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## **ПРОФСПІЛКИ У ПІВНІЧНІЙ АМЕРИЦІ ТА АВСТРАЛІЇ: КЛЮЧОВІ ОСОБЛИВОСТІ, ВПЛИВ ТА РОЛЬ У ПІДТРИМАННІ СОЦІАЛЬНОГО ДІАЛОГУ**

**Анотація.** У пропонованій статті обговорено проблеми ефективності соціального діалогу між урядами, організаціями роботодавців та працівників, а також промислові відносини – засоби сприяння соціальній справедливості, економічному зростанню, підвищенню заробітної плати та поліпшенню умов праці та стабілізації бізнесу. Мета роботи полягає у дослідженні правових підвалів діяльності закордонних профспілок (у Північній Америці та Австралії), виокремленні їх особливостей, порівнянні їх між собою, а також надання рекомендацій щодо поліпшення правового регулювання профспілкової діяльності з позицій підтримки соціального діалогу та вдосконалення вітчизняного законодавства у вищезгаданій сфері. Методологія дослідження базується на загальних наукових методах, таких як аналіз, синтез, індукція, дедукція, аналогія та емпіричних методах – спостереження, порівняння та статистики. Зокрема, зроблено висновок, що переваги системи профспілок високорозвинених держав полягають у впливовості і свободі профспілок, які мають величезний вплив у підтриманні соціального діалогу від тресторонніх колективних переговорів до діалогу з урядовцями. І навпаки, невелика частка продуктивних сил, залучених до профспілок та несприйняття рекомендаційних процедури або інших форм консультування працівників, є недоліками їх правової системи. Відтак актуальність дослідження та його важливість для подальшого розвитку права, полягає у необхідності подолання вищезгаданих недоліків, шляхом узагальнення наукових доктрин та систематизації знань, отриманих з різних країн світу, зокрема, з метою вдосконалення вітчизняного законодавства. Водночас, вивчення зарубіжного досвіду у сфері соціального діалогу, медичного права, податкової політики, соціального забезпечення визначено як завдання наступних авторських досліджень і розвідок.

**Ключові слова:** професійні спілки, соціальний діалог, організації роботодавців, колективні переговори, колективні угоди, стратегії соціальної стабільності.

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## **TRADE UNIONS IN NORTH AMERICA AND AUSTRALIA: MAINLY FEATURES, IMPACT AND ROLE IN SOCIAL DIALOGUE'S MAINTAINING**

**Abstract.** *In paper proposed effective social dialogue between governments, employers' and workers' organizations, profound industrial relations, are means to promote social justice, inclusive economic growth, improved wages and working conditions and sustainable enterprises are discussed. Purposes of survey are considered at research of the foreign trade unions' legal framework (particularly, in North America and Australia), make from their features, compare it between one another, as well as giving recommendations to improve this ones from the positions of social dialogue's maintaining and Native' legal improve in aforesaid area. Research methodology is based on general scientific methods such as analysis, synthesis, induction, deduction, analogy and empirical methods – observation, comparison and statistical ones. Particularly concluded that advantages of high-developed states' unions system (USA, Canada, Australia) consists in powerful and free trade-unions, which notwithstanding have enormous impact on social dialogue maintaining from tripartite collective bargaining to dialogue with government's officials. Conversely, small proportion of productive forces involved in trade unions and non-acceptation of workshop recommendations or other forms of employee consulate are disadvantages of their legal framework. Henceforth, relevance of research and its importance for the further law development considered in aforesaid disadvantages overcome by summarizing essential scientific doctrine and systematization knowledge obtained from variety of world countries' labour legislation with aim of Native legal improve. Simultaneously, it provided implication that foreign experience in field of social dialogue, medical law, tax policy, social welfare may be tasks of following investigations.*

**Keywords:** *trade unions, social dialogue, employer organizations, collective bargaining, collective agreements, social stability strategies.*

### **INTRODUCTION**

Effective social dialogue between governments, employers' and workers' organizations, and sound industrial relations, are means to promote social justice, inclusive economic

growth, improved wages and working conditions and sustainable enterprises. As instruments of good governance at all levels from the local to the global, they foster an enabling environment for the realization of decent work for all [1]. Trade unions have enormous challenges ahead of them. It is hard to be a unionist today. Violations of trade union rights are widespread. Technological and economic changes affect the nature and type of jobs and with that the potential of organizing and representing workers both in the North and in the Global South. This is set against important changes in the economy and labour market. The paper also suggests four daring but equally realistic future scenarios for trade unions: marginalization, dualization, replacement and revitalization. The future will tell which of these scenarios will become reality [2].

