



DOI: 10.2478/rpp-2019-0022

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THE EMPLOYEE RESOURCING OF HUMAN RESOURCES MANAGEMENT: A COMPARATIVE ASPECT

ABSTRACT

The article analyzes the requirements for employee resourcing of human resources management in the countries of Western, Central and Eastern Europe and the USA. It is found that the set of documents which create the regulatory, methodological and legal support for the functioning of human resources management as a system is incorporated into the regulatory framework of human resources management. In turn, the regulatory and methodological support of the human resources management system is a set of organizational, organizational and methodological, organizational and managerial, technical, regulatory and technical, technical and economic and economic documents, as well as reference documents, which establish norms, rules, requirements, characteristics, methods and other data used in organizing workplace and human resources management and are approved in due course by the competent authority or the leadership of the company. The employee resourcing of the human resources management system is viewed as the necessary quantitative and qualitative composition of human resources employees in the company. It is specified that considerable attention should be paid to the legal support of the human resources management system, that is, the use of means and forms of legal influence on the bodies and objects of human resources management to achieve the effective functioning of the company. It is clarified that the models of social partnership in different countries differ in the organizational mechanism, norms and rules on the regulation of social and employment relations, the level of the procedure centralization and the participation of the state in social dialogue. It is concluded that the main objectives of the legal support for the human resources management system include the legal regulation of business relations which are formed between employers and employees, the protection of the rights and legitimate interests of employees arising from employment relations.

Keywords: resourcing, regulatory framework, information support, financial and technical support, personnel management, employment relations, regulatory documents, social partnership.

АНОТАЦІЯ

Проаналізовано вимоги до ресурсного забезпечення управління персоналом в країнах Західної, Центральної і Східної Європи та США. Визначено, що до нормативно-правової бази управління персоналом відносять сукупність документів, що створюють нормативно-методичне і правове забезпечення функціонування управління персоналом як системи. Вказано, що нормативно-методичне забезпечення системи управління персоналом – це сукупність документів організаційного, організаційно-методичного, організаційно-розпорядницького, технічного, нормативно-технічного, техніко-економічного й економічного характеру, а також нормативно-довідкові матеріали,



що встановлюють норми, правила, вимоги, характеристики, методи й інші дані, які використовуються при вирішенні завдань організації праці та управління персоналом і затверджені у встановленому порядку компетентним відповідним органом чи керівництвом організації. Зазначено, що під кадровим забезпеченням системи управління персоналом розуміється необхідний кількісний і якісний склад працівників кадрової служби організації. Наголошено, що важливої уваги заслуговує правове забезпечення системи управління персоналом, тобто використання засобів і форм юридичного впливу на органи й об'єкти управління персоналом з метою досягнення ефективної діяльності організації. Вказано, що моделі соціального партнерства у різних країнах відрізняються організаційним механізмом, нормами і правилами регулювання соціально-трудова відносин, ступенем централізації процедури, участі держави в соціальному діалозі. Обгрунтовано, що до основних завдань правового забезпечення системи управління персоналом відносять: правове регулювання трудових відносин, які складаються між роботодавцями і найманими робітниками; захист прав і законних інтересів працівників, які впливають із трудових відносин.

Ключові слова: ресурсне забезпечення, нормативно-правова база, інформаційне забезпечення, матеріальне-технічне забезпечення, управління персоналом, трудові відносини, нормативно-методичні документи, соціальне партнерство.

INTRODUCTION

Western theories claim that the first human resources (hereinafter "HR") manager should be appointed when the number of employees in the company reaches up to 100-150, which is 1–1.5 % of their total number. One can distinguish several categories of citizens' rights that have emerged over time. These rights are guaranteed by the state. The first recognized rights include "the freedom of speech" (freedom of expression, opinion, assembly, association). They can be individual or collective and offer people some autonomy and the ability to act without subordination. These are the rights recognized by the Declaration of the Rights of Man and of the Citizen as of August 26, 1789, whose adoption required intensive battles in France. They also involve political rights (voting rights and suffrage) allowing one to participate in power (*Programme "Ressources numeriques et scenarios pedagogiques"*, 2015).

The next stage in the development of citizens' rights concerned "the claims to rights". They contribute to the dignity of the individual, but unlike the freedoms, they have value. Their name comes from the need for state intervention for their specific implementation. These are economic and social rights, such as the right to education, the right to health, the right to work, the right to join a trade union. In France, they were inscribed in the preamble to the Constitution as of October 27, 1946. This confirmation of new rights coincided with the creation of a welfare state, namely more economic and social intervention (Dreano, 2009). Today there is a third generation of human rights. They do not apply only to the citizens of one country and cater for international solidarity (for example, the right to health, the right of future generations, the right of humanitarian intervention).

Thorough knowledge of resources and the ability to use them in the HR management process are the most important prerequisites for ensuring the proper functioning of a company. It is necessary not only to know the list of components of resourcing but also to represent their structure. The employee resourcing of the HR management consists of the regulatory framework, information, financial and technical support.



