



THE STATE AS A SUBJECT IN THE INDUSTRIAL RELATIONS

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Abstract: Most problems of industrial relations are of a legal and legal nature. The role and functions of the state derive from the legislative, executive and judiciary powers. The main legislative function is to create a legal framework that regulates industrial relations within us.

The executive branch applies the law and maintains the necessary administrative structures. In the face of government, executive power is directly involved in industrial relations through participation in various committees

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INTRODUCTION

The presence of the State as the entity derives from the need to establish a legislative framework. Most problems of industrial relations law and have legal personality. The role and functions of the state result from legislative, executive and judiciary. The main legislative function is to create the legal framework that regulates industrial relations in the US. Executive Branch enforce the law and maintain the necessary administrative structures. In the face of the Government Executive power directly involved in industrial relations, through the participation in various Commissions idea of modern management is the optimal use of staff. Any self-aware organization has been placed as the main engine of its progress, so it should show serious care in their selection, management, and improve their quality of life. This general approach is based on a number of principles, the realization of which provides the organization of the level of cooperation between people, their usualness and in this sense the increased potential of anti-organizational conflict

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Industrial relations are most commonly defined as interaction between workers; working groups and their organizations on the one hand and the state and employers with their organizations on the other. The scope of industrial relations encompasses all interactions between countries in terms of working conditions, pay and insurance. The claims are, by their very nature, a set of rules, principles, norms, etc. of cooperation for cooperation and negotiation by the government and the workers ‘and employers’ organizations.

1. Exploring the types of approaches of industrial relations

Relationships have arisen in the development of the industry. Their development goes through different stages and schools, incorporating different approaches:

- Institutional approach – it was created late 19th century. Its essence is expressed in the description of things as they are.
- System approach – here is considered as a system that is under the system of a common social system. The social system is perceived as an external environment that affects and limits the system of industrial relations. Each system of industrial relations has three elements:
- *Social partners* – actors – this is the government; trade unions and employers. It is accepted that the external environment influences their behavior and limits their actions.

- *Ideology* – it is a set of views on the place and role of the social partners. Each of them may have their own ideology, but they must have points of contact.
- *The industrial relations legal framework* – it contains the regulations for the implementation of the interactions between the social partners.
- Social action approach – this approach is sociological and is based on the claim that the social partners have their own statement about their place.
- Approach to the conceptual structure – the central concept of the conceptual structure. It is a collection of summaries, contexts, and statements about how to assess industrial relations. There are two structures – unitary – focusing on the importance of the overall goals of the organization; it does not allow individual and group interests, in contrast to it pluralistic – it allows individual and group interests, but the main problem is how to manage them to achieve the common goal;
- Approach to neoinstitutionalism – emerging from 70–80 years of the last century. He tries to explain the industrial relations as they are. It is based on economics and mathematical modeling and game theory.

Relationships in different countries vary greatly, but there are common signs:

- Recognition of the right to associate workers and employers with the purpose of protecting their interests;
- Strengthening tripartite cooperation – state, employers and trade unions;
- Equal treatment of countries in industrial relations;
- Admitting pluralism in the industrial relations system;
- Recognizing the autonomy and independence of organizations.

2. Influence of the Unions as subjects in industrial relations

Unions - the classic definition was given at the end of the 19th century. According to her, trade unions are long-term associations of hired workers in order to preserve and improve working conditions. The specific forms of an association may be different from an ordinary organization to a federation and a confederation. The characteristics of a modern trade union are as follows:

- registration under the relevant court order;
- Independence from the employer;
- Membership in larger organizations, such as federations and confederations;
- Protect the interests of their interests;
- Possibility to organize collective actions aimed at achieving their goals.

The most important objectives are related to the protection of the interests of its members - protection of wages; employment; rent relations and social security.

The goals of the trade unions are not strictly arranged, they depend on the conditions in the organization. In one case, it is the protection of the fabric for the fabric; otherwise the working conditions, etc.

3. Influence of Employers' Organizations as Industrial Relations Entities

Employer organizations – unlike trade unions, the notion of employer is more difficult to define. This is due to the fact that the general management functions can be realized in different economic organizations. The role of employers can be pursued by profit-oriented organizations or pursuing ideal goals. In form they are – state; private and municipal. Historical development is followed by the manager-owner, the professional manager. In this sense, an employer may be authorized to represent the organization.

There are different approaches of management to industrial relations, generally they are characterized as not consistent and not structured. In general, leadership tends to react rather than initiate in this area.

Managerial attitudes towards industrial relations have the following approaches and management styles:

- Traditional approach – opposition to trade unions and employers;
- Improved contemporary style – management recognizes the union and its role in certain areas of mutual interest.
- Standard contemporary style – it is pragmatic and adaptable to internal and external changes, there are no solid features that dominate in modern conditions;

- A paternalistic approach – in which management is guided by unitary notions of its role, it does not recognize the role of trade unions. Management focuses on its own policy.