Trade unions are increasingly playing an important role in preventing violence and harassment and providing support to victims, particularly in sectors where women face greater risks of violence and harassment. At the global level, global union federations have led several ground-breaking global campaigns, as well as initiatives to raise awareness and organize women workers [3].

The efficiency of production, labor productivity and efficiency of workers as development factors of domestic economy largely depend on the organization of labor protection in the sectors and in every considered enterprise. The ensuring safe and healthy working conditions in the production environment directly affects the health of workers and their ability to work, and it in its turn, affects the final results of the enterprise. However, in recent times, the labor protection is increasingly out of attention of employers [4, p. 524].

Effective social dialogue has the potential to resolve important economic and social issues, deal with crises, encourage good governance and boost economic and social progress. The extent and quality of social dialogue have a direct impact on social peace and stability, as well as on the overall governance of the labour market and the economy as a whole. There is no «one size fits all» model of social dialogue that can be readily exported from one context to another; there is a rich diversity of experiences and practices of social dialogue throughout the world. Adapting social dialogue to the particular context is key to ensuring full ownership by the parties involved and sustainability of the process. While social dialogue practices may differ from country to country, freedom of association and the effective recognition of the right to collective bargaining are key preconditions for effective social dialogue in any national context [5].

In respect to these circumstances new economic conditions, globalization and unionization's impact provoke social instability in countries developed, which leads to need of new strategies to its overcome in respect to state's safety and people's welfare [6, p. 79].

Henceforth, relevance of research and its importance for the further law development consist in aforesaid disadvantages overcome by summarizing essential scientific doctrine

and systematization knowledge obtained from variety of world countries' labour legislation with aim of Native legal improve.

The relationship between trade unions' activity and social dialogue's maintaining has been explored by many researches. Particularly, these ones have been extensively studied in recent years. In Ukraine for such problems has devoted the papers of such scholars as: Yaroshenko O., Gernakov V., Yakovlev O., Lozovoi S., Yakovleva G., Sereda O., Kiselev I., Matsko A., Prilipko S., Sliusar A., Chanisheva G., Bolotina N., etc.

Additionally, in recent years, researches have become increasingly interested in field of employment contracts, become furthermore social value. Many contemporary studies focus on features of individual and collective labour contracts bargaining and signing [7, p. 132].

Notwithstanding, the comparison between *status praesens* of aforesaid problem in North America's States and Australia in connecting with Ukraine legal reforming and social dialogue's maintaining have already undone.

Thus, the purposes of the study are consist in research of the foreign trade unions' legal framework (in North America and Australia), make from their features, compare it between one another, as well as giving recommendations to improve this ones from the positions of social dialogue's maintaining and Native legal improve in aforesaid area.

## **MATERIALS AND METHODS**

Presented survey has done with assistance of formal and compares methods as special and ontology, deduction, analysis ad synthesis as common [8, p. 347], which led to obtain a new data and background for discussion and further investigations from contemporary scientific viewpoint. Thus, research methodology is based on general scientific methods such as analysis, synthesis, induction, deduction, analogy and empirical methods – observation, comparison and statistical ones.

Additionally, in article proposed is used a structure qualitative and differential analysis research methodology based on the «formational sociological approach in which the overall research context is emphasized». Aforesaid approach provides implication and meaning of a complex number of issues related to trade unions' activities. A qualitative research used secondary interview data and content analysis of publications during 1993–2021 to examine the extent to which State's policy has reduced number of violations of trade union rights and enhanced the social dialogue's impact. Secondary interview data was studied using content analysis of scientific publications that studied governments' activities and conducted research on the causes of violations, the political and industrial culture of officials and employers behavior, the relationship between legal authorities, courts, trade unions, employers and their organizations. Search for publications was carried out in databases of ILO, UFCW, editions, indexed by Scopus, WCMS, ITUC. The search was carried out by keywords: 1) trade unions; 2)

social dialogue; 3) employer organizations; 4) collective bargaining; 5) collective agreements; 6) social stability strategies. In total, an analysis of more than 500 scientific publications for the period 1993–2021 was conducted, from which 24 researches were selected, which are related to the objects of study of the legal regulation of trade unions, their features, impact and role in social dialogue's maintaining in North America and Australia. Statistics data for the period of 1993–2021 on the number of people unionized in aforesaid states were used to emphasize the effectiveness of scale of trade unions activities and justify their social role.

