

# INTERNATIONAL LABOUR LAW PRINCIPLES AS GUIDELINES TO FOSTER EMPLOYMENT RELATIONS

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## **Abstract:**

*Contemporary human resource management practices often ignore very important values of international labour law; however there is a wide floor for improvements in this area. In this sense the main guidelines are arising from the legal acts of the International organizations. The social responsibility, professional ethics and management are categories which have the intense relation with the legal system. Some historically developed degree of social responsibility and professional ethics may be considered as an important resource of values which are the starting point for building the legal system and also international regulations. The international labour law principles are significant elements in employment relations. The paper represents how the principles of the international labour law can positively influence managerial strategies through the social dialogue. Social dialogue provides a communication platform between social partners and by that it is actually creating a socio-economic and social development. Furthermore social dialogue is a key instrument in planning social development, harmonizing different interests, prevent and resolve disputes between the management and labour. International law shows many ways how to strengthen the principle of ethics in the employment relations. The values, arising from the existing international legal documents may be the significant guideline for the development of "good practices of managers".*

**Key words:** labour law principles, employment relations, social dialogue, values, human resource management

**JEL classification:** K31

## **1. INTRODUCTION**

The appearance of the unpredictable environment caused by the constant social, political and economic changes, it puts inevitably the management in the position of decisive search of new managerial ways for improving their professional performance. The communication between employees and employers represented by the management has been continuously changing as well. Therefore the recognition of the importance of the adoption of new managerial practice is increasingly acknowledged. The social responsibility, professional ethics and management are categories which have the intense relation with the legal system. Namely the social, political and economic order of a single state in some historical period determines decisively the rules and the characteristics of the legal system of a single country. And these are not just the characteristics of the single country but also the characteristics of the international law. Some historically developed degree of social responsibility and professional ethics may be considered as an important resource of values which are the starting point for building the legal system and also international regulations. The international organizations confirm those values by enacting the international rules and regulations. In this process many times happens that national or international legislators build in the regulations modern solutions proposed by science. In this sense they add to the regulations some added value. The added value in such cases is a clear presentation of new possible paths in straightening and developing the values which where the reason for the regulation of a specific issue. The main purpose of this paper is to present the results of the legal research of the dimension of the legal tools which may be used by management in order to straighten the relationship between the employers and management and the employees in order to provide better work productivity on the one hand and better conditions for the employees on the other hand. A social dialogue may be considered an adequate tool in such attempts. The social dialogue may be beneficial to the social partners if it is based on the international standards that are identified and implemented in the legal systems of the contemporary states.

The presumption which is supposed to be verified through the research is that, international law gives the managers many new possibilities to develop and improve their competences and foster a normal, ethical relationship between the employees in regard to better human resource management by the value added regulations. The goals of this area of management are to develop the knowledge and skills of such treatment of working stuff that will lead to high success of the work unit and to the high living and working conditions of the employees.

In accordance with the previously mentioned purpose of the paper, the main goals of the research are the following: to establish which are the international organizations that create law about the labour relationships in modern societies; to identify the legal acts which may be considered main resources of the legal regulations and guidelines for managerial activities for the successful human resources management; to identify international law regulations and guidelines that can be recommended for wider use in the managerial practices in order to improve the employees' motivation for the effective and creative professional work.

In the process of research the applied research methods, which are often used in legal research were the analysis, classification, and legal argumentations of main managerial mistakes in the human resources management practices seen in the light of the values arising from international law. The level of knowledge and skills in this area vary significantly in different surroundings, which may have negative influence to the motivation of the employees. Therefore the international standards arising from the international law may be considered as important tool, which proposes the high standards and secures more equal treatment of the employees. From this point of view the research analyses the regulations of International Labour Organization (ILO). The models of managerial behaviour according to this act should certainly be considered as ethical and supporting social responsibility of work units. Similar conclusion may be made for the full implementation of the values arising from the legal acts of the European Union and the Council of Europe.

The conclusion of the research is that the recognition of the importance of the adoption of the new managerial practice has been increasingly acknowledged. Consequently, the main result of the research supports the thesis that contemporary human resource management practices often ignore very important values of international law and that there is a wide floor for improvements in this area. In this sense the main values arising from the legal acts of the United Nations, the International Labour Organization, the Council of Europe, the European Union, and the Organization for Economic Co-operation and Development are presented.

