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## The Principle of Solidarity In the Sense of Exercising the Right to Social Dialogue In the Conditions of Globalization

### 1. Introduction

Social dialogue in market conditions is a key element in ensuring the balance of interests of antagonists in socio-economic relations. Influencing the distribution of the social product created by the production sphere and the sphere of services, social dialogue is aimed at achieving a general compromise of interests between employees, employers and the state. The compromise that formalized by the agreement has the ultimate goal of improving the standard and quality of life of citizens. At the same time, in developing countries social dialogue isn't mostly aimed at implementing the idea of social justice, but it's used to maintain a certain stable order in society.

However, a situation is gradually emerging where even an intermediate compromise result of social dialogue is almost impossible to achieve

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due to a number of legal, institutional and cultural reasons. Legal issues concern the systematic attack on trade union rights, the high barrier to trade union representation at the regional and state levels. Regarding institutional problems, the inability of trade unions to effectively defend the interests of employees in the social dialogue is beneficial to other parties to the dialogue – employers and the state. Weakness of trade unions allows them to establish low social standards at the national level and reduce their own costs. The following trend is emerging: the state isn't trying to "align" the social dialogue to protect the interests of employees as a weaker party. In turn, employers are accused of a low level of social responsibility, which they don't see as an integral part of the social dialogue system or duty to employees and society, but only as "an expression of their own goodwill and charity". The cultural aspect of the problem of inefficiency of social dialogue in developing countries is associated with the alleged dominance of paternalistic sentiments in the minds of the citizens, conformism and low levels of social solidarity, which leads to dominance of client-employee relations in the social and labor sphere. However, from a dialectical point of view, just paternalism (i.e. proper initiative and effective protection) from the state isn't enough for the formation of solidarity and the proper functioning of social dialogue.

Ineffective support for social dialogue by the state is a significant challenge to national economic and social security. For example, in Ukraine, Hryhoriy Osovyy, Chairman of the Joint Representative Body of Ukrainian Trade Unions, pointed out this in his speech at an extraordinary meeting of the Cabinet of Ministers of Ukraine on May 27, 2016: "The rate of cheap labor as the main component of investment attractiveness has discredited itself in previous decades and led to the demotivation of labor and mass impoverishment. This, in turn, has become a brake on economic development due to the extremely low solvent demand of the citizens"<sup>3</sup>.

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<sup>3</sup> Osovyy H. (2016) Plan diy Uryadu mozhe staty osnovoyu konsolidatsiyi suspil'stva za umovy, yakshcho vin vidpovidaye zapytam i potrebam lyudey [The Government's Action Plan can become the basis for the consolidation of society, provided that it meets the demands and needs of the people], <http://www.fpsu.org.ua/napryamki-diyalnosti/sotsialnij-dialog/10307-grigorij-osovij-plan-dij-uryadu-mozhe-stati-osnovoyu-konsolidatsiji-suspilstva-za-umovi-yakshcho-vin-vidpovidae-zapitam-i-potrebam-lyudej>

Adding to these problems is the increase in globalization in the first decades of the XXI century, when there was a tendency of significant confrontation between the nation state and transnational corporations. Mostly this confrontation is in the political, economic and social spheres. In the political sphere, transnational corporations seek to narrow the sovereignty of the state in decision-making and transform the state development strategy for their own benefit. This is especially evident in the realization of economic interests of transnational corporations related to obtaining the opportunity to conduct business on preferential conditions (reduction of taxes, ownership or concession of state enterprises, large land plots, ousting local producers from the market of goods and services, etc.). The desired impact on the social sphere for transnational corporations is also aimed at the introduction of “double standards” with a bias towards their own decision-making autonomy.