The methodological basis of the survey, undoubtedly, is a dialectical method, the introduction of which provides an opportunity to study the object and subject of research in their gnoseological unity [9, p. 8], as well as the nature of the trade unions' activities and their impact, as cause and effect. Due to the historical method, the periods and peculiarities of the formation of the institute of employees' representation notified separately: in high-developed states, post-communist and «third world» ones. Using the structural and functional method in combination with the methods of classification and grouping, the violations of trade union rights, technological and economic changes and, consequently, the nature and type of jobs and with that potential of organizing and representing workers both in the North and in the Global South was carried out. Based on the formal-logical and formal-legal methods, it was developed author's viewpoint about the foreign trade unions' legal framework (in North America and Australia), their features as well as giving recommendations to improve this ones from the positions of social dialogue's maintaining and Native legal improve in aforesaid area.

## RESULTS AND DISCUSSION

L&E Global alliance constituted, that unions in *North America* appeared almost two hundred years ago as a «mutual aid society.» They remain so until now. Any of the union members makes their own small contribution to the protection of the team. Almost everyone considers union premiums «insurance premiums for work» but this is only the «tip of the iceberg.» Union contributions are used not only to prevent reductions, but also to finance negotiations on improving the wage and safety criterion, paying for professional consultations if necessary, drawing in the largest number of employees and increasing the number of trade unions, studying volunteers and functionaries of safety committees, as well as working to improve the importance of social security for employees and their families. Unions assume the largest and more authoritative organizations employees in the **United States**. The bulk of trade unions are organized under the auspices of 2 of parent organizations: the «AFL–CIO» and the CWF. The USA Chamber of Commerce is considered as largest employers' organization in the U. S. In certain sectors of the economy with the highest level of trade union membership (for example, in health care), employers have every chance to do and make multilateral organizations for collective bargaining with elected union adherents. At the end of 2019, 14,6 million employees, or 10.3% of the workforce,

were in the ranks of trade unions. Employees of the public section are involved in the union much more often (33,6%) than employees of the personal (6,2%). Branches of the economy's division with the highest level of trade union consulates – utilities (23.4%), vehicles and warehousing (16,1%), telecommunications (14,1%) and construction (13,6%). Between professors of groups in 2019, the highest importance of trade union membership was noticed in these sectors of the economy, such as education, and library business (33.1%) security business (33.8% each). Ignoring the fact that a relatively small proportion of American productive forces are involved in trade unions, they own important lobbying potential. Employees have the right to company, set up labour organizations, introduce them or support them, bargain collectively through adherents of their own choice and a role in other concerted of collective bargaining or other support or defense. Apart from this, the right of the employee to evade any or all of the above types of work is guaranteed. Subsequently, certification as an exclusive adept of employees in the negotiation system, the employer must intend public negotiations to resolve a corporate contract with the union as an agent of his imaginary employees. North American law does not accept workshop recommendations or other forms of employee consulate [10].

Yaroshenko O. et al. provided implication that «today, Ukraine has a very weak legal framework for regulating social insurance and social assistance to its citizens. Also on the territory of the country, there is a mass centralisation of budget funds, which has a significant impact on the distribution of finances in the regions. Maximum optimisation and amendments to improve the tax collection system remain important issues, which will speed up the process of creating favourable economic conditions in the country. If the state has a favourable economic situation, there will be an opportunity to create and develop such a stratum of society as the «middle class» [11, p. 2865].

Consequently, small proportion of American productive forces are involved in trade unions and non-acceptation of workshop recommendations or other forms of employee consulate are disadvantages of USA legal framework; it have to taking in account during labour law reforming and this experience is useful for Ukraine on way of decentralization of social security system, i.e. effective trade unions are «mutual aid society.»

