

COLLECTIVE LABOR CONTRACT NEGOTIATIONS

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This paper aims to present against some provisions existing in the labor code, as well as the latest acts that contribute to the regulated legal relations of work, specific to a functioning market economy. Thus, reported to law, shall be submitted to collective bargaining are dynamic and flexible side of the employment relationship.

Collective labor contract is concluded after negotiations held between the social partners, who are employers and employees. In this negotiation is established legal content raprtului work are based rights and obligations of both parties during work.

Negotiation; to negotiate the deal means a business, a political, economic someone. It is a verbal communication between two partners with equal rights and obligations; communication within which to achieve

Negotiating collective employment contract is mandatory except when, in exceptional situations, the employer has fewer than 21 employees. (Art. 236 para. 2 "Necierea collective is mandatory unless the employer has employed fewer than 21 employees). In this sense, 1 Note that Article 3 of Law nr.130/1996 mention it to negotiate in the business, while new Labor Code is not the explanation.

But this situation can be observed that the duty of organizing collective bargaining contract work is not necessary and conclusion of collective labor contract. According to article 4 paragraph 4 of Law nr.130/1996, negotiation initiative belongs to the employer, but if the employer does not require the beginning of negotiations, the initiative can come even from the employees.

When not fulfilled this obligation to negotiate, it is the contravention and is punished with a fine. When negotiating the terms and at the conclusion of collective labor contracts, the parties are equal and free. Contracts concluded under these conditions is the law of parties. By studying the current economy just does not infer a fact that is encouraging and that there are a large number of small with a small number of employees.

Thus, it must find institutional and regulatory mechanisms to stimulate the collective bargaining units where they work.

Collective bargaining.

By paragraph 2 of Article 3 of Law nr.130/1996 insert annuality principle of collective bargaining, that collective bargaining takes place a period of 12 months from the last negotiations, finalized by the end of a collective labor contract or the effective date of the collective work.

Or, provided that it can work only in the situation of concluding a collective labor contract for a period exceeding 12 months or if it was concluded any collective labor contract.

Under these conditions the negotiation will take place at least 30 days before the expiration of the collective labor contract ended a year. Legislature has limited trading period to 60 days, long enough, in his opinion, the conclusion of a collective labor contract. Some consider this period as

one Autotim prescription mandatory while others consider this period as one recommendation, the exceeding of having no consequence on the validity of the contract.

Law nr.130/1996 not detail the negotiating procedure, but nevertheless involved a series of legal negotiations that require a series of obligations of the parties, the deployment is the first meeting with the employers obligation to inform the social partners about this, so they you can tell the existing situation in the unit in which the negotiation unfolds.

Either way, nr.54/2003 Unions Law, require employers and their organizations, by Article 30 paragraph 2 to provide information, representative unions to negotiate collective labor agreements, conclusion of agreements on relations, establishment and use of funds for improve working conditions, labor protection and social utilities, insurance and social protection.

Like completing nr.130/1996 Act establishes the obligations of the employer. Accordingly, Article 4 paragraph 2 provides that the first meeting of the Parties shall provide by the employer or employees union delegations information to enable a comparative analysis situauiiei job, the classification of professions and trades, to pay Nevel , the length of working time organization working hours, location and timing of meetings.

Article 3 sets 4 subject of collective bargaining covering wages, working time duration, working hours and working conditions. Collective labor contracts may be concluded through collective bargaining and the level of budgetary institutions, just can not negotiate and cluze on whose rights and grant amounts are set by law.

Law for the autonomy of social partners, not determine the composition of the delegations participating in negotiations, the parties setting out the details. (Article 7 of Law nr.130/1996).

Levels at which collective bargaining is done and can actually conclude collective labor agreements are:

- the units
- the groups of units
- the branches of activity
- the national level

Under Article 8 paragraph 1, employees' rights stipulated in the collective labor contract to the National can not represent due to reduction of other collective or individual rights established by collective labor contract ended before the other levels nationwide.

◆ Collective Labor Contract nationwide.

The rights provided in the collective work nationwide are considered minimal here since negotiating collective labor agreements at other levels except those that are set in fixed or maximum amount.

Under art.99 paragraph 2 and 3C.m. when it does not end collective work branch or groups of units, the provisions of the collective work nationwide are considered minimum levels from beginning to negotiate collective agreements.

Art.240 para 2 refers to the uniqueness of the collective work at each level stipulated by law. In Article 17 para 1 cm stipulates that in negotiating the collective labor union organizations participate in fulfilling the following conditions:

- A) At the national level - the status of trade union confederation, organizational independence and heritage consist in their own union organizations in at least half the total number of counties, including Bucharest Municipality, consist in consist in representative trade union federations from at least 25% of industry and trade unions have a number of component members at least 5% from the employees of the national economy.
- B) B) at branch level union federation legal status, organizational independence and heritage in components trade unions have accumulated a number of members at least equal to 7% from the employees of that branch.

- C) C) in the business (employer) - trade union legal status, number of members of the union represents at least one third of the number of employees in the unit and are affiliated to a trade union representative, the latter condition being stipulated by Article 18 Article 1 of Law nr.130/1996, being introduced by Law nr.143/1997.

Law, although no provision requires negotiation and conclusion of collective work requirement. Thus, in the absence of agreement will not exist any contract. In most countries with tradition in negotiation, the obligation to negotiate is not legal, so binding.

But that does not exist in the collective labor contract employer does not block its activity, because there is a tool at work, namely the individual labor contract. It is quite effective in conditions where the collective work nationwide ended with delay, and the unit level, in some cases to delay or never.

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