The “social” strategy of transnational corporations is particularly evident in the labor market. The requirements for capital investment by transnational corporations are often the creation of a “flexible” labor market, deregulation of labor relations, weakening control over compliance with labor standards, increasing the competitiveness of products due to low wages; longer working hours to get more added value; long service life of the equipment and ignoring of norms on labor protection, etc. In short, the main goal of transnational corporations is to maximize the exploitation of weak nation states and their structural remnants through low social costs. Of course, high social standards and developed solidarity of employees push transnational corporations away from cooperating with the state. Instead, the acceptance of the conditions of transnational corporations by the state curtails its social function, which is most fully expressed in the activities of the state to integrate citizens through social protection mechanisms, which contributes to increasing social equality. There is a rapid decline in social dialogue between the state and citizens, trade unions are subject to administrative pressure, acts of social dialogue are becoming formal.

As we can see, in today’s globalized world the problem of inefficiency of social dialogue must be considered not only in the institutional, legal or cultural aspect, but also in terms of the possibility of global solidarity in the post-industrial era. Therefore, the authors aim to reveal the prin-

principle of solidarity in the sense of exercising the right to social dialogue in the context of globalization.

## **2. Destruction of the “culture of solidarity” in post-industrial society**

The French sociologist P. Bourdieu once pointed out that “in the face of new forms of exploitation, which were especially facilitated by the abolition of state regulation and the development of temporary employment, traditional forms of trade union action seem inadequate, destroying the foundations of former solidarity and goes hand in hand with the decline of morale and the decline of political activity”<sup>4</sup>.

With a liberal approach to labor regulation, labor has become “flexible”, which in everyday language means that it’s easier for an employer to lay off employee, and the solidarity – and therefore effective – actions of unions to protect the unjustly fired look more and more like an impossible dream. According to Z. Bauman, “flexibility” means that “the old life strategy, in line with which efforts and time were invested in training, in achieving the status of a specialist, which allows us to hope for a constant receipt of this percentage, is becoming increasingly meaningless, and thus, the most common option of wise choice of people who want sustainability in life has disappeared now”<sup>5</sup>, and “now the place of work is perceived as a tent camp, where a person stopped only for a few days and can leave it at any time, but isn’t as a common permanent residence, where a person is going to endure hardships and patiently follow the accepted rules of the hostel”<sup>6</sup>.

As a result of these processes, there is a destruction of the “culture of solidarity” under the influence of those trends that are usually denoted by the concept of “individualization”.

Individualization means that individuals try to get out of the original social and territorial environment and determine their own way of life and lifestyle. The growing social and spatial mobility of people, the realization

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<sup>4</sup> Bourdieu P. (1993) *The Weight of the World: Social Suffering in Contemporary Society* Paperback, p. 28.

<sup>5</sup> Bauman Z. (2001) *The Individualized Society*, p. 222.

<sup>6</sup> Bauman Z. (2000) *Liquid Modernity*, p. 147.

that they themselves are the architects of their lives, preclude the fulfillment of many social obligations. As a result, the tendency to fulfill obligations not only to the family and local communities, but also to the state social security system decreases. According to Y. Latysh, individualization gives birth to such disgusting phenomena as ageism and gerontophobia, which are “firmly rooted in Ukraine, where only 6 million people pay a single social contribution, which supports 12.5 million retirees. The growing deficit of the pension fund forces the state to subsidize it at the expense of the state budget. As a result, meager pensions and meager salaries are preserved, and the illusion is created that pensioners are “dependent”<sup>7</sup>. F. Webster recognizes that “the new individualism exists, as does the recognition of the right to a different way of life, and agrees with the fact that the term “class” is a construct of sociologists that has lost its position as a factor determining other norms of behavior and preferences and as basis for mobilizing people on political and industrial fronts”<sup>8</sup>.

Of course, in science about individualization there are more positive assessments. Thus, L. Erhard states that “solidarity and the desire to protect everyone from poverty and destitution are, of course, commendable qualities. But, not forgetting about solidarity, you should respect the main commandment: do everything in your power before you turn to the state for help: human order must provide much space for freedom and individuality”<sup>9</sup>. In this respect, Chang Ha-Joon has the opinion that “the currently popular theories are aimed at forming a critique of the “crowd of lazy people” who allegedly can’t stand on their own two feet without outside support, and the result of such a policy is the destruction of all institutions and programs that provide assistance to the poor”<sup>10</sup>. This perception of the precariat (groups of people who find themselves in difficult social conditions on a regular basis<sup>11</sup>) is one of the main directions

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<sup>7</sup> Latish Y. (2016) Lishniye lyudi na purpurnykh polyakh [Latish Y. Superfluous people in the purple fields], <http://liva.com.ua/pension-brexite.html>

<sup>8</sup> Webster F. (1995) *Theories of the Information Society*, p. 99–100.