## **2. BASIC LEGAL ISSUES OF THE MANAGEMENT AND LABOUR**

The research of possible human resource managerial approaches focuses on the main principles of the international law which may be considered as the resource of new values, important for the human resource management's efforts. On such way the research approaches the added values of the international regulation of the social dialogue and the social partnership between the employers or managers and employees. In the research some crucial points of the human resource management will be emphasized regarding the ethical employment practices and the international regulations. The economic instability put the managers in the situation of intense search for the new strategies in relation with the surroundings of the enterprise and in relation with the employees. On one side the working relationship is largely based on trust, and especially in smaller companies, already approaching the level of confidence most likely as those of the family. On the other side the trends of building the "flexicurity" demand less personal approach to the phenomenon of employment relationship and more intense intervention of the state in employment relations, including strict surveillance of the execution of the employment relation regulations. This policy of flexicurity attempts to combine flexibility of labour markets for employers and security of employment for employees (Foundation Findings, 2007). There is an essential question to be applied is which parties should undertake the main responsibility, state, employer or employee for ensuring both security and flexibility? It supposes to be shared between all partners involved in all levels for a successful advance.

Thus the period of economic crises the management should not incline to search the savings in expenses for the labour force. Actually this might be the normal reaction on economic problems if only such measures are executed in proportion to other measures which costs bear the employer. Ignoring this principle and putting the burden of savings only on the employees' shoulders, such approach may seriously diminish the motivation of the employees. The short term effects of savings regarding to labour costs may be positive, however on the long run the effects would probably endanger the productivity of the enterprise. The lower motivation of the employees may lead to the appearance of the collective labour disputes, to the appearances of strikes and the other industrial actions, and to the assessment of the liability of management for the violation of employees' rights. This might cause several potential differences and tensions among employees and employers, which will lead straight towards to the labour disputes. For trying to avoid the labour disputes, firstly employees and employers both must be thoroughly enlightened upon their rights. Both on the international and national level there are many fundamental legal backgrounds that are providing employees' and employers' rights as well.

The freedom of association of citizens is guaranteed by all modern constitutions. To form the trade unions and to join or not to join the union is therefore an individual right of the employee. Right to trade union freedom is a fundamental human right and was already regulated in the General Declaration of Human Rights in 1948 (UN), in the International Agreement on Economic, Social and Cultural Rights (UN) and in the European Convention on Human Rights (Council of Europe). The Trade Union freedom is defined in the second part of Article 5 of the European Social Chart (Council of Europe). It means that all workers and employers have the right to freedom of association in the local, national and international organizations for the protection of economic and social interests. Trade Union rights are regulated by the ILO Convention No. 87 on Trade Union Freedoms and the Protection of Trade Union Rights, the ILO Convention No. 98 on Application of the Principles of the Right to Organize and Collective Bargaining as well as by the national employment legislation and other legal provisions. In the case of violations of trade union freedom procedural regulations are important: namely regulations about the labour and social courts and regulations about the arbitration. Violations of the employees' right to participate in the management and violation of trade union rights are usually defined in penal legislation defined as a criminal offence against the employment relations and social security. According to the elementary issues concerning the personal scope of labour law protection, four significant ILO Conventions should be mentioned: ILO Convention No. 95 on Wage Protection, No. 183 on the changes to Maternity Protection from 1952, the No. 174 Prevention of Major Industrial Accidents and the ILO Protocol to the Security and Health at Work Convention. The ILO Convention No. 95 on Wage Protection is one of the most important conventions, which regulates basic rights of the workers arising from an employment relationship, as well as the fundamental obligations of the employer towards their workers. ILO Convention No. 183 on the changes to Maternity Protection from 1952 is providing more security and additional rights to pregnant women and breastfeeding mothers. In ILO Convention No. 174 Prevention of Major Industrial Accidents and the Protocol to the ILO Convention No. 155 similar issues are concerned with recognising the risk of major accidents, reporting to the authorised bodies and specific obligations of the employer on the company level (Tičar, 2010).

To gain adequate labour standards and an appropriate level of salary as well as other rights, workers may be often forced to exercise the right to strike. This is a right for an industrial action, which is threatened or taken by party to protect and promote its interests (Arrigo and Casale, 2005). Strike is an organised stoppage of work by workers, with the purpose of exercising economic and social rights and interests arising from work. The right to strike is commonly recognised as civil and human right. Legal strike is a strike which is pursued according to the law and other legal standards. The International Labour Organization (ILO) was the first international organisation, which emphasised the freedom of association and the right to strike. Right after the Second World War, the International Labour Organization started preparations for two conventions which led to acknowledge the basic principles of the named freedom; Freedom of Association and

Protection of the Right to Organize Convention, ILO Convention No. 87 and Right to Organize and Collective Bargaining Convention, ILO Convention No. 98.

