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**IMPLEMENTATION OF CONSTITUTIONAL FOUNDATIONS OF SOCIAL POLICY
OF THE REPUBLIC OF BELARUS SECTORAL LEGISLATION**

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Social policy is by nature diverse enough. As part of its implementation usually allocate a number of major areas, namely: public health policy, public policy in the field of labor and employment relations, state social support and protection of the disabled and low-income families and individuals, social protection of specific groups; educational, demographic and housing policy. All of the above directions of the state social policy linked that «calls for a balanced social policy» [1, p. 263].

The subjects of this study were selected the most significant public spheres that are basic in nature are social policy objectives of any state, regardless of its social and political structure. This sphere of implementation of state social policy in the field of health and employment.

B. V. Rakitsky determines the content of the state social policy as «state action in the social sphere, pursuing certain objectives correlated to the specific historical circumstances, backed up by the necessary organizational and promotional efforts, financial resources, and designed for a certain landmark social results» [2, p. 33].

In this activity authorized state bodies for the implementation of social policy is always done through the use of certain regulatory controls that have, in turn, constitutional and legal principles. With regard to health care – a constitutional right to health care, including free treatment at public health facilities (Article 45 of the Constitution), to employment and labor relations – is the right to work as the most decent way to an individual's self, that is, the right to choose a profession, occupation and work in accordance with their inclinations, abilities, education, training and response to societal needs, as well as to safe and healthy working conditions (Article 41 of the Constitution). State social support and protection of the disabled and low-income families and individuals, social protection of specific groups, educational, demographic and housing policies implemented accordingly on the basis of Articles 47, 48 and 49 of the Constitution of 1994 (as amended) [3]. Famous Russian scientist – jurist A. Kabalkin argued in his writings focus of government social policy in the presence of the constitutional right of citizens for services whose component parts were:

1) the right to social services, reflected in the realization of the right to health, right to education, the right to enjoy cultural rights and a variety of services for vulnerable citizens;

2) the right to social services as required: legal services, insurance services, trade services (including loans, benefits, preferential rights for certain categories of people), catering, consumer services, housing, transport and communication [4, p. 194].

As rightly pointed N. V. Putilo «in modern conditions of particular social orientation are education, medical services, social security» [5, p. 212].

In Belarus, the legal regulation of health care is carried out by constructing a clear and logical system regulations. In this Constitution as the Basic Law and other laws have supreme legal force and fix the fundamental principles and standards of the legal regulation of social relations in health, all sub-legal acts issued on the basis of laws and their implementation. Currently health laws consists of about 2000 normative legal acts of various kinds (laws, decrees and orders of the President of the Republic of Belarus, the acts of the Constitutional Court, Decision of the Council of Ministers of the Republic of Belarus, decrees and orders of the Ministry of Health and other national government as well as decisions

of local government and self-government). At the beginning of 2014 legislation on health law employs 32, 10 of which are fundamental in this area, more than 30 decrees and orders of the President of the Republic of Belarus, 22 of the Constitutional Court of the Republic of Belarus, about 200 decisions of the Council of Ministers of the Republic of Belarus, more than 800 decisions and orders of the Ministry of Health of the Republic of Belarus, about 100 other normative legal acts of state administration bodies, about 600 decisions of local government and self-government.

As can be seen, the vast majority of legal acts in the field of health are subordinate, indicating predominantly agency nature of health legislation.

Analysis of health legislation showed that, pursuant to the Act of June 18, 1993 «On Healthcare» as amended by the Act of June 20, 2008 [6] adopted about 100 decisions and orders of the Ministry of Health of the Republic of Belarus. Such an amount of departmental regulations due to the need complete and detailed aspects of the settlement providing certain types of care, questions of application of separate methods of care for various diseases.

In general we can say that the country has established a framework for the realization of citizens' right to affordable health care, guaranteed by the Constitution. However, legislation in the area of health contain a number of drawbacks, which are mainly characterized by lack of a mechanism to ensure the implementation of the declared and legal norms.