UFCW provided implication, that approximately 30% of **Canadian** workforce is involved in union work, covering nurses, teachers, correspondents and professional athletes, and more adherents than classical professions, such as retailers, workers, miners, electricians, builders and others. In total, within 4 million Canadian workers are unionized. Unions in Canada are governed by federal or local law. By law, they must be autonomous and accountable. All of these ones must own charters, which must be registered with municipal labour councils. There are more than a hundred different unions in Canada, but UFCW Canada is considered the main union of employees of the personal section. Almost all historians associate with trade unions the rise of the middle class of Canada and the complete prosperity of the state. Helping the largest number of employees receive decent wages with gigantic employment guarantees, trade unions

are significantly responsible for stabilizing the economy and stimulating its growth. Thanks to the unions, more employees have every chance to allow themselves a mortgage, the best food, status clothing, auto lending and other consumer products. Increasing demand for designated products creates the largest number of working spaces and contributes to an even greater financial recovery in the sectors of the economy. Employees with good wages and job security have every chance to allow themselves to pay taxes in order to support the rise of public goods, such as education, infrastructure, drinking water, law enforcement, energy production and health care. Canada ranks among the five more developed economies in the world and contains a relatively elevated degree of trade union consulate. The benefits used by trade union members (dental offerings, prescription medicines, optical offerings, physical therapy, etc.) mean huge social and labor benefits and the least load on the health system. And union pensions mean that employees and their families have every chance to easily expire on retirement and continue to make a contribution to the formation of the economy. Trade unions have every chance to cooperate with governments and employers, but where the interests of their members are on the map, trade unions arise on their side. In no union does this happen as acutely as in UFCW Canada. For example, to defend the legitimate rights of its own UFCW Canada members, a number of one appealed to the Supreme Tribunal of Canada. In UFCW Canada, union dues are paid to a district union for which a union member is assigned. A huge share of contributions remains in the district trade union to finance these types of work, such as service, consulate, organization, court losses, education, for example, and what is similar. Some share is sent to the state union to fund work and programs that support the weight of UFCW Canada worldwide. According to the UFCW Canada charter, a strike does not have the opportunity to happen until union members support a secret ballot to authorize the union to announce a strike. Lockout occurs if union members remove from work, in case they do not agree with the option of a corporate collective contract proposed by the employer. But in fact, in Canada there are not enough strikes and lockouts. More than 95% of all negotiations are concluded by an agreement without stopping work. The bulk of work stoppages were only short-term [12].

Canada's example seems as sample for USA on way of social dialogue's maintaining and for Ukraine by reasons given by Yakovleva G. et al. about need of overcome «the insufficient level of regulation of the health insurance institute in Ukrainian legislation» [13, p. 1829] and «to determine patterns of the creation of taxation given the centuries-long history of state-building of the peoples of Eastern Europe» [14, p. 301] as Sereda O. emphasizes.

NAPS resource attested that **Mexico's** financial model depended on cheap labor, and this was supported by trade unions. Low wages have been central to Mexico's financial strategy for a quarter of a century, starting with NAFTA, increasing its attractiveness as a cheap base for exporting to a large consumer market in the north of the state. Almost all foreign firms that used the superiority of the cheap Mexican labor

force were South American, in fact, which turned the wage gap into a thing of disagreement between states. In the course of many years, claims for low salaries and critical circumstances of labor remained without a reaction from the Mexican government. But de jure they had trade unions workers literally did not have the right to vote in the negotiations, and also did not have the opportunity to settle for themselves which union would represent them. Workers were disappointed as soon as system seems as politically engaged and corrupt. In fact, within 90% of all collective agreements were concluded without agreement with company's employees. From 2019, the president of AMLO was under enormous pressure, for instance, the governments of USA and Canada with a claim to change the system. As a result, he put his signature in the law, which accurately promised workers the right to settle themselves who would represent their interests. He also increased the lowest wage from \$4,60 a day to \$5,40 a day. Apart from this, a number of other changes have been introduced, in particular:

- The need for assistance as a minimum of 30 per cent of employees to legalize the union;
- Substitution of district procedural bodies – labour recommendations – by labour courts;
- Inclusion in treaties of anti-discrimination criteria and defense against unlawful dismissal.

Tightening of employees' defense and increasing significance of unions' publicity are considered promising indicators of this, in fact, that the circumstances for Mexican workers will begin to improve.