The European Convention on Human Rights of the Council of Europe that is the highest political body of the EU recognises the basic principle of the right to strike, when the details we can find in European Social Charter. The Article 11 of the European Convention on Human Rights says: "Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests." But the outcome of these freedoms may cause possible expansion of the negative freedom of association and the expansion of the right to bargain or the right to strike (Alston et al., 1999). The strike is illegal when there is a discrepancy between the object and consequences of the strike action. All disproportionate, unnecessary and unsuitable actions of the workers taking part in a strike are forbidden, when there is a discrepancy between the cause of the strike and the assets of the employer. Regarding the possibility that there can be results of security threats and cause of damage, the whole procedure of the strike has to be clearly specified and transparent. The first serious irregularity during the strike causes that the strike as a whole is illegal since it started till the interruption. The right to strike is a right of employees (Block, 2003). Nevertheless the strike may have been organised by trade unions. Because of its nature workers have a right to organise strike outside of trade union context. European Social Charter (adopted in 1961 and revised in 1996) provides for all workers the right of industrial action, regardless with trade union organization or supported by them. European Social Charter provides the right to organise with a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations. Notwithstanding that strikes cause great economic damages, not only in one company or branch of the economy, but also in economy as a whole, for that the strike is supposed to be »ultima ratio« to protect collective rights. The strike is a legitimate and legal stoppage of work (Atlas et al., 2000), when and only conducted according to the legal standards. The obligation to give prior notice to the employer before calling a strike is necessary to prevent greater damage for the employer; also in the sense to allow the parties to seek a negotiated solution as well as to inform the public (especially important with strikes in public services and state administration). The restrictions of strike action (ILO, 2006) are permissible under the strict interpretation and consideration that the strike action is an important fact to assert and protect worker's social and economic rights. As it is evident, even the actions of strike supposed to be ethical towards both of the parties. From the side of the employee representatives as the above mentioned prior notice to the employer is consequential such as how the employer ought to be open for a negotiated agreement.

## **2.1 PROHIBITION OF DISCRIMINATION IN EMPLOYMENT**

The Community Charter of the Fundamental Social Rights of Workers recognises the importance of combating every form of discrimination, including the need to take appropriate action for the social and economic integration of elderly and disabled people. The right of all persons to equality before the law and protection against discrimination constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories. Convention No 111 of the International Labour Organisation (ILO) prohibits discrimination in the field of employment and occupation. The International Labour Organization since its foundation has been committed to promoting the rights of all women and men at work and achieving equality between them. The ILO vision of gender equality recognizes this goal not only as a basic human right, but intrinsic to the global aim of Decent Work for All Women and Men. The principle of non-discrimination in employment is a global principle. In the Article 1 of ILO

Convention No. 111 on Discrimination (Employment and Occupation) says that »for the purpose of this Convention the term discrimination includes: (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation«; Article 3 of ILO Convention No. 111 highlights the importance of cooperation of employers' and workers' organizations to foster enacting such legislations, promoting educational programmes to base the acceptance and survey of the Convention's policy. In the Article 10 of the Treaty on the Functioning of the European Union contains as well the prohibition of discrimination such like in the EU Charter of Fundamental Rights. Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation. Many of the European Union Court of Justice cases are related to discrimination on grounds of age, disability discrimination and discrimination based on sex that concerns the issue of (un)equal treatment between women and men.

