian associations of employers' organisations.

Article 11. Establishment procedure and membership of the National Tripartite Social and Economic Council

1. The National Tripartite Social and Economic Council (hereinafter referred to as the National Council) shall be a permanent body established by the President of Ukraine to conduct social dialogue.

2. The National Council shall include equal numbers of authorised representatives of the parties to social dialogue of the national level and consist of 60 members who shall perform their duties on a voluntary basis:

20 members from the trade union party, delegated by representative associations of trade unions having the all-Ukrainian status;

20 members from the employers' party, delegated by representative associations of employers' organisations having the all-Ukrainian status;

20 members from the executive authorities' party, appointed by the Cabinet of Ministers of Ukraine.

Representatives of the trade union party and the employers' party shall be delegated in accordance with part 5, Article 9 hereof.

3. Each party of the National Council shall designate from among its members a co-chairperson and deputies thereof.

4. Term of office of the National Council members shall be six years. The matter of depriving a National Council member of his or her powers because of failure to perform his or her duties or for other reasons shall belong to each party's competence.

Article 12. Tasks, functions and rights of the National Tripartite Social and Economic Council

1. Core tasks of the National Council shall include:

1) formulating a consolidated stand of the parties to social dialogue on the strategy of economic and social development of Ukraine and on the ways of addressing existing problems in this field;

2) preparing and submitting agreed-upon recommendations and proposals to the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine on the formulation and implementation of state economic and social policy as well as regulation of labour, economic and social relations.

2. The National Council shall, according to the tasks assigned thereto, perform advisory, consultative and coordinating functions by means of elaborating a common stand and providing recommendations and proposals of the parties to social dialogue concerning:

shaping and implementation of state economic and social policy and regulation of labour, economic and social relations;

draft legislative and other regulatory legal acts on social and economic policy and labour relations, state programmes of economic and social development, other state target programmes; state social standards and labour remuneration rates;

basic economic and social indicators of the draft State Budget of Ukraine for a respective year;

ratification by Ukraine of the International Labour Organisation Conventions, interstate treaties, and the EU regulations on the matters related to the rights of employees and employers;

creation of an enabling environment for the development of social dialogue, for efficient activities of economic entities, trade union organisations, employers' organisations, and for their interaction with other civil society institutions;

adoption of international and domestic experience of the organisation and conduction of social dialogue;

other matters that the parties regard as significant to secure citizens' constitutional rights and guarantees, public consent, and socio-economic development of the State.

3. Proposals and recommendations adopted within the competence of the National Council and approved by its resolution shall be mandatory for consideration by the public authorities and local governments that they address. Members of the National Council may be invited to take part in consideration of such resolutions.

4. The National Council shall have the right to:

address the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, central and local executive authorities, local governments, employers, trade unions, their organisations and associations with the proposals, approved by its resolutions, concerning regulation of relations in economic and industrial fields;

delegate its representatives for taking part in consideration of matters of social and economic policy and labour relations by executive authorities, trade unions, employers' organisations and associations thereof;

obtain in due course information required to perform the tasks entrusted to it from executive authorities, local governments, employers, trade unions, their organisations and associations, enterprises, institutions, and organisations;

cooperate with bodies of social dialogue of other states, and international organisations.

Article 13. Organisation of the National Council's activities

1. The National Council's activities shall be coordinated by its chairperson who shall be appointed by the President of Ukraine from among the National Council members as nominated by the Presidium of the National Council for one year.

The procedure and sequence of the Chairperson's rotation shall be established by the Rules of the National Council.

2. The Chairperson of the National Council shall:

convoke meetings, including extraordinary, and chair them;

adopt resolutions on holding consultations and conciliation procedures;

convoke meetings of the Presidium, operational meetings of representatives of the parties and of the Secretariat;

make decisions, by agreement with the Co-chairpersons of the National Council, on the matters requiring a prompt decision, according to the procedure specified in the Rules;

represent the National Council in relations with public authorities, international and community organisations;

devolve the Chairperson's responsibilities on one of his or her deputies for his or her absence for valid reasons;

direct the work of the Secretariat of the National Council.

3. The Co-chairperson of the National Council shall:

coordinate activities of a relevant party of the National Council;

convoke a meeting of the relevant party should it be necessary to coordinate a common stand and address matters concerning changes in personal membership;

represent a respective party's position at the National Council's meetings as well as during national-level consultations and conciliation procedures;

informs the National Council members of a respective party on results of consideration of issues between meetings.

The Co-chairperson of the National Council shall have two deputies.

4. The National Council shall secure performance of its functions by means of holding meetings, consultations, seminars, conferences, and establishing committees, working and expert groups.

5. The highest governing body of the National Council is a meeting that shall be held at least once every three months as per an action plan on the implementation of priority areas of activity for a corresponding year. An extraordinary meeting may be convoked by the Chairperson of the National Council, including as requested by one of the parties.