There are 2 largest noble trade unions in the country considered:

- CTM – the biggest and strongest of Mexico's trade unions, based in 1936 as a citadel of PRI.
- The Revolutionary Confederation of Workers and Farmers of Mexico (CROC) – was based in the early 1950s, when Mexico's economy experienced once from the first booms of foreign investment. Now it gives the interests of millions of workers – from experts to artisans and manufacturers [15].

Disadvantages of Mexican model are evidently highlighted by low wages, political engagement, corruption and discrimination of trade unions which may overcome by USA and/or Canada example using. For Ukraine, particularly, aforesaid relevant on way of «regulating certain legal relations as a guarantee of a business entity against the claims of the controlling authorities» as provide Sliusar A. et al. [16, p. 719].

WCMS reported, that objectives and advice of the ILO's White Paper for the **Dominican Republic** are to intensify efforts to reach consensus in the Labour Advisory Council to take action on the labour law objectives raised in the ILO study, in part requests for 2/3 votes to form a confederation and configuration requests for the need for an unconditional majority of employees to force corporate negotiations. It is noted that it is necessary for the Meeting of the Advisory Council on Labor to suggest proposals for reform «requests that in fact 40% of the joint number of employees must

join the association of the municipal section so that it is registered, because, ignoring the fact that this application was actually reduced from 60% in 2003, the ILO has the opportunity to consider the figure 40% high. From August to December 2010, has not achieved any progress in drafting legislation in part of unions. For the merit of progress in fulfilling the assignments of the White Book, the country is following in its footsteps to take into consideration the appropriate proposals:

- Conduct tripartite events to raise awareness of the need to update the Labour Code, covering CEACR Councils in relation to ILO's Conventions 87 and 98.
- Strengthen cooperation with international organizations, such as ILO, to assist in the development of certain legislative services that have every chance of being submitted to the CCP.
- Increase the degree of technical study of CCP participants on the legislation and world labour standards [17].

Henceforth, in Dominican Republic there are problems of keep international standards in field of social dialogue maintaining.

Industri All Global Union showed that 38 **Haitian** trade unions signed a joint communiqué calling for compliance with 1987 Constitution's order in Haiti. CGTP, the trade union center to which the branch of the Industrial Union GOSTTRA belongs, is located between the signatories of the document. According to trade unions, the number of armed gangs instigated by the Government is increasing. The gangs performed hostility on people upholds improvement of the criterion of life, but as following they reached arson, abduction of enemies, dangers to union favorites, including rape. Union functionaries face periodic repression: the string of layoffs, accidental arrests and the dangers of execution are focused on the few sections where employees managed to organize, for example, in enlightenment, municipal services and exporting. President Moïse, from the other hand, said that he actually considers the active constitution very liberal. Haitian union's centers emphasize that those who dare to declare «no» will be in danger, especially trade union functionaries. Mass trade unions provided a combined statement, directing Governments to withdraw assistance to Moïse [18].

Thus, in Haiti unions scarified on government violence, from public pressure to personal damages, which need to system reforming with international standards and positive experience (Canada, for instance) taking in account. Additionally, for Haiti may be useful Ukrainian experience of property civil law liability [19; 735] caused by trade unions' rights violation.

Mortimer et al. argued that in **Honduras**, a large number of trade unions have been operating for many years. In 1993, about 15–20% of all workers were represented by either another union, and within 40% of urban workers were adepts of the union. In 1993, there were 3 main confederate workers in Honduras: the CTH, consisted of up to 160, 000 workers; The Common Middle of Workers (CGT), which had 120, 000 participants; and the CUTH, contemporary confederation formed in May 1992 with a population of 30, 000. The 3 confederations involve countless federations, individual

