

THE SOCIAL DIALOGUE – AN ELEMENT OF THE MANAGERIAL PROCESS WITHIN THE ORGANIZATION

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Abstract: The social dialogue is a form of communication, information and collective bargaining between employees or their representatives, on the one hand, employers or their representatives, on the other hand, with the participation of the state as a mediator and arbitrator, to solve collective problems, to harmonize the patrons' interests with those of employees. The actors in the social dialogue are the ones that materialize this phenomenon, they are employees (usually organized in trade unions), employers (largely associated with employers' organizations) and the state (usually represented by the government). Trade unions are an important factor of social equilibrium, one of the essential institutions of civil society and democracy. They play a special role in the social dialogue by protecting the rights of its members arising from labor law and collective labor agreements, but also through its impact on the country's economic and social development.

The social dialogue as the premise of social peace is perceived in market economy societies as an ideological and practically substitutable institute of social revolutions in a history where antagonism is the main driving force of their development. In the process of work the evolution of the relations between the participants was marked by the transition from confrontation to dialogue as a means of conciliation and settlement of differences between the parts. The social dialogue thus becomes a mechanism to promote the social and economic interests of the main factors of production, labor and capital, having the state as an impartial arbitrator of that process.



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The concrete functions of the social dialogue mainly refer to the following aspects:

- promoting collective bargaining between employers and employees' representatives in order to regulate the issues related to the organization and conduct of the work process;
- the reconciliation of collective labor conflicts;
- jointly solving issues related to the labor market, professional promotion and reconversion, social security, etc.;
- managing social security funds in parity;
- preconfiguration of convergent policies in the field of labor and social protection, including the legislative level.

Analyzing the purpose of the social dialogue, the effects produced, we can distinguish three categories:

1. The consultative dialogue conducted within the economic and social tripartite councils (the equivalent of the National Commission for Collective Consultations and Negotiations in Moldova) which are not finalized by binding acts;
2. Dialogue with mandatory legal effects, which is concluded, for example, by collective labor agreements or labor standards;
3. Dialogue with the pursuit of co-management of funds or institutions (Social Security Institutions or Health Insurance, etc.).

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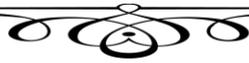
The employer is an equal partner of trade unions and other employee representatives in collective working relationships and the association in employers' organizations has an objective goal, the defense of one's own interests in the face of unions. Under the individual labor contract the employer can impose his/her position by exercising his/her prerogatives within the limits of the law.

The most controversial within the social dialogue is the role of the state and the dimensions of its intervention in the dialogue between employees and employers (classical social partners), especially in the content of collective bargaining. It is a polemised one, the pros and cons being the subject of two main trends.

The first, largely shared by the Western states, opts for the rare intervention of the state, which would in principle reduce the development of basic legal rules, the concrete intervention being imminent only in situations of deep economic crisis. Another trend admits the need for regulatory intervention of the state in all economic and social relations. As a rule, the most appropriate option is decided within each company and depends largely on its priorities.

Yet, we think that, at least theoretically, the interventions of the state must take account of:

- a. establishing an appropriate legal and organizational framework including mechanisms for social dialogue;
- b. developing minimum mandatory standards that ultimately seek to protect employees;
- c. mediation or arbitration of conflicts of interest, including in the field of collective bargaining;



d. negotiating and concluding tripartite agreements between the Government and the social partners.

The forms and the context of social dialogue are relatively diverse. They include information, consultation, negotiation and agreement, and, ultimately, co-management.

Information is one of the essential elements of effective social dialogue. It provides the substance of the dialogue, because the added value of the subject can only be provided by all the parts involved in the knowledge process of the analyzed elements. Moreover, the flow of information must be one provided in a mutual, bilateral or even trilateral way in the case of tripartite dialogue. Trade unions are interested in knowing at all levels the moderate economic situation of employers (but they are also interested in public institutions representing the state in dialogue) and employers' organizations are in turn interested in getting to know partners' approaches in the dialogue process, especially in terms of salary claims or other interests promoted by them.