4. Influence of the State as a subsidy in industrial relations

The presence of the State as an entity stems from the need to create a legislative framework. Most problems of industrial relations are of a legal and legal nature. The roles and functions of the state derive from the legislative, executive and judiciary powers. The main legislative function is to create the legal framework to regulate the industrial relations within us.

The role of the state in industrial relations is predetermined by the model of tripartite cooperation (tripartism) to regulate labor relations. By law, the state regulates labor relations and closely related relationships, social security and living standards through consultations and dialogue with employees, employers and their representatives in a spirit of cooperation, mutual concessions and respect for the interests of each party. It creates the conditions for overcoming social conflicts and balancing economic interests.

As an expression of national interests and the subject of industrial relations, the State seeks to:

- Implement an economic and social policy to develop a competitive economy that meets national interests, the interests of employers and workers, and the most vulnerable population groups;
- Ensure guarantees and effective protection of the citizens' fundamental rights and freedoms, incl. and their right to work, social security, labor remuneration to ensure their dignified existence, healthy and safe working conditions, professional development and realization;
- It helps to overcome social controversies and disputes, to reconcile the interests of the parties in labor relations through consultation, negotiation and negotiation.

The role and functions of the state in the system of industrial relations are connected and realized through the three forms of power: legislative, executive and judicial.

Legislative power is represented by the Parliament (the National Assembly), which establishes the laws and exercises parliamentary control over the executive power. Parliament regulates the legal frameworks and norms of industrial relations; ratifies international treaties and treaties; sets mandatory minimum labor standards that employers can not violate; regulates the procedures for the settlement of individual and collective labor contracts. The most frequent legislative initiative is the Government, which prepares, discusses and proposes to Parliament the adoption of laws, incl. and in the field of labor relations and social security. The draft laws submitted to Parliament are discussed and adopted.

The executive power exercised by the "Government" (Council of Ministers) applies the laws, develops and adopts additional normative acts to laws and decrees, regulations, ordinances, etc., which have a direct relation to industrial relations. The government creates and maintains the relevant administrative structures (ministries, state, national or executive agencies, national directorates, district and municipal administrations, etc.) for the implementation of the executive power. Executive representatives are in direct contact with trade unions and employers' organizations by participating in tripartite co-operation committees in the development and adoption of additional labor law regulations.

The judiciary and the judiciary are important in ensuring compliance with industrial relations laws. Through the court and labor arbitration, the judiciary decides on individual or collective conflicts, disputes over the legality of strikes, incorrect dismissals, etc. The courts control the lawfulness of the acts and actions of the administrative bodies, register the employers and their organizations, the workers' organizations (trade unions and other non-governmental organizations).

4.1. Forms of state intervention and participation in industrial relations.

The State is directly involved in defining some of the key elements of industrial relations. Forms of state participation in industrial relations may vary depending on what position is being considered.

From the point of view of state intervention in industrial relations, they may be legal acts relating to:

- trade unions: status, legitimacy, powers, membership;
- disputes, conflicts, strikes, collective bargaining, etc. • the determination of the minimum wage, the starting salary in the budgetary sphere and other principles of pay;
- Rental relations: conditions for the occurrence, modification and termination of the employment relationship, reduction, dismissal, notice, compensation, etc. ;
- antidiscrimination norms;

- health and safety at work.

The guidelines for state intervention in industrial relations from the point of view of the executive can be formulated as follows:

- economic policy of the government and mainly income policy;
- state bodies directly involved in industrial relations such as the Council of Ministers, the Ministry of Labor and Social Insurance, the Employment Agency, the Labor Offices, etc. .;
- The role of the government as employer of the employees in its apparatus, in objects that are state-owned;
- the Government's income policy as a factor for the macroeconomic and social stability of the country, which includes: the minimum wage for the country; additional wages; tax and social security contributions; the rules for increasing the incomes of the population in inflation and certain macroeconomic situations and others.

Each country creates mechanisms and conditions for settling collective labor disputes and conflicts. For this purpose, besides legislation, it creates specialized institutions that play the role of arbitrator between the parties in resolving disputes. In this area, the practice is different, but in most cases this body is a court.

4.2. Forms of State interference from the point of view of the judiciary:

- pronouncement on labor disputes and conflicts, strike action, etc. .;
- making registration and establishing the loyalty in collective bargaining;
- issuing of various administrative and judicial decisions in the field of labor and social security relations;
- repeal of unlawful acts of the Parliament, the Council of Ministers and other bodies of central and local government;
- conducting research on violations of laws and other legal acts.