unions and village organizations. CTH, the country's largest confederation, founded in 1964 by the country's largest farming organization, the State Association of Honduran Farmers (ANACH), and FESITRANH, with 45, 000 participants; the CFFTU of Honduras, with 22, 000 adepts and the Federation of State Maritime Trade Unions of Honduras, with 2, 200 members. Apart from this, ANACH, stating that it actually grows from 60, 000 to 80, 000 participants, associated with FESITRANH – the strongest labor federation in the country, the bulk of its unions were concentrated in San Pedro Sul and the free zone of Puerto Cortes. The unions of the United States-owned banana firms and the United States-owned refinery were still affiliated with aforesaid one. They also uphold by foreign workers' organizations, covering ORIT, AIFLD and the German Friedrich Ebert Foundation, and were a subsidiary of the ICFTU. But CGT was not acknowledged until 1982, it was arise on 1970 by CDP and uphold by the WCL and the CLAT. However, in 1980s – 1990s, the CGT instruction established close ties with the State Party of Honduras (PNH), and a number of favorites worked in the government. Another state village organization, the UNC, with 40, 000 participants, was associated with the CGT for long and was considered the main power in the confederation. CUTH was proclaimed in May 1992 by the 2nd main federations: the FUTH and the FITH, as well as several other small working groups criticizing the neoliberal program of financial reforms of the Callejas government. The Marxist FUTG, which numbered 16, 000 members in the early 1990s, was first organized in 1980 by 3 unions under the influence of the Communists, but only gained acknowledgement in 1988. It had relations with the Global Federation of Trade Unions (WWF), the Routine Assembly of Trade Union Integrity of Workers of Latin America (CPUSTAL) and the CUSCA. Its members included unions of water workers, institutes, power grids, breweries and teachers, as well as a number of village organizations, covering the State Central Union of Farm Employees (CNTC), developed in 1985 and actively participated in the seizure of territories in the early 1980s. FUTH still contacted near left-wing ethnic organizations in a group familiar as the Coordinating Committee of Ethnic Organizations (CCOP), constituted in 1984. The opposite chamber of FUTH formed FITH, which received legal status in 1988. In the early 1990s, this one consisted of 14 unions, which consisted of 13, 000 members [20].

Thus, system proposed characterizes by high unionized level of workforce despite legal acknowledgement of someone unions became in force recently. Such situation caused both: USA and Communist impact which effect more widespread social dialogue.

ITUC presented that the **Cuban** authorities confirm only the state trade union middle – the Central Union of Cubans (CTC). The Labour Code, established in 1985, does not take into account virtually any true freedom of association. The government directly prohibits autonomous trade unions, but also declares that there are no requests in the law for employees to join the CTC. The Government told ILO that the Labour Code was being fully revised in real time. The new Code was unlikely to provide true freedom of association, for example, as the Government stated that the laws that existed

were already doing so. According to the Cuban authorities, the will of unification protected by Convention 87 does not translate into the wrong theory of trade union pluralism imposed by the leading centers of capitalist and imperial power. In accordance with the Labor Code, in order to possess legal power, corporate contracts must be discussed and approved at employee meetings, and also be officially announced in writing and signed by the parties, i.e., the employer body and the trade union organization. All configurations or applications must be approved at employee meetings and signed by the parties. The Government maintains control of the Employment and perceives opinions on remuneration and labour criteria in the municipal sector. In the private sector, the Foreign Investments Act 1995 strongly requests that foreign traders hire employees through municipal employment agencies. There is no legislation governing the right to strike. According to the government, there is no need to advertise strikes, because the requests of official trade union organizations will be heard by the authorities every time. All kinds of attempts to make free trade unions are suppressed by the government, in a key way, through the restrictions set out in the Law on Associations. Anyone who is fond of independent trade union work risks persecution and job loss. Employees should watch their own colleagues and talk about any «dissident» work. Independent working functionaries are occasionally arrested, persecuted, threatened with prosecution and forced into exile. Those organizations that are, do not have every chance to effectively represent the interests of workers. Because they are not recognized, they do not have every chance to take part in collective negotiations or hold strikes. Workers do not have every chance to realize their own rights or to take a role in peaceful marches or demonstrations in support of their own claims. Autonomous organizations were made dissidents opposed to the Castro regime, but they defend the rights of trade unions, their key task is to combat the regime and help respect for collective human rights. Their offices are searched, equipment confiscated and the association intercepted. Agents of the state of security made their way into some of these unions [21].

Evidently, those Cuban problems are similarly to Mexican and Haiti's which need own way of overcome, «paying special attention to the obligations of the employee» [22, p. 522].