## **2.2. COLLECTIVE DISMISSAL**

The economic crises put the managers in the situation of intense restructuring of the enterprises and economy that are also connected in several ways to the collective dismissal of employees. According to Article 1 of Directive 98/59/EC, »collective redundancies` means dismissals effected by an employer for one or more reasons not related to the individual workers concerned where, according to the choice of the Member States, the number of redundancies is: either, over a period of 30 days at least 10 in establishments normally employing more than 20 and less than 100 workers, at least 10 % of the number of workers in establishments normally employing at least 100 but less than 300 workers, at least 30 in establishments normally employing 300 workers or more, (ii) or, over a period of 90 days, at least 20, whatever the number of workers normally employed in the establishments in question« (EUR-Lex, 2016). These issues search for the new strategies in relation with the surroundings of the enterprise and in relation with the employees of what protection should be guaranteed to the employees. Within the European Union's Directives there are three directives concerning the collective dismissal: Directive 2008/94/EC, which was previously 80/987/EEC, 2001/23/EC, previous directive 77/187/EEC and 98/59/EC previous directive 75/129/EEC. Directive 2008/94 establishes the guarantee institution and strengthens the protection of the employee's claim in case of insolvency of the employer. Directive 2001/23 ensures that the rights of employees are safeguarded in the event of a change of their employer by enabling them to remain in the employment with the new employer under the same conditions and terms of the employment contracts. Last but not least the Directive 98/59 established the information and consultation procedures between the employer and workers' representatives, the cooperation of the employer with employment service and to mitigate social consequences of redundancies. In Article 2 it says that »employer is contemplating collective redundancies; he shall begin consultations with the workers' representatives in good time with a view to reaching an agreement. These consultations shall, at least, cover ways and means of avoiding collective redundancies or reducing the number of workers affected, and of mitigating the consequences by recourse to accompanying social measures aimed, inter alia, at aid for redeploying or retraining workers made redundant« (EUR-Lex, 2016). To sum up, the purpose of the above mentioned Directives guarantee that the restructuring processes will not have a negative effect on employees.

## **3. SOCIAL DIALOGUE AS THE KEY FOR ETHICAL EMPLOYMENT RELATION**

Social dialogue is often referenced as one of the key factor of enterprise success. That is evident that in the present challenging economic conditions discussions within the social partners do not lead to a shared understanding. There is no doubt that this difficult economic situation inevitably complicates the process of achieving consensus between the social partners. From this

point of view modern society today faces the question whether to support the centralized or decentralized collective bargaining (Trebilcock, 1994). Some scholars are emphasizing the importance of negotiations at the company level which is primarily the result of demands for greater flexibility as well as of the realization that the market is becoming more and more differentiated and thus better acclimated to by singled-out companies. Unarguably the main finding is that the decentralization is a process that enables higher flexibility, especially in the view of the salary system as well as in views of other labour and organizational conditions, in adapting to the specifics of various companies and their needs deriving from their positions in the market. This provides more room for independent leadership of corporate business politics, which in today's conditions of fast paced economy changes and a highly competitive market, need to be flexible. Nevertheless, there is an enormous need for a successful social dialogue concerning the negotiated agreements especially in case of vast flexibility options. From the workers' interest working arrangements are considered in workplace and private life balance, such as reconciling care and other work arrangements (Plantenga and Remery, 2005; Anxo and Boulin, 2005). The above mentioned is especially important for the rewards system and other measures connected to the human resources management field. However it is important that the decentralization process is somehow limited, especially when it comes to wage negotiations, mainly due to the need to keep wages for similar work positions balanced and similar. On the other hand, the centralization of collective negotiations, on national and lower levels, can contribute to a higher ratio of collective contracts, enable the evolution and empowerment of the doctrine of participative management of organizations and at the same time boost the negotiating power of worker's unions. Although recognizes and recognizes d social dialogues differ, various flexibility options, such as contractual and working time flexibility are mutually a crucial point both for the workers and the company concerning the collective agreements. The social dialogue presents an expression of the democratization of society (Cohen and Arato, 1994) as it ensures the cooperation of social partners in forming and implementing law in the field of economy and social politics. Its other main value is that it is based on some of the main principles of democracy, such as inclusion, cooperation, striving for a consensus and inclination to reaching a compromise. Thus social dialogue is providing options for solving the problems and differences that exist between capital and labour and by that is ensuring social peace and opening options for harmonized economic and social development. Hence, social partnership is based on the willingness to compromise. There is a common sense of purpose in relation to the urgent need to restore confidence and stability. There is also a shared interest in seeking to maintain employment across the economy and for example, in ensuring a swift return to the labour market by those who have lost their job. Social dialogue enables social peace in a country, therefore providing the necessary conditions for a stable economy as well as a balanced social security of the people; therefore the social dialogue should be taken into consideration in parliamentary lawmaking procedures. It is important to emphasize that the social dialogue, two partite and three partite, is based only on consensus, without any regulation.

A high level of consensus can thus ensure a high level of social dialogue. Promoting flexibility, recognizes work practices and managing change have been extensively addressed over the course of social partnership agreements in the European Union. Industrial relation systems in the EU are very diverse therefore difficult to compare, but one of the greatest benefit of the EU. There is no doubt that general social interest demands not just any but a high quality social dialogue. In order to ensure a social dialogue of very high quality two conditions need to be met. The first is that the dialogue must be conducted at the highest possible professional level and the second condition is the involvement of representatives of all social groups and subjects affected.

