

Pifko O. The peculiarities of the legislative regulation of the criteria for representativeness of trade unions in Ukraine and some EU member countries

The article is a comparative study of the legislative regulation for the criteria of the representativeness of trade unions in Ukraine and some EU member countries. It explores the peculiarities of the establishment of the criteria for the representativeness of trade unions in the legislation in Ukraine, Poland, Latvia, Bulgaria, Slovakia and Slovenia. It studies home scholars' approaches to the criteria for the representativeness of trade unions that are established by the Law of Ukraine "On Social Dialogue in Ukraine".

The author takes the position according to which the establishment of the criteria for the representativeness of trade unions in the legislation of Ukraine does not contradict the provisions of the international regulations, the International Labour Organization's conventions in particular.

According to the findings of the comparative study, there are no consistent approaches to the regulation of the fundamentals of trade union representativeness in the national legislation of the EU member countries. Moreover, there are considerable differences between some aspects concerning the criteria for the representativeness of trade unions. The most widespread criteria for the representativeness of trade unions are the availability of the minimum number of members required for a representative trade union established by the law as well as the existence of its representations in the proper number of administrative territorial units. However, many countries establish additional criteria for the representativeness, in particular, the requirements for financing sources of trade unions, for the minimum period of trade union functioning in the status of a legal organization, etc. Also, some EU member countries differ considerably in the legal regulation of the procedure for the confirmation of the representativeness of trade unions and a system of bodies involved in this confirmation procedure. The findings of the comparative study of the legislation of some EU member countries gives grounds for stating that a number of EU member countries have stricter legislative requirements for such criteria than in Ukraine.

Key words: trade unions, trade union status, activities of trade unions, freedom of trade unions, representativeness, social dialogue.