Consultation involves more than the mere exchange of information and requires the engagement of parts in the exchange of views, which can lead to deeper dialogue. It often manifests itself in areas related to the establishment of the normative framework applicable to legal labor relations (tripartite framework) or the determination of concrete elements of content of working relations (bipartite environment).

Negotiation is also an essential tool of democracy. It determines the situation in which two or more parts, through their representatives, discuss and interact in the desire to reach an acceptable solution. In the social dialogue, negotiation allows the conciliation of interests, helps to find consensus, even if by applying the compromise as an extreme measure, the actual negotiation materializes the social dialogue by giving it form and content.

The collective labor contract is the constructive end of the negotiations that gives the social dialogue a binding framework because the contracts lay down legal rules. Even from the origins, the essence of the collective labor agreement was to recognize it as a way of unfolding the working relations in a written act signed by employers and workers to make it opposed to all and to give it binding legal force.

Social dialogue and industrial relations can be considered with a certainty as an element of particular relevance to the process and managerial culture promoted within an enterprise. Theoreticians and practitioners in science management such as Drucker or Herzberg have devoted whole studies to the subject of mutual influence between social dialogue and industrial relations and strategies regarding employee relations, human resources policies and managerial culture, ultimately within the enterprise. The motivation of work is the force that makes people to work more and better.

Communication, information and collective negotiation, which imply the social dialogue process, facilitate the harmonization of the above-mentioned interests that are pursued as part of the managerial process and managerial culture. The intensification of social dialogue and the success of collective bargaining create the premises for increasing and deepening cooperation and organizational cohesion, motivating employees to stay in business, increasing their efficiency in work (increasing productivity, profitability and quality of services and products).

These aspects are often influenced by the quality of the existing system of collective labor relations as a normative system in which norms emerge in the form of regulations, standards or work patterns accepted or agreed unanimously as a basis for how stakeholders can act. The regulation of working conditions aims at establishing a minimum number of rights and norms.

The internal regulations include procedures for resolving dissatisfaction, layoffs or discipline issues or may refer to the implementation of a pay system and the rights of employees' representatives. The external regulations derive from labor law, trade union and employers' associations, as well as regulatory provisions and procedural or basic agreements that are in force. The procedural regulations aim



to resolve issues between the parts involved in collective bargaining. Basic regulations define the rights and obligations contained in the job description.

The way in which collective work relationships are accepted as part of the managerial process depends on a number of factors, including:

1. Concepts of the organization's leadership on the basis of trade union or employee relationships. Often, a unitary concept shared by the management of organizations may be encountered, from which it emerges the idea that they have the role of directing and controlling the workforce to achieve economic and growth goals can be encountered. To this end, management is convinced that it represents the authority from which regulations must emerge. The pluralist conception is quite often attested; the management considers an organization to be a pluralistic society, comprising several related and distinct interests and objectives that must be maintained in a certain balance.
2. The existence or lack of tendency to reconcile interests. The pluralist approach has implications on employee relationships that there must be a certain process of reconciling divergent interests. This can be done through formal arrangements, where there are trade unions and associations of recognized employees. Their absence may signal that the administration embraces a unitary philosophy.
3. The human resources management model applied in the relations with the employees. It can accept collective bargaining as a tool for reconciling interests, can organize some complementary forms of communication, such as team briefing sessions, alongside traditional collective bargaining, it can apply some information and engagement techniques such as be quality circles or refinement groups.
4. Communicating with employees. Organizations work through the concerted action of people, but each individual can undertake independent actions that can be inconsistent with the policy and instructions or that are not properly reported to those able to be informed. Achieving coordinated outcomes requires effective communication systems. Organizations are exposed to the effects of ongoing changes that affect both employee work and well-being and security.

The social dialogue is the voluntary process through which the social partners inform, consult and negotiate for the purpose of establishing agreements on issues of common interest. The social bipartite dialogue is the dialogue conducted only between trade unions or trade union organizations and employers or employers' organizations, while the social tripartite dialogue is the dialogue between trade unions or trade unions, employers or employers' organizations and public administration authorities.

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