The executive branch applies the law and maintains the necessary administrative structures. In the face of government, executive power is directly involved in industrial relations through participation in various committees. The forms of State intervention are diverse and can be classified as follows:

- Acts related to trade unions
- Solving Disputes and Conflicts
- Determining the conditions of the rental relationship
- Application of anti-discrimination forms.

5. Concepts of Collective Bargaining

Collective bargaining is a method of determining working conditions and rental relationships through negotiations between employers and workers. There are different concepts about negotiation, individual schools embody a different understanding of its content, the main argument is whether negotiation is economic or political. There are three views that are specific to its nature:

The marketing concept – deals with collective bargaining as a tool for buying and selling services. This concept does not accept the relationship between the employer and the worker as equal. The collective bargaining aims to neutralize this injustice. In this sense, collective bargaining is a set of economic relations.

Management Concept – Considers negotiation as an institution for establishing relationships between management and trade unions. Therefore, negotiation is seen as political. Trade unions are treated as sharing responsibility for managing the organization.

Concept of management relations – stems from a management concept. Collective bargaining is seen as a system of governance relationships. This concept assumes that parties in it have unidirectional interests.

Necessary conditions for the existence of the negotiations are:

- A sufficient degree of organization of trade unions is needed
- Mutual recognition of countries as partners
- There is a need for mutual trust between the parties.

Scope of negotiation – includes the issues that are the subject of the negotiations. After the negotiations are concluded, collective agreements – procedural and substantive – are signed. Procedural agreements include negotiating procedures; resolving industrial disputes; discussing complaints and violations. Content

Agreements include – the solutions made, including all the clauses discussed. The legal relationship derives from the conclusion of the collective agreement on the basis of the Labor Code . The contract shall be concluded in writing in a special register for a period of one year unless otherwise agreed but not more than 2 years.

The organizational relationship relates to the procedural side of the bargaining. The conclusion of the contract covers a number of stages in the preparation of the draft Collective Labor Agreement - deadlines, workshops, exchange of information, etc.

6. Determination of wages under collective bargaining

In economic theory, the negotiation process is important. The relative power of the employer and the syndicate in negotiation ultimately determines the benefit of the solution. The question economists seek to answer is what level of salary will be established in the negotiation process between the two countries. In attempting to answer this question, a number of negotiation patterns have emerged between the syndicate and the employer (also known as syndicate-managerial negotiation).

Contract Zone. Despite the nuances of the key features of the bargaining models, almost everyone directly or indirectly has the concept of a “contract zone”. The contract zone defines the area in which a solution is possible for the wage level between the syndicate and the employer / firm. The upper boundary of the contract zone is determined by the maximum wage level that trade unions will wish to achieve. The lower limit of the contract zone is determined by the minimum wage level the employer will be willing to accept. The space between the upper boundary of the union and the lower boundary of the company is a contract zone, or that is where the salary is negotiated and the decision is taken.

Syndicate and Employer Response Functions. The next task in the contract models is to determine the level of actual salary in the contract area, to which the trade union and the employer will agree at the end of the negotiations. The negotiation analysis itself is complicated and complicated by the interaction that arises between the wages demanded by the union and the firm. For example, the size of the salary desired by the company influences the union’s bid, which in turn causes the company to modify the offer it offers, causing further changes in the trade union’s position, and so on.

One of the approaches to the wage bargaining model is to logically build the functions of the company’s and the union’s responses.

Wage bargaining between trade unions and the employer as a case in which the requested decisions are made in conflict situations where the action of one party provokes a corresponding reaction to the other is an illustration of the “game theory”. In the “game”, the two sides compete to maximize the goal, knowing the risks by judging the possible answers of opponents. As with any game, in order to predict the current salary level, it is necessary to define the rules of the game that each of the parties should know and take into account when forming their positions.

CONCLUSION

To sum up, it can be concluded that the Games can be a permanent, zero or non-zero result. If there is no agreement between the syndicate and the firm in the wage bargaining process, it is possible to include arbitration. If arbitration is unsuccessful, the union as a rule declares the negotiations to be unsuccessful. According to the (Labor Code), after all possibilities for peaceful consent have been exhausted, workers can strike by stopping their labor duties. The role of the state as a subject in industrial relations is twofold: on the one hand, it regulates labor relations through its bodies and, on the other hand, it is itself an employer and, as such, also has a definite responsibility for the employees in organizations where state participation is dominant. “In a number of economically developed countries, since the beginning of the century, they have explicitly accepted the status and responsibility of a” good employer “. As a rule, public sector employees are traditionally in a privileged position in terms of pay, social security, working conditions, and so on. A Government in the role of an employer is generally a leader in industrial relations, in the creation of laws, institutions, mechanisms, in the dialogue between the social partners. That is why this role is the greater the larger the relative share of state property.

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