Also one of the problems health legislation is its instability, making it a significant number of changes and additions. As of December 2013 the Ministry of Health was adopted 62 resolutions on amendments and (or) additions and Repeal of certain regulations, while the total number of decisions taken during this period is 97. On the one hand, it allows you to maintain health laws in the control condition, bringing it into line with the new legislation, decisions of the Council of Ministers. On the other hand, so many of the changes and additions to legislation clutters and complicates its application.

Given the above and the fact that the number of legal acts in the field of health care increases, health laws as a whole can be described as difficult to use. Without proper ordering entire body of legislation on health care use it hard enough.

One of the best ways to streamline this systematization of legislation is seen as a codification – activities aimed at refining the current legislation by preparing an internally consistent and coherent regulatory legal act – Code. Development of the Public Health Code would allow radically streamline legislation on health care, ensuring its consistency and compactness.

As for the problems of employment and unemployment, it is one of the biggest to date worldwide. Depends on the unemployment rate the standard of living of the population, availability of skilled labor, the level of labor migration, the stable nature of social development.

V. A. Ivanenko, V. S. Ivanenko in the substantive content of the human right to work putting the following elements: the right of everyone to the opportunity to gain his living by their labor; the right of everyone to a free and non-discriminatory selection of types and forms of labor; the right to save the resulting work, protection from arbitrary and unlawful dismissal by the employer [5, p. 123].

Public relations in the sphere of employment and employment generation is regulated by a complex regulatory acts: international treaties, the Constitution of the Republic of Belarus, laws and other normative legal acts, local regulations. The Law of the Republic of Belarus «On Employment of the Republic of Belarus» dated June 15, 2006 established the legal, economic and organizational conditions of employment and guarantee the rights of citizens to work. The state acts as a regulator and facilitator in the emerging labor – legal field of public relations. It contributes to the emergence and consolidation of social partnership between citizens (employees) and employers, thereby predetermining civilized legal nature of the emerging labor relations. This algorithm social partnership as a whole determines the state policy in the field of employment and guarantees the constitutional right of citizens to work. Specific regulation as the legal, economic and organizational conditions of employment and guarantees the constitutional right of citizens to work defined by the current legislation. Belarus has established a thorough legal framework for the regulation of labor and employment. This issues are reflected in the Constitution of the Republic of Belarus, the Labour Code of the Republic of Belarus [8] and the Law of the Republic of Belarus «On Employment of the Republic of Belarus» dated June 15, 2006 [9]. In particular, Article 41 of the Constitution of the Republic of Belarus 1994 (with amendments) establishes guarantees of employment, the constitutional principle of freedom of labor, prohibition of forced labor, the right of choice of occupation and profession.

Directions of state policy in the field of employment promotion recorded also in universal international legal instruments. Thus, an indication of the need to create conditions for the State the fullest realization of the right to work is contained in the International Covenant on Economic, Social and Cultural Rights of 1966 (Art. 6) [10]. The Universal Declaration of Human Rights of 1948 [11] Article 23 establishes the right of everyone to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment, while Article 25 of this document indicates the right of everyone to rely on a standard of living that would allow to form and express themselves as a person directly involved in the production of material and spiritual wealth. Number of conventions and recommendations of the International Labour Organization focuses on selected aspects of policy in the field of employment promotion. In particular, the Convention № 122 «On Employment Policy» (1964), the Convention № 159 «On the Vocational Rehabilitation and Employment of Persons with Disabilities» (1983), the Convention № 168 «On the Employment Promotion and Protection against Unemployment» (1988) and others.