<sup>9</sup> Erhard L. (1996). *Polveka razmyshleniy: rechi i stati* [Half-century of reflections: speeches and articles], p. 518.

<sup>10</sup> Chang Ha-Joon (2013). Europe is haunted by the myth of the lazy mob, <http://www.theguardian.com/commentisfree/2013/jan/29/myth-lazy-mob-hands-rich>

<sup>11</sup> Novikov D.O. (2015) *Pluralitas non est ponedata sine necessitate abo mistse teoriy*

of individualistic propaganda, which, in contrast to collective responsibility under the condition of human existence, shifts responsibility for its fate exclusively to itself. However, individualism, born primarily in unequal conditions, can offer nothing but disappointment, because by offering the free choice of the individual, it complicates the ways to achieve this choice by limiting resources to satisfy it.

As R. Seymour points out, “precariousness is embedded in neoliberal capitalism, in which growth is based on financial risk and debt, in which labor markets are weakened, and social protection is curtailed, in which states create barriers to deprive certain groups of civil rights workers, in which the search for new areas of capital accumulation leads to land fencing, alienation and urbanization without jobs”<sup>12</sup>. This leads to the conclusion that the theory of the “crowd of lazy people” (precariat) isn’t connected with the emergence of a new class, but is a certain interpellation, due to which this subject is deliberately built. But the real thing is that the precariat needs social and labor protection, which the state can’t provide. Therefore, in recent years, we can see the radical anarchic solidarity of the precariat around the world. Precariat became the leading force in the Yellow Vests movement in France and the Black Lives Matter movement in the United States. The precariat is in the social foundations of society, because its representatives minimally identify themselves with the professional community, even possibly being in it, suffer constant poverty and oppression, have the lowest level of legal protection. In the context of globalization, the precariat needs decent work, which is realized only with the creation of a new solidarity.

### 3. State inability to create a new solidarity

In the situation of the “death of the old solidarity”, the option of finding new forms of joint organization within the framework of social dialogue

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prekariatu u nautsi trudovoho prava [Pluralities are not ponedated sine necessitate or place of precariat theories in the science of labor law], p. 23.

<sup>12</sup> Seymour R. (2012) We Are All Precarious – On the Concept of the Precariat and its Misuses, [http://www.newleftproject.org/index.php/site/article\\_comments/we\\_are\\_all\\_precarious\\_on\\_the\\_concept\\_of\\_the\\_precariat\\_and\\_its\\_misuses](http://www.newleftproject.org/index.php/site/article_comments/we_are_all_precarious_on_the_concept_of_the_precariat_and_its_misuses)

with the state and global capital, i.e. those who are responsible for the current situation of the precariat, seems productive.

T.Y. Sidorina notes that “traditionally all tasks of a democratic social state in the West world have been solved by institutionalizing the social contract between the state and civil society, and specifically between the state, employers, trade unions and public associations and non-governmental organizations. These relations are built on the principle of solidarity”<sup>13</sup>. Accordingly, the classic basis for achieving solidarity is compromise, i.e. the ability of all parties to a social contract to sacrifice part of their interests to rationally achieve their basic part, as well as to achieve public good, which involves “economic growth, improving the welfare of all citizens, social justice, social participation, favorable moral atmosphere, cultural and spiritual development, support of democratic and humanistic values, development of rights and freedoms”<sup>14</sup>. The state sacrifices its omnipotence because it consciously assumes responsibility for the creation of society and wants to share the burden of this responsibility with employers, trade unions and NGOs. Employers agree to support the principle of providing full employment in exchange for reducing union demands for wages. Trade unions are easing this requirement in order to achieve full employment. NGOs mitigate criticism of the government and express solidarity with its policies for the common good. The state cooperates with them to reduce the burden of its own responsibility.