The EU level legislation had a positive impact for the Member States. The development of European policy and practice, reflected in the legislation of the European Union in the area of employment rights. The framework of the EU Directive on information and consultation of employees recognizes and respects the tradition of social dialogue at the Member State level. It has even higher importance that modern state supports and enforces the social dialogue even

furthermore now, when Europe and the whole world has been plunged deeper into the economy and financial crisis. The social partners must now, more than ever, work together and strive to seek out new solution that will soften the impact of the crisis on economy, financial and social areas. Social partners have to commit to discussion aimed at agreeing national-level arrangements in accordance with the Directive. A social dialogue provides opportunities for discovering and undertaking measures which will benefit both employers and workers' unions as well as mitigate the effects of the current economic situation, strengthen social peace and provide for a harmonized socio-economic development, which is the goal of various international regulations as well as the Lisbon strategy. The ability of both sides of the dialogue to be willing to adapt and strive for a compromise is very important. The employers also have some instruments that enable them to put pressure on worker's unions at their disposal. Due to the reasons of high significance that collective contracts include rights of workers' unions, will ensure them an undisturbed activity and affectivity.

## **5. THE ROLE OF THE SOCIAL PARTENRS**

One of the main goals of this part is to show how important position and role the social partners have to foster a better work environment. Concerning the European labour market, the Commission set up some significant objectives. For its "adaptation requires a more flexible labour market combined with levels of security that addresses simultaneously the new needs of employers and employees" (Eurofound, 2010). It might involve the change from job security to employment security for workers and the eventuality for companies. For achieving this target, trade unions are indispensable. That is the reason why human resource managers supposed to know the structure and consistence of trade unions for an ethical and fruitful social dialogue with the social partners. Trade union is basically an organization, which is a correlation between the system of power and the system of communication. Trade unions (similar as societies) can have legal capacity, or not. On the basis of international conventions, especially ILO Convention no. 87, the state is eligible to link recognition of legal personality with registration and deposit of the statute with competent national authority. Under Article 5 of ILO Convention no. 87 workers' (and employers') organizations have the right to affiliate on international and regional level. Employers also affiliate with associations (on the basis of the right to affiliate) in order to their interests to be institutionally represented. The majority of European employers' associations have more than a hundred year old tradition. They have been formed as a response to trade unions' pressures and for protection from trade unions. The other reason for the creation of employers' associations results from the restriction of mutual market competition.

The development of employers' associations was stimulated also by the social and political changes. With its basic act (statute) the trade union defines bodies, their field of work and mutual relations, compositions of the bodies, number of members and quorum, manner of voting and nomination, termination of office, rights and duties, duration of the term of office of body, representation and provision of their work, conditions under which an individual may become a member of the trade union and when and how the membership terminates. The models of European employers' associations differ. They cross from extreme liberal – decentralized to binding – centralized. These organizations have formed special federations or confederations on international universal and regional level, which represent the interests of employers in various fields. Employers are organized according to the branch or territorial line. Branch associations join employers according to the predominant business of the company. Territorial associations include companies of various businesses, on regional, country or other local geographical unit level. Employers' organizations also differ according to the management – centralized or decentralized. Regardless of the type, the most important assignment of employers' organizations is negotiation with the trade union and conclusion of collective contracts. The objectives of employers' associations are in particular reduction of taxation for companies, uniform stimulating working conditions for all companies, reduction of labour costs and greater flexibility of workers. We can

state that freedom of trade unions is important in the light of both individual rights of workers as well as collective rights of trade unions, because of the vast legislative regulation (Bamber et al.,2004) of this freedom in international, as well as national legal sources. Industrial relation systems and their development play an important role in determining economic and social progress.