The basic policies of the Republic of Belarus to promote the constitutional right of citizens to work and social protection against unemployment enshrined in the Preamble and Art. 10 of the Law «On Employment of the Republic of Belarus» dated June 15, 2006 including, inter alia, the following:

- ensuring equal opportunities for all citizens, regardless of gender, race, nationality, language, religion or political beliefs, or not to participate in trade unions (hereinafter – the trade unions), or other public associations, property or official status, age, location, or physical or mental nature if they do not interfere with the fulfillment of labor obligations, other circumstances related to the qualifications and not due to specific functions or employment status of an employee, in the right to work, which means the right to choose a profession, occupation and work in accordance with their vocation, abilities, education, training and response to societal needs, as well as to safe and healthy working conditions;
- orientation of the education system for training in accordance with the needs of the labor market;
- the provision of compulsory state social insurance against unemployment, the provision of social guarantees and compensation to the unemployed;
- promote full, productive and freely chosen employment by all appropriate measures (employment service, training, retraining and skills);
- providing additional employment guarantees citizens in special need of social protection and are able to compete on equal terms in the labor market;
- reducing unemployment, prevention of mass unemployment;
- encouraging employers offering training workers threatened release, the first time job seekers and do not have a profession (specialty), as well as employers, preserving existing and creating new jobs, including for citizens in need of social protection and able to compete equally in the labor market;
- coordination of the activities in the field of employment with activities in other areas of economic and social policy;
- participation of trade unions and other representative bodies, employees, authorized in accordance with the law to represent their interests, as well as government agencies and employers in the development and implementation of public policies to promote employment;
- international cooperation in solving the problems of unemployment.

The above directions of the state policy, tend to get their development in other regulations (primarily – in complex government programs to promote employment), as well as in the collective agreements with the participation of the state, is expressed primarily in the regulatory control of the process of their conclusion.

The Republic of Belarus is now accepted and the State program to promote employment of the Republic of Belarus in 2014 [12]. Analysis of the provisions of the program suggests that the main efforts of republican government, especially the Ministry of Labour and Social Protection of the Republic of Belarus, will be spent on assistance to employers in restructuring industries, reducing the imbalance of supply and demand of jobs of occupational composition, achievement coherence in the labor market and the education market to meet the needs of employers in the frames. At the same time such important directions of the constitutional rights of the individual to work as an encouragement to employers engaged in training workers threatened release, the first time job seekers and do not have a profession (specialty), as well as employers, preserving existing and creating new jobs, including citizens in need of social protection and are unable to compete on equal terms in the labor market, coordination of activities

with employment in other areas of economic and social policies, to achieve international cooperation in solving the problems of unemployment remain virtually untapped, although they are directly attached to the Law of the Republic of Belarus «On Employment of the Republic of Belarus» dated June 15, 2006 and could significantly affect the increase of state social protection against unemployment.

Thus, the state employment policy is an integral part of social development policy, aimed at a comprehensive solution to the problems of employment for the full and effective use of labor potential. Employment policy as an essential component of social policy should be focused on carrying out measures to help create the conditions for a fuller use of the potential employment and economic activity of citizens, prevent the emergence of mass unemployment, stimulating active participation of citizens in securing themselves and their family members with the necessary material goods, is a guarantee social well-being. With that said, the most important priority of social policy should be to actively promote effective employment, promote full, productive and freely chosen employment by all appropriate means, providing additional employment guarantees citizens in special need of social protection and are able to compete on equal terms in the labor market. In the state employment policy is also necessary to pay attention to the active involvement of solving this problem non-state actors (including the business community) and the creation of favorable conditions for development and, accordingly, the manifestations of social activity. Necessary to ensure an appropriate level of education, full training and retraining, health at levels guaranteed by the Constitution and laws of the Republic of Belarus. In this social nature of government of the Republic of Belarus objectively determines preservation active state role in creating the conditions for the implementation of the main directions of state policy to promote the realization of the constitutional right of citizens to work and social protection against unemployment.

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РЕАЛИЗАЦИЯ КОНСТИТУЦИОННЫХ ОСНОВ СОЦИАЛЬНОЙ ПОЛИТИКИ РЕСПУБЛИКИ БЕЛАРУСЬ В ОТРАСЛЕВОМ ЗАКОНОДАТЕЛЬСТВЕ

Резюме

Проводится анализ проблемных вопросов реализации конституционных принципов и положений социальной политики Республики Беларусь в отраслевом социальном законодательстве. Обосновывается вывод о необходимости осуществления дальнейшей систематизации социального законодательства с целью обеспечения принципа системности и комплексности в регулировании социальных правоотношений.