
The Right of Work: Integration of the Concept of "Zero Injuries" In the Russian Federation Law

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Abstract

Work regulation or business regulation characterizes the connection between laborers, utilizing associations, worker's organizations and the public authority. The aggregate work regulation makes sense of the relations between the three collections of the trade guild, the business and the laborer. But the individual labor law defines the rights of the worker against the employer in the labor contract between them. Social norms of employment standards (in some cases technical and technical standards), such as minimum acceptable conditions, determine the framework of labor contracts according to which workers contract with employers. Government bodies (such as the employment management department) are the guarantors of the implementation of labor laws (legislative, regulatory or judicial). The article analyzes the problem of implementing the social function of the state, which is relevant for modern society, based on the idea of justice, which is the basic one in labor relations in the sphere of production. Taking into account the transformational processes of restructuring the structure of the world economy, international organizations strive to combine the best experience of implementation and interaction of all participants in the production process in their program documents. This is how the Concept of "zero injuries" emerged, which combines modern principles of occupational safety management at a qualitatively new level. The Russian Federation, being an integral part of the international community, integrates these principles into the field of industrial process management, taking into account the basic constitutional principles and the existing regulatory framework governing labor relations, while eliminating legislative gaps. A special feature of integrating the Concept of "zero injuries" in Russia is the traditionally strong state control and supervision activities in the field of application of legislation on labor protection and health safety. At the beginning of the XXI century, society entered a new phase of its development – the information one, but still the real industrial sector remains the engine of economic development of each state. Large industrial enterprises, of course, are modernizing their production base at a new stage of technological development. This creates the need to rethink each stage of human labor activity in new technological conditions.

Keywords: Labor law, collective labor law, zero injuries, labor relations, international experience, labor protection, employee's right to safe working conditions.

Introduction

Despite the complex processes of new industrialization, the constitutional provision on the right of everyone to work, enshrined in Part 3 of Article 37 of the Constitution of the Russian Federation, still remains unshakable [1].

As far back as 1981, the ILO Convention on Occupational Safety and Health provides for the development, implementation and revision of national policies on work, workers' health and occupational hygiene by each member State of the ILO. The Russian Federation, being the legal successor of the USSR, confirmed its recognition of the ILO Conventions [2].

The Right to Employment and Decent Work

Citizens have the right to freely and without discrimination and in compliance with the law, choose the job they want and be employed in it. No one can deprive citizens of this right due to ethnic, religious, gender, or differences in political or social tendencies. Citizens have the right of equal opportunity in accessing jobs and freely choosing their desired profession according to legal standards in such a way that they are able to provide their livelihood in a fair and dignified way. The government guarantees and monitors the right conditions for the realization of this right. Citizens have the right to benefit from the necessary training about jobs. Citizens have the right to benefit from environmental health and safe and healthy work and necessary measures to prevent physical and mental injuries in the workplace. Citizens have the right to file lawsuits against legal authorities in terms of violations of labor laws and regulations. Employing, promoting and awarding privileges to employees should be based on expertise, competence and capabilities appropriate to the job, and tasteful, factional and discriminatory approaches and the use of privacy-violating methods are prohibited in the selection process. It is the right of women to enjoy suitable job opportunities and equal rights and benefits with men for equal work. Forced employment of children is prohibited. Exceptions that are in the direction of their interests are allowed only by law.

The Right to Welfare and Social Security

Citizenship rights are the set of rights that every human being has as a citizen and must be respected by others, i.e. other citizens and the government; But before we know what citizenship rights are, we must know who is a citizen? By definition, a citizen is someone who enjoys the rights and privileges granted in the constitution, which in fact, citizenship is a social status in which a person has freedom of expression and equality before the law on the one hand, and the right to political participation on the other hand. That is, the right to vote and form a party and trade union and... In some ways, citizenship rights can be related to human rights, in such a way that people who live in the same land, due to being human, have equal rights, and also because the human species has a series of basic rights, citizenship rights are developed. Peace, freshness and hope for a better future, spiritual self-improvement and social empowerment, enjoying a safe and peaceful life, having the opportunity to spend more time with family, recreation, sports and tourism are the rights of every citizen. Every citizen has the right to benefit from public welfare and social security and relief services. Citizens have the right to receive unemployment insurance benefits according to the law in case of unwanted unemployment. It is the right of rural and nomadic citizens to benefit from rights such as rural development, insurance and social security, and securing the living environment, as the case may be. It is the right of all citizens, especially women, to have access to sports and educational facilities and healthy recreation, and to be able to participate in national and international sports arenas while preserving countries culture. Women have the right to benefit from healthy nutrition during pregnancy, healthy delivery, postpartum health care, maternity leave and treatment of common women's diseases. Citizens have the right to enjoy a living environment free from personal and social harm, including drugs and psychotropic substances. Vulnerable groups and applicants benefit from the government's effective actions in the field of empowerment, life expectancy and implementation of security policies.

