

Аннотация

Езеров А. А. Институт досрочного прекращения полномочий Верховной Рады Украины: современное состояние и пути совершенствования. — Статья.

В статье анализируется конституционно-правовой институт досрочного прекращения полномочий парламента Украины, приводятся рекомендации по его совершенствованию.

Ключевые слова: досрочное прекращение полномочий, Верховная Рада Украины, коалиция депутатских фракций, Президент Украины, Кабинет Министров Украины.

Анотація

Езеров А. А. Інститут дострокового припинення повноважень Верховної Ради України: сучасний стан та шляхи удосконалення. — Стаття.

У статті аналізується конституційно-правовий інститут дострокового припинення повноважень парламенту України, наводяться рекомендації щодо його удосконалення.

Ключові слова: дострокове припинення повноважень, Верховна Рада України, коаліція депутатських фракцій, Президент України, Кабінет Міністрів України.

Summary

Yezerov A. A. Institute of the preschedule termination of powers of the Parliament of Ukraine: a current state and perfection ways. — Article.

In article the constitutionally-legal institute of the preschedule termination of powers of parliament of Ukraine is analyzed, recommendations about its improvement are resulted.

Keywords: The preschedule termination of powers, the Parliament of Ukraine, coalition of deputy fractions, the President of Ukraine, the Government of Ukraine.

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N. V. Mishyna

CORPORATE SOCIAL RESPONSIBILITY AND EDUCATIONAL AND RESEARCH INSTITUTIONS AS ONE OF THE STAKEHOLDERS

Corporate social responsibility (CSR) is quite a new term for the Ukrainian researchers and practitioners in the fields of law and economics. It is still being defined and not a common term yet. For example, Toby Webb wrote on 12 October 2007: «a recent trip to Kiev demonstrated a great hunger for social responsibility in the country. Problem is many don't know what the term means» [1]. The stakeholders understand the CSR mostly as the transparent and fair business and competition, development of the own employers and the charity activity in the society. According to the Centre for CSR Development Status Report 2005–2010, more than 50 % of respondents noted, that they understand CSR as the transparent and fair business and competition (54,7 %), development of the own employers (57,8 %) and the charity activity in the society (58,1 %) [2].

Recent research and publications dedicated to issues of CSR belong to the sociologists and economists. The biggest part of them deal with the problems of CSR in business companies. The only one Ph.D. paper about the CSR in Ukraine dates 2009 and enriches Economics: «The mechanism of corporate social

responsibility in managing the business» [3]. Most Ukrainian publications on CSR have a viewing and / or popular scientific nature. Most materials related to CSR in Ukraine are published in the journal «Civil Society» or placed the website of the CSR Center.

For comparison: much more attention to CSR is paid by the Russian scientists. However, even in the Russian Federation there are no legal Ph.D. papers on CSR. But there are three doctors of economics [4–6] and three doctors of social sciences [7–9]. It is interesting that 5 of these 6 Ph.D. theses are dedicated to the CSR in business companies. Also in Russian Federation there are about 30 Ph.D. theses (candidate) on corporate social responsibility.

The Centre for CSR Development produced the Status Report 2005–2010, interviewing the stakeholders — customers, state and local government bodies, business companies, employees, NGOs and research institutions (in Ukraine — educational and research institutions). The level of the knowledge about the CSR is the most wide-spread amongst such a type of stakeholders as the business companies. The tendency is the bigger the company is — the higher is that level. The authors of the report state: enterprises are potentially ready to introduce their programs of the CSR; they need only external help with the knowledge and information [10].

The aim of the article. Provision of the knowledge and information is the traditional function of the educational and research institutions. In order to contribute to the solving the main current problems — the low level of information about the CSR, and the low level of the activity in the field of the CSR of the biggest part of the stakeholders' groups — as the employee of the educational and research institution, I would like to introduce several ways of improving the situation within this group of stakeholders and in general in the country, using the inner recourses of the educational and research institutions.

The most vital problems within the stakeholders group of the educational and research institutions were identified by the Centre for CSR Development using the interview method. The biggest part of the respondents mentioned two groups of the problems: a) financial ones — the low level of the financial resources given to the research institutions — and thus, relatively low salaries, the low level of the social care, the flourishing corruption and b) informational problem — the low level of information about the CSR [11, 33].

The informational problem could be solved by the specialized for the employees of the educational and research institutions (scientific):

- seminars, lectures, courses, conferences (they should be mostly regional and free for the participants, because in Ukraine the professors and researchers don't get the coverage of the cost of the conferences etc. they've visited);

- publications about the CRS (only few of them exists, — for example, the most influential Ukrainian legal magazine have never published anything about the CSR);

- researches in the field of the CRS — in Ukraine neither social scientists nor lawyers have ever written a Ph.D. on this topic.

The financial problem is really the most difficult to deal with one. The most positive thing I can mention about the salaries of the employees in the field of education and scientific research in Ukraine is that during the financial crisis of 2008, which still lasts in the country, most of the business companies cut the salaries essentially, but not the educational and research institutions. Because of that, for the first time in many years, in 2011 the salary of the staff of educational and research institutions are higher than the average salary in the country.