THE AIM OF THE STUDY

The article aims to analyze the employee resourcing of the human resources management system in the context of a comparative aspect.

THEORETICAL FRAMEWORK AND RESEARCH METHODS

A lot of scholars (M. Mykhailichenko, S. Nikolaenko, V. Nykyforenko, C. Pellicer, V. Shynkaruk et al.) have attempted to solve the problems of the regulatory framework of HR management. Such researchers as G. Dreano V. Lascaut, M. Sherman, S. Yashchuk et al. have studied the legal competency of various specialists. Certain scholars (N. Bidyuk, F. Eisenberg, L. Ferry, P. Ladriere, M. Leshchenko, N. Zhuravska have focused on the peculiarities of training specialists in the field of teaching methodology.

The following research methods were used to achieve the aim of the study: analysis and generalization of empirical and theoretical provisions contained in the professional and reference literature from different scientific fields in the works of Ukrainian and foreign researchers.

RESULTS

The regulatory and methodological support creates the conditions for effective training, adoption and implementation of decisions on HR management. It implies organizing the development and application of methodological documents, as well as the consolidation of the regulatory economy in the system of HR management (Zhuravska, 2010, pp. 23–28).

The regulatory and methodological documents include reference documents containing norms and standards for workplace management (en-route-technological and operational-technological charts, technological charts of administrative procedures, norms of centralized nature (e.g., income tax amount, etc.); organizational, organizational and methodological, organizational and managerial, technical, regulatory and technical, technical and economic and economic documents which regulate the tasks, functions, rights, responsibilities of divisions and individual employees of the HR management system. Thus, an important organizational and managerial document is the Internal Workplace Regulations, which contains the following sections: general provisions; the procedures of admission and dismissal of employees; the basic responsibilities of employees; the basic responsibilities of the administration office; working time and its use; encouragement for success in work; the responsibility for violation of workplace discipline. The most important organizational document is a collective agreement, which is elaborated by all departments participating in the HR management (HR department, employment and salaries department, legal department) (Shynkaruk, 2017, pp. 156–158). The collective agreement is concluded between employees and employers to regulate their relations in the course of production and economic activity for a calendar year.

The organizational and methodological documents include those that regulate the functions of HR management: the provisions on company succession pipeline; the provisions on employees' adaptation; the recommendations on recruitment and selection of employees; the provisions on relationships between employees; the provisions on salaries and incentives; safety rules, etc. These documents are elaborated by employees of the relevant units of the HR management system. The most important internal organizational and regulatory documents in any company are the provisions on divisions and duty instructions.

It is the poor awareness of legal aspects in workplace relations that is the main cause of conflict between employers and employees at Ukrainian enterprises today. The legal support of HR management includes the implementation and application of the current legislation in the area of workplace and workplace relations; the elaboration and



approval of local regulatory and non-regulatory organizational, organizational and managerial and economic acts; the preparation of proposals for changing the existing ones or cancelling the outdated ones and the ones that have actually expired, as well as regulatory acts issued by HR departments. The implementation of legal support in companies rests with its executives and other officials, as well as with the heads of HR departments and its employees on matters within their expertise.

The main department for conducting legal work in the field of workplace law is the legal department. One of the specific employment conditions of HR departments is that their daily activities are directly connected with people and employment organization which it is possible only based on the clear regulation of rights and duties of all participants in workplace relations. This is achieved by establishing legal norms of centralized or local nature (Yashchuk, 2016, pp. 333–339).

Centralized norms include, first of all, acts of centralized regulation such as the Labour Code, government decisions and social policy acts. However, there are workplace issues that can be reconciled with the local legal framework adopted by each company. In terms of market relations, the following acts are included in the sphere of local regulation: the company executive's orders on HR issues (admission, dismissal, transfer); department regulations, duty instructions; company standards, etc. The system of workplace regulations includes agreements; general, sectoral, special (regional), collective agreements and other legal acts that apply directly to companies. Non-regulatory acts include orders and instructions that may be issued by the heads of HR departments (Nykyforenko, 2013).

The employees of HR departments actively influence the activities of the company as a whole, ensuring general conditions for realizing the potential of employees, their interest in achieving the goals of the company. They are also responsible for corporate security. Its functions include the recruitment and placement of employees, the monitoring of the psychological climate, the identification of negative tendencies in the team, as well as the certification and dismissal of employees. Each of these actions is directly related to ensuring the corporate security of the company. The qualitative characteristics of HR imply a set of professional, moral and personal qualities that are a concrete expression of the employees' compliance with the requirements that apply to a position or workplace. In the Western structures, the personnel manager is "an architect" of human resources.

In the USA, HR managers are trained for the following positions: recruiters, interviewers, career planners, training specialists, personality specialists, family relations specialists, specialists in relations with the company executives, salary cap specialists, etc. (Zhuravska, 2010, pp. 45–48).