## 6. LEGISLATIVE DEVELOPMENTS

The economic crises had a deep effect on the legislative programme at the EU level as well. Concerning the legislative programme, the most important areas were the parental and maternity leave, working time, workers' right and the liability. Other international and European acts also contain regulations of trade union's freedom to act and similar regulations that ensure certain level of protection of trade union organizations and their bodies. Just a few to be mentioned are European Social Charter, Charter of Fundamental Rights of the European Union, European Convention for the Protection of Human Rights and Fundamental Freedoms, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Universal Declaration of Human Rights. As it was already mentioned beforehand concerning the international legislation level, the ILO Convention no. 87 concerning freedom of association and protection of the right to organize defines the rights of trade union organizations, among others the freedom to act and the right to establish and join federations and confederations on an international level. The aim of ILO Convention no. 98 concerning collective bargaining and the right to organize, is to prevent mutual interference of worker's and employer's organizations, to protect workers from anti-union discrimination in respect of their employment, and to promote the development of voluntary collective bargaining for regulation of working conditions in context of national jurisdiction. ILO Convention no. 135 concerning protection and facilities to be afforded to workers' representatives in the undertaking should also be mentioned, as on its basis workers' representatives enjoy special protection in a company. According to the liability for damages, the general rule is that employee liability, unlike employer liability, arises in the case of faulty conduct by the employee and with limitations, which means that only the actual damage caused must be repaid and not the lost profit. In spite of this general rule, if certain legal requirements are met, the employee liability arises regardless of whether the employee is at fault (strict liability/objective liability) but only in exceptional cases. Worker's representatives' liability for damages is defined by the regulations concerning the legal position of companies, which states that workers' representatives in supervisory boards are responsible for the damage caused, if they did not act in due care or they did not protect the professional secrecy of the company. That is why the European Parliament co-operated in attaining an end and in 2009 adopted a resolution calling on the European Commission to take action to draft a legal instrument introducing joint and several liabilities to deal with the cross-border dimensions of subcontracting, as well as adopting the report on the statute for a European private company (McKay, 2009). In this context of joint and several liabilities, the effort was to guarantee that a common enforcement system should be applied leaving out of consideration the differences of legal and industrial relations cultures in the Member States.

In the relation of Directive 2001/86/ EC of European company statute with regard to the involvement of employees, it "aims at creating a uniform legal framework within which companies from different Member States should be able to plan and carry out the organizations of their business on a Community scale" (EUR-Lex, 2016).Regarding to social dialogue developments, within the intersectoral social dialogue, in 2009 a revised framework agreement was signed. It was historic, because it was the first time when social partners had revised their own framework agreement to ensure the revision of the framework agreement on parental leave. Directive 96/34/EC, concluded by general cross-industry organizations of UNICE, CEEP and the ETUC, lays down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents. In relation to maternity leave, Directive



86/613/EEC reached its revision by the social partners' framework agreement of 18 June 2009, which allows self-employed female workers to have the same access to maternity leave such like salaried women workers and helps spouses to obtain the same social assistance as officially self-employed workers. The term of "European social partner" refers explicitly to those organizations at the level of European Union (EU), which are active in European social dialogue. EC Treaty requires EU to promote dialogue between employers and workers. Treaty of Lisbon has supported the promotion of social dialogue even more so. The EU recognizes and encourages the role of social partners at the European level, taking into account the diversity of national arrangements however all the main social issues are excluded from the jurisdiction of EU (such as wages, the right of association, strike and lock-out. Nevertheless, they are extremely important for promotion of social dialogue in Member States. Social partners have so far successfully developed the framework agreements, which regulate issues of maternity leave, part-time work and work for a limited time.

## 6. CONCLUSION

The constant changes in the economic, political and social environment led to an increase in unemployment in all EU Member States, which put the social partners, especially the management in the position to seek new ways to improve their performance within the ethical frame. These efforts are in a great part directed by the human resource management. The execution of this managerial function lies on the ground of employment legal regulation and legal regulation of social dialogue or post-industrial relations. The presumption of the research was verified that international law gives the managers many new possibilities to develop and improve their competences and foster a normal, ethical relationship between the employees in regard to better human resource management by the value added regulations. The research of the legal framework of the managerial competence is that the global economic downturn leads to changes of the managerial duties and competences. In this period managers are under the pressure of the new duties in the relation to the state and the society. International law as the main resource for the improvement of managerial strategies shows many ways how to strengthen the principle of ethics in the employment relations. The values, arising from the existing international legal documents may be the significant guideline for the development of "good practices of managers". According to the ethical principles of human resource management, the managers may develop a more effective policy of introducing employees' participation in decision making, support of trade unions and their actions. The research confirms that the values which may be considered such guidelines can be identified in the European law as well as in the law of the universal international organizations, especially the International Labour Organization (ILO). It is the law regarding both types of the employees' representatives, namely the trade unions and the employees' elected representatives. All these activities may be observed as a specific area of human resource management in a specific works unit. In the same time the standards which arise from management activity in this area, present the frames of the industrial and how to ameliorate employment relations by strengthening the role of employee representatives and managers' attitude towards open communications. All these factors confirm the impact of the international labour law principles on fostering ethical employment relationship.

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