Clark reported that in **Panama** on November 11, 2014, the SIELAS union suggested to the Ministry of Labor a list of signatures and claims of employees – a means with which employees inform the government and the company about the introduction or development of the union. In the direction of 14 meetings, 103 out of 115 points were agreed and agreed by both parties. During the last meetings, the negotiations came to a standstill: the company wanted to own the probability of predestining who would own the right to join the union, and who would not, arguing that the pacifying bulk of the company's administrative employees are considered, for example, to be called «employees in serious positions» – a category that usually belongs to high management and is usually excluded from the union. The union stated that, in fact, the company does not contain the right to arbitrarily settle which of its employees has the opportunity

or does not have the opportunity to adopt an opinion on entry into the union. Following this, at the last meeting on January 15, 2015, the company's defender, Eduardo Valles, told the union that he had actually filed a «Defense Lawsuit [Constitutional Rights Defense Guarantee]» with the Supreme Court, arguing that SIELAS's organizational capabilities did not apply to the financial work that the company would implement. This effect, ignoring what was actually considered an extraordinary constitutional measure, was adopted by the Supreme Tribunal. This happened without paying attention to the fact that the Ministry of Labor recognized the list of claims and, therefore, the legitimate status of the union as an adept of DHL Express employees, and not paying attention to the fact that DHL Express had already negotiated with the union for several months, which most recognized the de facto status of SIELAS as a legitimate adept of employees working in the company. More of this, negotiations were built on the first of 2 agreements, not so long ago concluded between SIELAS and DHL Aero express, which allowed the union to carry out administrative and commercial personnel. From this reason, the impact of the firm can only be regarded as a functional effort to prevent the effective unification of employees into a trade union. The Supreme Tribunal of Panama is currently in the process of adopting an opinion on this issue, in fact, it has the opportunity to borrow months or even years. During negotiations on early points, the company's instruction repeatedly pressured union negotiators, demanding that they falsely come to the agreement, until a letter of guarantee arrived. As agreed with DHL Aero express, SIELAS was eager to implement as an administrative, for example, operational staff – with other texts, as couriers, for example, and office employees. The firm was opposite this. Subsequently, the failure of the negotiations, the company sold a number of initiatives that the union put forward in the negotiations, for example, ensured an increase in the receipt to all employees, and also made other efforts to improve on the company's relationship with the staff. But none of the employees complained about the obvious anti-union work, all of them were well acquainted with what actually happened to the employees who tried to join the union last year. At the latest, 3 former DHL Express workers were deprived of their jobs for trying to implement the union in the stage from 2010 to 2014. Non-compliance with the law was corrected soon afterwards, and, but the DHL instruction suggested this to the workers as a one-sided beneficial amendment, the workers knew that the configurations actually happened as a result of Togo, in fact that SIELAS put this issue on the food of the negotiations. Workers still complained about the inaccessibility of a colorless wage structure. People who have worked for the same term have different profits, and the only difference is their relationship with the boss or management. The introduction of a receipt scale and wage increases were included in the agenda of the SIELAS negotiations during the terminated negotiations with the company. Another source of the disorder, discovered during the interview, is believed to be a precedent, in fact, employees are obliged to beg for time off, as if it was their own favor from the boss, including if the employee is due time off, or if it is due to unexpected life

circumstances or illness. This means that as a result, employees experience themselves at the same time offended and obliged managers, who, similarly, still know that their «offers» are strongly asked to return in the future [23].

Consequently, social dialogue in Panama is burned by court's red tape, which affirms need of labour processual norms [9, p. 159–160] creation and adoption as soon as possible.