Their typical activities include working with HR documents, studying and analyzing the regular structure of the company, monitoring the certification of employees, supporting workplace discipline, processing documents on recruitment or dismissal of employees, as well as preparing reports. Even within this framework, an HR manager should know the legislative and regulatory acts, workplace legislation, the structure and employees in the company and ways to optimize them, the order and sources of employment. They should be able to certify employees, analyze the HR structure, create databases on employees, prepare reports, apply the basics of psychology and sociology of workplace, economy, management, use information technologies and communication tools, implement the rules of workplace safety, register, preserve and store employees' documentation. Thus, modern companies put forward high demands on the professional and personal qualities of HR managers (Kubitskyi, 2014, pp. 109–117).



The quantitative composition of HR departments is determined by the total number of employees, the scale of the business and the company's location. When calculating the required number of HR managers, the following aspects are taken into account: specific conditions and characteristics of the company related to its area, complexity and diversity of activity; staff and social structure of the company, employees' qualifications; complexity and complexity of the addressed issues; technical support, etc. (Nykyforenko, 2013).

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The models of social partnership in different countries differ in the organizational mechanism, norms and rules of regulation of social and employment relations, the degree of centralization of the procedure, and the participation of the state in social dialogue. However, what is common to all is that most of the issues raised in the field of social and employment relations are resolved at a basic level.

In Germany, they have the most specific and advanced mechanism for employees' participation in the decision-making process. A similar approach exists in Sweden. In these countries, there are special laws on employee participation in the management of the enterprise. In this regard, it is useful to analyze the practice of social partnership in Germany, where participatory processes have been widely developed and are constantly evolving, outstripping the practice of other European countries. The cooperation of social partners in this country has come a long way in evolutionary development. The modern essence of social partnership focuses mainly on the concept of "mitbestimmung" (co-determination), or legal support for the involvement of employees in the management of the enterprise and decision-making process. Mitbestimmung is implemented at the company's level. The enterprise is viewed as a technical and organizational unit and the company – as an economic one. It can consist of several enterprises. In most cases, the company is a joint-stock enterprise. The core form of social partnership in Germany is the industrial council, which is created at the enterprise and is a consolidated body representing employees. These councils defend the interests of employees before the employer. They are established following the Law on the Legal Order of Enterprises based on the election procedure. The persons representing the employer's position (top officials, corporate executives) do not vote (*The review of the educational documentation*, 2018).

It must be noted that the elected representative bodies of youth, students and people with special needs may operate within such industrial councils. In close cooperation with the enterprise's industrial council, they defend their specific vital interests. The representatives of youth and people with special needs are entitled to suspend the decision of the industrial council if their interests are not taken into account. They hold industrial meetings to adapt working contracts between employees and the employee council under the legislation. At least once a year, the employer must report on the socio-economic situation and prospects for the enterprise's development at such industrial meetings. The elections to industrial councils are conducted under the leadership of the election commission, appointed by the existing council, and in its absence – by the industrial assembly. The term of office of industrial councils is four years. The regulation of social and employment relations is based on the legally guaranteed rights of employees. These include the right to protection from dismissal, which requires both the employer and the employee to comply with the employment contract concluded for a certain time. This insures the employer and the employee that they do not take unexpected steps towards each



other. Dismissal is possible due to a breach of contract or for economic reasons. In the latter case, enterprises apply a well-considered approach taking into account the social status of the candidates for release (*The report of university of correspondence*, 2018). In general, the protection of the employee from dismissal, except in cases of bankruptcy of the enterprise, to some extent limits the employer's actions to reduce staff. The right to protection against unemployment is regulated by the Law on Employment for those who lost their permanent employment.

In Central and Eastern Europe, Hungary was the pioneer of tripartism. In 1988, they established a body of tripartism, that is the All-Hungarian Union of Interests Conciliation. In 1990, it was reorganized into a reconciliation council whose functions and range of participants were expanded. Previously, the activities of this structure were mainly determined by the government. Since 1990, however, all three parties (government, employer, trade unions) have been acting as equal partners. Currently, the Hungarian Government's actions are aimed at linking the main function of the council, which is to reconcile the interests of the government, trade unions and employers on such fundamental issues as policy formulation in the sphere of workplace (employment, salaries, social issues, education), legal regulation of relations between employees and employers (Remmele, Schmette, & Seeber, 2007).

CONCLUSIONS

Based on the analysis of scientific and reference sources, it is found that social partnership is an important condition for the successful implementation of socio-economic transformations of the country. It is necessary to promote staff awareness in the context of an active position on negotiation processes, persistently formulate the social partnership infrastructure and adjust it to scientific and regulatory frameworks. It is advisable to expand the list of degree programmes for training managers since the HR management system actively influences the activities of the company as a whole, providing general conditions for realizing the potential of employees, their interest in achieving the goals of the company.

Prospects for further research should be aimed at analyzing the scientific literature on the development of social partnership models. Indeed, the models of social partnership in different countries differ in the organizational mechanism, norms and rules of regulation of social and employment relations, the degree of centralization of the procedure, and the participation of the state in social dialogue

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