However, it's paradoxical that in the conditions of “race to the bottom” classical social solidarity can worsen the situation even more. And that's why. Today, there are about 300 giant transnational corporations, and the volume of goods and services they produce annually is about \$ 300 billion, which exceeds the gross national product of any country in the world except the United States. D. Bell points out: “If we consider the hundred largest economic structures in the world, fifty of them will be separate states, and the other fifty will be the largest of these 300 transnational companies”<sup>15</sup>. In such conditions, according to G.H. von Wright,

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<sup>13</sup> Sidorina T.Y. (2005) *Dva veka sotsial'noy politiki* [Two Centuries of Social Policy], p. 173.

<sup>14</sup> Matsonaushili T. (2001) *Problema perestroyki gosudarstva v Zapadnoy Yevrope* [The problem of state restructuring in Western Europe]

<sup>15</sup> Bell D. (1976) *The Coming of Post-Industrial Society: A Venture in Social Forecasting*, p. 402.

“the nation-state is disintegrating or “dying out”, and since nation-states remain the only reference point for “balancing” and the only sources of effective political initiatives, the “transnationality” of decomposition forces takes these forces beyond conscious, purposeful, and potentially reasonable action”<sup>16</sup>. M. Hardt argues that “transnational corporations directly distribute labor in different markets, allocate resources based on the functional principle and hierarchically organize the various sectors of world production”<sup>17</sup>.

Only on the second tier, at the level often subordinated to the power of transnational corporations, is situated sovereign nation-states united in regional organizations on a territorial basis. These states perform various functions, such as political mediation with regard to the interests of the world’s leading powers, economic activities taking into account the interests of transnational corporations and the redistribution of income according to biopolitical needs in their limited territory. Nation-states are a kind of filter in the system of global financial movement; through them, as regulators, world domination spreads. In other words, they control and regulate the movement of wealth to the center of world power and vice versa, and instill discipline among their own populations as far as possible.

The state can’t continue to keep capital within national borders and can’t to patronize its own economy. This is the essence of the global economy: business goes where it’s more profitable, where there are fewer taxes and social costs. And that’s why the modern nation-state, especially the developing nation, which doesn’t have its own production on its territory, which doesn’t create a high share of value added, needs the investment of transnational corporations to service domestic and foreign public debt. In such a situation, the nation-state is tempted to receive financial infusions from transnational corporations in exchange for part of the sovereignty and “social dumping” appropriate to the investor’s needs. Therefore, the state can’t be considered to be fully interested in a high level of solidarity of employees – everything will depend on the level of influence of transnational corporations. The new solidarity must go beyond the borders of the state.

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<sup>16</sup> Wright G. H. (1997) *The crisis of social science and the withering away of the nation state*, p. 50.

<sup>17</sup> Hardt M., Negri A. (2001) *Empire*, p. 43.



#### 4. Cosmopolitan solidarity and international framework agreement

The principle of solidarity in the context of globalization in its pure form is impossible to implement, but it can be replaced by the principle of mutual responsibility of the state and society. However, this means that people will bear even greater financial burden, and the state will guarantee the protection from market arbitrariness only for a number of social sectors and institutions.

We agree with Z. Bauman that ““community” is the shortest way to spiritual unity and to the closeness that hardly ever takes place in “real life”: unity of complete similarity, such as “we are all the same”; a union that doesn’t need to be “sought” and that is “given” and given long before that any effort is made to evoke it”<sup>18</sup>. As J. Habermas points out, “modern societies have three resources through which they can meet their need for governance: money, power and solidarity. A new balance should be established between their spheres of influence. It’s necessary to approve the social-integrative power of solidarity against both other power resources – money and administrative power”<sup>19</sup>. According to J. Habermas, “states must be significantly involved in the binding processes of cooperation in a cosmopolitan way for domestic policy. Therefore, the crucial question is whether civil society and the political community in many countries will be able to develop an awareness of the need for cosmopolitan solidarity”<sup>20</sup>.