A meeting shall be deemed as qualified if no less than two-thirds of each party's members take part in it. A resolution of the National Council shall be deemed as passed if a majority of those present from each party voted for it.

6. The Presidium shall be the governing body of the National Council between its meetings.

The Presidium shall include the Chairperson of the National Council, Co-chairpersons of the National Council, their deputies, and the Secretary of the National Council.

Core tasks of the Presidium of the National Council shall include:

nominating a candidate for the position of the Chairperson of the National Council and the Secretary of the National Council to the President of Ukraine;

coordinating activities of the National Council and the parties of the National Council between meetings of the National Council;

formulating proposals to the Chairperson of the National Council as to convocation of regular and extraordinary meetings of the National Council;

formulating an agenda of the meetings of the National Council;

developing the Rules of the National Council and amendments to the Rules for their further approval by a meeting of the National Council.

The procedure of formation and work of the Presidium of the National Council shall be governed by the Rules of the National Council approved by its meeting.

7. Committees, commissions, working and expert groups may be established as necessary by the Presidium's decision. Independent experts and specialists may be involved in such commissions and groups.

8. The working procedures of the National Council shall be governed by the Rules of the National Council approved by its meeting.

Article 14. Secretariat of the National Council

1. To provide organisational, informational, methodological, logistical and financial support for the National Council's activities, the President of Ukraine shall establish a permanent body, the Secretariat of the National Council (hereinafter referred to as the Secretariat).

2. The Secretariat shall be headed by the Secretary of the National Council who shall be appointed by the President of Ukraine as nominated by the Presidium of the National Council.

3. Financing of the activities of the National Council and its Secretariat shall be provided from the state budget funds.

4. The Secretariat of the National Council shall act according to this Law and to the Regulations approved by the President of Ukraine as submitted by the Presidium of the National Council.

Article 15. Establishment procedure and membership of a sector (inter-sector) tripartite or bipartite social and economic council

1. To conduct social dialogue on the sector level, sector (inter-sector) tripartite or bipartite social and economic councils (hereinafter referred to as sector (inter-sector) councils) may be established with equal numbers of representatives of the parties to social dialogue of a respective sector or sectors.

Organisational measures to establish a sector (inter-sector) council shall be implemented by a relevant central executive authority.

2. A decision on the establishment of a sector (inter-sector) council and on the number of members thereof shall be made by the parties to social dialogue.

3. A sector (inter-sector) council shall include representatives of the parties to social dialogue in equal numbers. Personal membership of the sector (inter-sector) council shall be designated by each party independently. Term of office of the council members shall be six years.

4. Each party shall elect from among its members a co-chairperson and deputy chairpersons.

Activities of a sector (inter-sector) council shall be coordinated by a chairperson who shall be elected at the first meeting from among co-chairpersons for a term of one year. The procedure and sequence of the chairperson's rotation shall be specified in the regulations on the sector (inter-sector) council.

5. Organisational and logistical support for the sector (inter-sector) council's activities shall be provided by the parties to social dialogue according to the procedure specified in the regulations on the sector (inter-sector) council.

6. A sector (inter-sector) council shall act pursuant to this Law and the regulations approved by a relevant central executive authority as submitted by the parties to social dialogue.

Article 16. Functions and rights of a sector (inter-sector) council

1. A sector (inter-sector) council shall perform advisory, consultative, and coordinating functions by means of drafting of proposals and recommendations with account for interests of the parties to social dialogue concerning:

sector programmes of economic and social development, legislative and other regulatory legal acts related to the regulation of economic and industrial relations of the subjects of social dialogue in the given sector;

labour remuneration of staff in the sector, provision of decent working conditions, and regulation of the sector's socioeconomic matters;

creation of a favourable environment for efficient work of enterprises in the sector;

other matters, which are deemed by the parties as significant and addressing which affects of the sector's development substantially;

2. Proposals and recommendations approved by a sector (inter-sector) council's resolution shall be mandatory for consideration by public authorities, local governments, trade unions and employers' organisations operating in the sector.

Proposals on the matters requiring settlement on the national level shall be submitted to the National Council for consideration.

3. A sector (inter-sector) council shall have the right to:

address the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local executive authorities and local governments, trade unions and employers' organisations with the proposals approved by its resolution;

delegate its representatives for taking part in consideration of social and economic policy matters by executive authorities, local governments, trade unions and employers' organisations;

obtain information required to perform the tasks entrusted to it from executive authorities, local governments, trade unions, employers' organisations, enterprises, institutions, and organisations.

4. The organisational form of a sector (inter-sector) council's activities shall consist of meetings periodicity of which shall be determined by the council's rules.

To implement its functions, a sector (inter-sector) council may decide to establish commissions and working groups, and hold consultations, conciliation procedures, and other activities.