Fenwick said that in *Australia* recently, union membership has declined rapidly. Ignoring the fact that trade unions in the 1990s, the number is equal in their own ranks to 40,5% of all employed in Australia, by 2000 this figure fell to 24,7%. The Australian Bureau of Statistics believes that, in fact, a similar situation is considered to be somewhat a reflection of the changes in the trends of constant and part-time labor that exist between the productive forces of the country. Other prerequisites for lowering the importance of the professional organization of workers are the fiasco of trade union movement in response to the structural configurations of labor relations, the growing meaning of technology in production and the weakness of trade unions before the task of freeing the workforce, the poor impact of globalization on domestic creation. After that, as a result of the policies of the government, the dissolution and individualization, as well as the nascent practice of using non-union collective and personal labor contracts, has the opportunity to be a serious danger to all trade union movement in Australia, which will actually cause significant public disapproval. The unions and employers' associations activities at general are regulated by the 1996 Labour Relations Act, and, apart from this, are considered an object of interest of the state and Lander governments. Fresh federal laws of relatively trade unions and associations were adopted on October 16, 2002, however, until now, power has not entered. In Australia, trade unions must be registered at both the Commonwealth and state levels. In order to be registered at the federal level, a trade union must be created with the aim of subsequently defending the interests of its members, be free from control or negligent influence of the employer and own 50 members in their own ranks, as a minimum. In addition to this, it must be practically no other trade union, except in which its members have perfect freedom of role. At the same time, ACLR has the opportunity to dispose of a trade union company that does not comply with the specified aspects, if it makes a written promise to evade disputes about the division of responsibility zones with any other registered organization and if its members firmly believe in the need to participate in it. Another claim for the registration of a trade union made by the ACLR is the transmission of information on whether there is among union members, those who deliberately did not comply with ACLR orders to refrain from playing a role in illegal strikes. The treatment for registration is addressed to Presidium of the ACLR. If it is rejected by the Presidium, the complaint may be submitted to the Plenary Chamber of the ACLR. The thing of legal impact of the law involves the difficulties of consulate, accountability and productivity of designated organizations, as well as the involvement of members of the organization in allowing the internal tasks of the company to which they belong. The

model and substance of the legal regulation of unions and employers' associations is largely taken from the Commonwealth Labour Relations Act 1996 and is actively used at the state level. Commonwealth law prohibits the inclusion in employment orders of circumstances of relatively withholding trade union contributions. Without turning on it, the parties have every chance to discuss this condition and to connect in labor agreements, ALAs, contracts, etc., but it and is unusual. As soon as a trade union is registered in the federal system, it has a number of advantages in recognizing the interests of workers in the ACLR as a party to negotiations, strikes and consulates. The Commonwealth Bill of Good Negotiations of 2002 is aimed at establishing «exemplary (model) negotiations» – trade union negotiations aimed at scouting a compromise conclusion with the enterprise. The proposed Bill has the ability to influence personal entrepreneurs as well; if he enters into power, the ACLR will become is empowered to stop negotiations as soon as it becomes established, in fact, that 1 of the parties does not find a respectable solution to the issue with the reverse. Federal legislation regulates 2 leading types of collective bargaining: negotiations to prepare a method of work order and multi-level negotiations at the enterprise to discuss a certified labor agreement [24].

As seen, Australia's disadvantages are similar to United States, which would be analyzed in Conclusions properly.

## CONCLUSIONS

1. Advantages of high-developed states' unions system (USA, Canada, Australia) consists in powerful and free trade-unions, which have enormous impact on social dialogue maintaining from tripartite collective bargaining to dialogue with government's officials. Conversely, small proportion of productive forces involved in trade unions and non-acceptation of workshop recommendations or other forms of employee consulate are disadvantages of their legal framework.

2. Canada's example seems as sample for USA and Australia on way of social dialogue's maintaining and for Ukraine.

3. Disadvantages of Mexican, Cuban and Haiti's model are evidently highlighted by low wages, political engagement, corruption and discrimination of trade unions which may overcome by USA and/or Canada example using.

4. Dominican Republic has problems of keep international standards in field of social dialogue maintaining.

5. In Haiti, additionally, unions scarified on government violence, from public pressure to personal damages, which need to system reforming with international standards and positive experience (Canada, for instance) taking in account.

6. Honduras unions' system characterizes by high unionized level of workforce despite legal acknowledgement of someone unions became in force recently. Such situation caused both: USA and Communist impact which effect more widespread social dialogue.

7. Social dialogue in Panama is burned by court's red tape, affirms need of legal improvements of court system in this state.

8. Canada's experience is useful for Ukraine on way of decentralization of social security system, i.e. effective trade unions are «mutual aid society.»

9. Additionally, for Ukraine aforesaid experience relevant by reasons of the medical law system creation and taxes' reforming, decline the affect of administrative pressure on business.

10. Conversely, for Haiti may be useful Ukrainian experience capacity caused by trade unions' rights violation maintaining.

Simultaneously, foreign experience in field of social dialogue, medical law, tax policy, social welfare may be tasks of following investigations.

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