The formation of cosmopolitan solidarity, if we talk about the social and labor sphere, relies on global trade unions, and the leading tool for putting pressure on transnational corporations to ensure labor standards is the international framework agreement.

Prior to the international framework agreements, one of the first attempts to establish rules of the international labor market for transnational corporations, trade unions and national governments was the adoption in 1977 by the Governing Body of the International Labor Of-

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<sup>18</sup> Bauman Z. (2000) *Liquid Modernity*, p. 150.

<sup>19</sup> Habermas J. (2005) *Politicheskiye raboty* [Political works], p. 108.

<sup>20</sup> *Ibidem*, p. 231.

fice of the Tripartite Declaration of Principles on Multinational Enterprises and Social Policy<sup>21</sup>. A separate group of articles of the Declaration was devoted to the collective actions of workers employed at transnational corporations, including the execution of collective decisions at the international level.

However, the growth of globalization, the acceleration of capital movements and the deepening of the “race to the bottom” outlined the ineffectiveness of the “soft law” prevailing in the Declaration, which didn’t give impetus to the spread of international collective bargaining. The principles enshrined in the Declaration didn’t oblige transnational corporations to enter into negotiations with global trade unions, and governments to restrict the liberalization of the social sphere in order to attract investment. Therefore, during this period, the leading role was played by the so-called Codes of Social Conduct – unilateral acts of “goodwill” of transnational corporations. These Codes were based on the concept of corporate social responsibility, which replaced the classical doctrine of capitalist charity, according to which for-profit organizations must donate part of their funds for the benefit of society. This concept presupposed the introduction into the practice of transnational corporations of the conditions of so-called “rational selfishness”, i.e. a certain ethical factor that would allow to maintain “fair” competition in the international market.

In the mid-1990s, global unions developed their own code, the Basic Code of Conduct for Labor. This model code wasn’t only to become a recommendation for individual trade unions in negotiations with companies, but also to be used as a “rating scale” for unilaterally introduced Codes of Social Conduct for transnational corporations. The ineffectiveness of these codes quickly became apparent, as corporations continued to use their own labor standards.

In response to this position of transnational corporations in the late 1990s global unions have abandoned the concept of “corporate social responsibility” of transnational corporations and their codes of conduct, which were enforced unilaterally and often didn’t meet the minimum

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<sup>21</sup> Tripartite Declaration of Principles on Multinational Enterprises and Social Policy, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_166483.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_166483.pdf)

requirements imposed on them by trade unions. As T. Müller points out, “while until the late 1990s global unions spoke of “agreed codes of conduct” or “agreements on codes of social conduct”, now they have been replaced by the concept of “international framework agreement””<sup>22</sup>.

The initially demonstrative commitment of trade unions to international framework agreements was to show to transnational corporations that the focus wasn't only on the issue of socially responsible corporate behavior. From the point of view of trade unions, no less important was the fact that international framework agreements were seen as a way to establish organized interaction between trade unions and leaders of transnational corporations, as transnational corporations were perceived as an environment “hostile” to trade unions. Establishing of such organizational interaction was to be the first step towards building a permanent social dialogue with transnational corporations aimed at solving specific problems in the labor sphere at the international or regional level. At the same time, negotiations and direct conclusion of international framework agreements in the future should be stop dumping of labor standards in countries that had regulations and regulatory institutions, and introduce minimum labor standards of the International Labor Organization in countries where these standards weren't reflected in the legislation or weren't implemented due to political, economic and social factors.