Article 17. Establishment procedure and membership of a Territorial Tripartite Social and Economic Council

1. To conduct social dialogue on the territorial level (in the Autonomous Republic of Crimea and oblasts, cities of Kyiv and Sevastopol), Territorial Tripartite Social and Economic Councils (hereinafter referred to as territorial councils) may be established, with equal numbers of representatives of the parties.

Organisational measures to establish a territorial council shall be implemented by the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, respectively.

2. A decision on the establishment of a territorial council and on the number of members thereof shall be made by the parties to social dialogue of a respective level and approved by an order of the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, respectively.

3. A territorial council shall include representatives of the parties to social dialogue in equal numbers. Membership of a territorial council shall be specified by each party independent. Term of office of the council members shall be six years.

Each party shall elect from among its members a co-chairperson and deputies thereof.

4. Activities of a territorial council shall be coordinated by a chairperson who shall be elected at the first meeting from among co-chairpersons of the parties for a term of one year, alternatively from representatives of each of the parties. The procedure and sequence of the chairperson's rotation shall be specified in the regulations on the territorial council.

5. Organisational and logistical support for the territorial council's activities shall be provided by executive authorities.

6. A territorial council shall act pursuant to this Law and the regulations approved by a resolution of the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, respectively, as submitted by the parties, based on the model regulations approved by the National Council.

Article 18. Functions and rights of a Territorial Tripartite Social and Economic Council

1. A territorial council shall perform advisory, consultative, and coordinating functions by means of drafting of proposals and recommendations with account for interests of the parties to social dialogue concerning:

draft territorial programmes of economic and social development;

formulation of a local budget for a respective year;

regulatory legal acts to be adopted by executive authorities and local governments and relating to the regulation of economic and industrial relations of social dialogue subjects of a relevant administrative-territorial unit;

labour remuneration and provision of decent conditions of work in the enterprises, institutions and organisations situated in the territory of a respective administrative-territorial unit;

creation of an enabling environment for efficient activities of the enterprises, trade union organisations and employers' organisations operating in the territory of a respective administrative-territorial unit;

other matters belonging to the territorial council's competence, which the parties regard as significant.

2. Proposals and recommendations approved by a territorial council's resolution shall be mandatory for consideration by executive authorities and local governments that they address, and the consideration shall involve delegated members of the territorial council.

Proposals concerning matters that require regulation on the national level shall be submitted to the National Council for consideration.

Proposals of territorial councils of relevant administrative-territorial units on the social and economic development of territories shall be considered by public authorities and local governments according to a procedure specified by law.

3. A territorial council shall have the right to:

address the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, local executive authorities and local governments with the proposals approved by its resolution;

delegate its representatives for taking part in consideration of social and economic policy matters by executive authorities, local governments, trade unions and employers' organisations;

invite representatives of districts and cities of a relevant administrative-territorial unit to attend the meetings;

obtain information required to perform the tasks entrusted to it from executive authorities, local governments, trade unions, employers' organisations, enterprises, institutions, and organisations.

4. The organisational form of a territorial council's activities shall consist of meetings periodicity of which shall be determined by the territorial council's rules.

To implement its functions, a territorial council may decide to establish commissions and working groups, and hold consultations, conciliation procedures, seminars, and other activities.

Article 19. Control and responsibility

1. Control for implementation of the decisions made and agreements reached shall be exercised directly by the parties to social dialogue.

2. Persons guilty of violation of the legislation on social dialogue shall be held liable according to law.

Article 20. Final provisions

1. This Law shall take effect upon publication, except for Articles 6 and 7 hereof that shall take effect six months after taking effect hereby.

2. The Cabinet of Ministers of Ukraine shall, within six months from taking effect hereby:

prepare proposals on bringing Ukrainian laws into conformity with this Law, and submit the proposals to the Verkhovna Rada of Ukraine for consideration;

bring its regulatory legal acts into conformity with this Law;

ensure adoption of regulatory legal acts necessary to implement this Law;

ensure bringing regulatory legal acts of ministries and other central executive authorities into conformity with this Law by the ministries and authorities.

3. Until the Ukrainian legislation has been brought into conformity herewith, laws and other regulatory legal acts shall be applied to the extent not in conflict herewith.

4. The Secretariat of the National Council shall be designated as the legal successor of the Secretariat of the National Tripartite Social and Economic Council under the President of Ukraine established pursuant to the Decree of the President of Ukraine No. 453/2006 of 29 May 2006 ([453/2006](#)).

5. Bodies of social dialogue, coordinating committees for promoting the employment of the population, and management bodies of general compulsory state social insurance funds shall continue to function in their existing composition until decisions have been made on the delegation of representatives of representative trade union associations and associations of employers' organisations.

President of Ukraine V. YANUKOVYCH

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