According to the State Committee of Statistics in Ukraine, the average salary in the research and educational institutions used to be lower than the average salary in the country since 1995 [12]:

Table 1

The average salary in Ukraine and the average salary in educational and research institutions (in Ukrainian grivnas) [12]

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Average salary in Ukraine, grivnas	73	126	143	153	178	230	311	376	462	590	806	1041	1351	1806	1906	2239
Average salary in educational and research institutions, grivnas	71	119	126	128	141	156	224	267	340	429	641	806	1060	1448	1611	1889

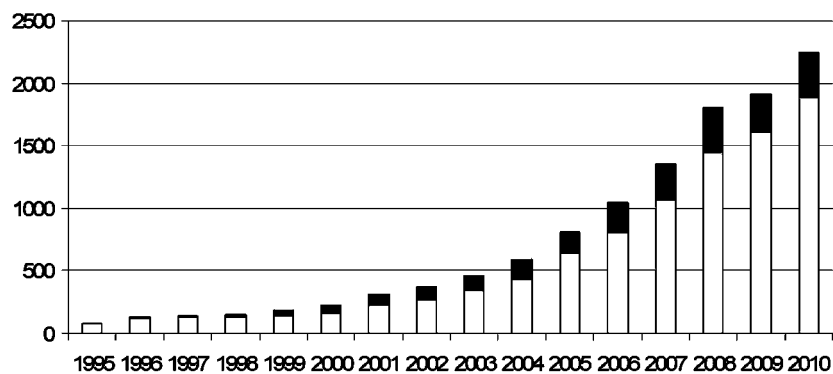


Chart 1. The average salary in Ukraine and the average salary in educational and research institutions [12]. White part of the column shows the average salary in educational and research institutions, purple black (top) part of the column shows the gap between the average salary in the country and the average salary in educational and research institutions.

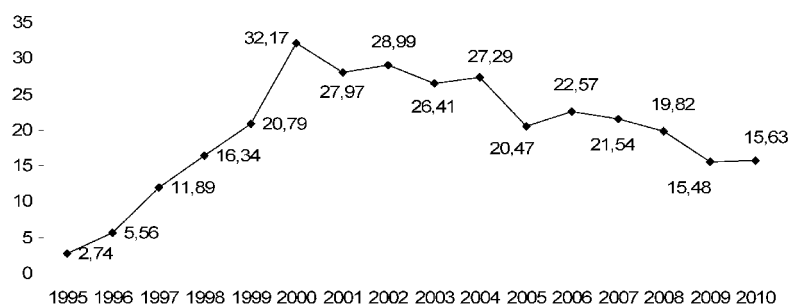


Chart 2. The difference between the average salary in Ukraine and the average salary in educational and research institutions, in % [12].

Only in January, 2011, the situation became better — the average salary in the country was 2297 Ukrainian grivnas (approx. 210 euro) while the average salary in educational and research institutions was 2473 Ukrainian grivnas, which is 7,66 % higher than the average Ukrainian salary [13].

It is also true that the employees of the educational and research institutions get only the social care provided to everyone in the country, according to the Labor Code (which was passed in 1974, when Ukraine was a Socialist Republic in the USSR). Health insurance and the other types of insurances, additional bonuses to the salaries in Ukraine are provided only by business companies, never by the state-owned institutions, including the educational and research ones.

Relatively low salaries and the prices that grow constantly and essentially, cause the high level of the corruption in the educational and research institutions. The anti-corruption legislation is revised quite often (the new version of the Criminal Code was passed in 2001, and then the articles about the corruption were edited in 2009 and 2010). Yet these efforts to fight the corruption by applying criminal liability are mostly ineffective.

The state bodies use only the 'sticks' fighting the corruption in the educational and research institutions, instead of 'sticks and carrots'. Ethical codes could be one of the most effective 'carrots', but they don't exist in the educational and research institutions of Ukraine. One of the ways of improving the situation with CSR in the country is to introduce such codes.

Speaking about how to improve the situation with the CSR in the country — ethical codes do not exist yet and are an essential need for such groups of the stakeholders as state and local government bodies, business companies, NGOs. Here the educational and research institutions can help — creating the drafts of such codes.

The educational and research institutions can contribute a lot to the drafting of laws and by-laws of Ukraine about the CSR. For now, Ukraine has only 2 laws relatively appropriate for the CSR purposes (but do not mention CSR in their texts, or CSR's principles or standards):

- Law of Ukraine of 05.10.2000 'On State Social Standards and Social

Guarantees' — this law defines legal grounds for forming and application of state social standards and norms aimed at implementation of basic social guarantees which are determined by the Constitution of Ukraine and the laws of Ukraine. Basic state social guarantees are established by laws with the purpose of ensuring citizens' constitutional right to sufficient standard of life. The basic state social guarantees are as follows: minimum amount of salary; minimum amount of old age pension; minimum personal tax-free income; amounts of state social aid and other social payments [14];

— Law of Ukraine of 23.12.2010 'On Social Dialog in Ukraine' — this law defines legal grounds and the process of the social dialog in Ukraine, aims to make and perform the state social and economic policy, to regulate labour, social and economic relations and guarantee the proper level and quality of people's life and of the social stability in the society. The law defines social dialog as the process of finding out and negotiating the positions, reaching mutual agreements and taking the decisions by the sides of the social dialog, that represent the interests of the employees, employers and the state executive and local government bodies on the problems of the formation and implementation of the state social and economic policy, regulation of the labour, social and economic relations [15].