Over the past twenty years, about 100 international framework agreements, including with such large transnational corporations as Danone, KFC, Pizza Hut, Starbucks, Volkswagen, Chiquita, Indesit, Ikea, was concluded. International framework agreements differ greatly in content, depending on the specifics of a particular transnational corporation and the strength and strategy of trade unions. At the same time, every year there is a tendency to expand the range of issues regulated by them. This is manifested in the fact that the subject of regulation, they increasingly go beyond the minimum labor standards of the International Labor Organization. A significant number of international framework agree-

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<sup>22</sup> Müller T. (2009) *Mezhdunarodnyye ramochnyye soglasheniya – vozmozhnosti i predely ispol'zovaniya novogo instrumenta global'noy profsoyuznoy politiki* [International Framework Agreements – Opportunities and Limits for Using a New Instrument for Global Trade Union Policy], <http://library.fes.de/pdf-files/id/06568.pdf>

ments, in addition to the minimum labor standards of the International Labor Organization, enshrine issues of labor protection, fair wages, training, environmental protection and employment in the event of company restructuring. Almost all international framework agreements have provisions for regulating the limitation of overtime (shift) work and its payment. International framework agreements establish a procedure for the transfer of information on the content of agreements reached between trade unions and the heads of transnational corporations. International framework agreements contain provisions on monitoring the implementation of the agreement and settlement of disputes.

As a result, cosmopolitan solidarity around international framework agreements prevents transnational corporations from taking advantage of the weakening of the nation state, international wage differentiation, working conditions, competition between employees, greater capital mobility than labor force.

## Conclusions

In a letter to R. Roland L. Tolstoy, wondering “what are the signs by which one could distinguish good from evil”, answers: “all that unites people is good and beauty; everything that separates them is evil and ugliness”<sup>23</sup>. Without public association there is no direct influence of citizens on social processes in the state and certain spheres of public life. Solidarity in this sense is the social unity of individuals united by a certain property, recognizing the need for such a combination to achieve a specific positive goal. In this way, solidarity is different from any other combination that exists for its own sake, and not to achieve a certain result. This understanding is especially important in the labor sphere in the exercise of the right to social dialogue.

The modern state can hardly withstand the challenges of modernity, in particular, with the strong influence of transnational corporations as the main actors in globalization. That’s why the solution of the tasks of ensuring social justice in the labor sphere requires the solidarity of the population and the state around this problem. The result of such solidar-

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<sup>23</sup> Tolstoy L.N. (1984) *Sobraniye sochineniy* [Collected Works], p. 147.

ity should be the active implementation in the practice of social dialogue of international framework agreements between transnational corporations, the state and citizens, represented by specialized trade unions, in particular, international ones.

International framework agreements have the potential to effectively respond to the challenges of globalization associated with the weakening of the nation state and its social function and the growing negative impact of transnational corporations on the social and labor sphere. To this end, under the auspices of the International Labor Organization, national governments and major global trade unions (such as IndustriALL) should begin developing a global program to support the international trade union movement and international trade union cooperation. The result of such cooperation should be an increase in the number of international framework agreements concluded with transnational corporations to ensure a balance between the interests of the parties to the social dialogue and a high level of protection for employees.

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### Summary

The authors study the principle of solidarity in the sense of exercising the right to social dialogue in the context of globalization. The authors are convinced that without civic association there can be no direct influence of citizens on social processes in the state and certain spheres of public life. Solidarity in this sense is the social unity of individuals united by a certain property in the awareness of the need for such a combination to achieve a specific positive goal. In this way, solidarity is different from any other combination that exists for its own sake, and not to achieve a certain result. This understanding is especially important in the labor sphere in the exercise of the right to social dialogue. In today's globalized world, the problem of the ineffectiveness of social dialogue must be considered not only in the institutional, legal or cultural aspect, but in terms of the possibility of social solidarity. The authors point out that the modern state can't always meet the challenges of modernity, in particular, with the strong influence of transnational corporations as the main actors in globalization. That's why the state needs the solidarity of citizens around this problem when solving the tasks of ensuring social justice in the labor sphere. The authors believe that the result of such solidarity should be the active implementation in the practice of social dialogue of international framework agreements between transnational corporations, the state and citizens, represented by specialized trade unions, including international ones.

**Keywords:** solidarity, right to social dialogue, globalization, international framework agreement, flexibility, precariat, decent work, labor standards