The problem in Ukraine is not only CSR legislation — but also the legal acts which are the basic for the civil society; for example, charity legislation. The Law on Charities is extremely old and difficult to use, the norms of this law are heavily criticized for the last 5–7 years. And only on 17 February 2011, the Ukrainian parliamentary Committee on Culture and Spirituality supported draft law N 6343 «On charity and charitable organizations». The educational and research institutions don't contribute a lot, that law is lobbied mostly by the charitable organizations and other NGOs.

The educational and research institutions can also contribute to the field of CSR, organizing seminars, conferences, trainings etc. for the other groups of the stakeholders, or universal — for all of the groups.

One more way of contributing to the field of CSR on the state level for the educational and research institutions is to introduce a course devoted to the CSR. And it will be really a valuable contribution to the CSR development. The educational and research institution I work at — The National University «Odessa Academy of Law» — could possibly launch a course «Corporate Social Responsibility: the Best Practices». This course will benefit the Ukrainian society both directly — the University prepares the lawyers to work in government institution and business companies — and indirectly — our University is the biggest legal university in the Southern part of Ukraine and one of the 5 leaders of legal education in the country, so the other legal universities and faculties always follow the changes in the list of our courses. At first this new course can be a non-obligatory one, taught not to all of the students, but to the group of the most brilliant students, which visit lectures in English. Because of the lack of the information and legislation in Ukrainian and Russian languages (which are native to the students) this course can be introduced in English in order to teach the students using the texts of the

international standards, works of the most famous CSR researchers and the best practices of the foreign countries. The Ukrainian-language course can be introduced after the English-language course will be taught and its plans and programs will be revised according to the teaching experience.

Along with the course for the students, a set of seminars for the Ph.D. students can be launched: about the CSR and its main principles and the symposium for the University teaching and researching staff. These seminar and symposium might be aiming the Ph.D. students and employees of our University, but also can be free for everyone who is interested in the problems of the CSR.

Conclusions. The educational and research institutions can make a big difference in the development of the CSR in Ukraine. Now the Centre for CSR Development drafts the National Strategy of the development of CSR 2011 — 2015. The main outlines of it include popularization the information about the CSR, development of the potential and practices of CSR for the different groups of the stakeholders, creation of the favorable conditions for the CSR due to the system of stimulus and responsibilities [16]. As it is shown in the article, the educational and research institutions have a potential to help in each of the directions of the National Strategy of the development of CSR 2011 — 2015. The perspectives of the further researches are seen in the working out of the model course on CSR to be recommended by the Ministry of Education, Science, Youth and Sport of Ukraine to the higher educational institutions.

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Summary

Mishyna N. V. Corporate Social Responsibility and Educational and Research Institutions as One of the Stakeholders. — Article.

The educational and research institutions can make a big difference in the development of the corporate social responsibility in Ukraine — but practically don't contribute yet. In the article it is shown how the educational and research institutions can help to implement each of the directions of the Ukrainian National Strategy of the development of corporate social responsibility 2011-2015.

Keywords: corporate social responsibility, stakeholders, research institutions, corruption.

Анотація

Мишина Н. В. Корпоративна соціальна відповідальність та установи освіти і науково-дослідні установи як стейкхолдери. — Стаття.

Установи освіти та науково-дослідні установи можуть здобути значний внесок у розвиток корпоративної соціальної відповідальності в Україні як одна з груп стейкхолдерів (зацікавлених осіб), але поки що їх потенціал практично не використовується. У статті проаналізовано, як установи освіти та науково-дослідні установи можуть взяти участь у реалізації кожного з напрямів Національної стратегії розвитку корпоративної соціальної відповідальності на 2011–2015 рр.

Ключові слова: корпоративна соціальна відповідальність, стейкхолдери (зацікавлені сторони), науково-дослідні установи, корупція.

Аннотация

Мишина Н. В. Корпоративная социальная ответственность и учреждения образования и научно-исследовательские учреждения как стейкхолдеры. — Статья.

Учреждения образования и научно-исследовательские учреждения могут внести большой вклад в развитие корпоративной социальной ответственности в Украине как одна из групп стейкхолдеров (заинтересованных лиц) — но пока их потенциал практически не используется. В статье проанализировано, как учреждения образования и научно-исследовательские учреждения могут принять участие в реализации каждого из направлений Национальной стратегии развития корпоративной социальной ответственности на 2011–2015 гг.

Ключевые слова: корпоративная социальная ответственность, стейкхолдеры (заинтересованные стороны), научно-исследовательские учреждения, коррупция.