Methods

The paper utilizes both general logical techniques for perception (union, examination, correlation, speculation) and confidential logical strategies: formal-legitimate, near lawful, framework primary. The formal lawful technique permits to distinguish potential wellsprings of combination of the legitimate standards of the idea of "zero wounds". A review article is a type of article that reviews the background of a scientific topic. In review articles, the results presented in scientific writings about a specific topic are summarized and evaluated. This type of article may examine anything, it is designed to summarize, analyze and evaluate information that has already been published. In such articles, experimental and new findings are rarely reported. Review articles have a well-defined narrative, are usually critical, and should provide theoretical and emerging interpretations. The important role of review articles is to guide original scientific writings. For this reason, it is essential that the citations provided are accurate and complete. The similar lawful strategy for research is pointed toward recognizing general and explicit indications of combination of "zero wounds". The framework underlying methodology permits to decide its inward construction at this phase of work relations.

Results and Discussion

It is important to note that after Russia joined the Concept of "zero injuries", the tasks of providing preventive measures to reduce industrial injuries and occupational diseases have become relevant. This is the task of the compulsory health insurance system, which requires the employer and the social insurance fund to develop and implement preventive measures that lead to the prevention and prevention of injuries at work, as well as reduce deaths from occupational diseases. The State has established a system of state supervision of compliance with labor legislation and other normative legal acts containing labor law norms, which include, inter alia, norms

regulating inspections of compliance with state regulatory requirements for labor protection. Among the adopted acts aimed at implementing the tasks set, we can distinguish: the program "Promotion of employment of the population", the State program of the Russian Federation "Safe Work" for 2018-2025. It should be noted that there is a tendency to reduce the level of injuries at work. Thus, there was a decrease in the number of accidents with serious consequences (with a fatal outcome or serious injuries). In 2018, there were 4,479 cases, which is 3% lower than in 2017 – 4,614 cases. The number of industrial deaths in 2018 is 2 % less than in 2017: these are 1,158 and 1,186 people, respectively. At the same time, despite the decrease in the number of accidents with serious consequences (with a fatal outcome or serious injuries), the number of fatalities traditionally remains the highest, compared to other economic activities, in construction, manufacturing, agriculture and forestry. These statistics indicate that the state needs to take further measures that would also reduce the risk of accidents in these areas.

The employee's right to safe working conditions and health is also an integral part of everyone's right. It should be noted that the priority of protecting people's health is the most important function of the social state, whose policy is aimed at creating conditions that ensure a decent life and free human development.

In 2017, the Russian Federation joined the Concept of "zero injuries": during the international specialized exhibition "Occupational Safety and Health - 2017", a Memorandum of understanding and cooperation was signed between the Ministry of Labor and Social Protection of the Russian Federation and the International Social Security Association [3 p. 8].

The priority of the concept is to increase safety, improve occupational health conditions, and general working conditions in the context of global trends in labor competencies and resource availability.

The concept of "zero injuries" is a global one, its goal is to widely involve national companies in the implementation of the strategy for the prevention of occupational injuries.

It is important that under this concept, the International Social Security Association (ISSA) integrates world best practices in modernizing state OSH management tools, and the ISSA distributes this experience around the world.

This is a qualitatively new approach to the system of organizing the prevention of injuries at work. It combines three areas – safety, occupational health, and the well-being of employees at all levels of production. In the concept of "zero injuries", seven golden rules are formulated, which should contribute to reducing occupational injuries and occupational morbidity in the process of implementation at each stage.

The implementation of these rules is largely determined by the regulatory legal acts of the state, on the basis of which local regulations are created, taking into account production specifics.

The Labor Code of the Russian Federation in Article 209 defines the basic concepts in the field of labor protection. Among them, there is no concept of "traumatism", but there are others that, by the nature of their content, include the concept of "traumatism". For example, it is "occupational risk", "harmful production factor", "dangerous production factor". In general, they talk about the need to create a production environment with safe working conditions [4].

A. S. Khabibullina notes that the institute of labor protection "is a set of norms of various branches of public life that cannot be considered separately from each other, but only in relation to each other" [5], that is, the institute of labor protection is a complex, intersectoral one.

It ought to be noticed that the German regulation in the idea of "work assurance" recognizes the accompanying parts: general work security; social work assurance, specialized work assurance, and clinical work insurance [6]. Joining of the standards of the Zero-injury Idea is examined in the Bundle of Measures to Urge Bosses and representatives to Work on working circumstances and protect the strength of workers, as well as to persuade residents to lead a Sound Way of life, endorsed by Pronouncement of the Public authority of the Russian League No. 833-r of April 26, 2019.

The fundamental headings of state strategy in the field of work assurance are characterized in Article 210 of the Work Code of the Russian Organization. Among them, featuring the accompanying: reception and execution of government regulations and other administrative legitimate demonstrations of the Russian Alliance, regulations and other administrative lawful demonstrations of the constituent elements of the Russian League in the field of work security, as well as bureaucratic objective, departmental objective and regional objective projects to work on working circumstances and work protection is essential. For instance, the Government Regulation "On obligatory social protection against modern mishaps and word related sicknesses". The Government Regulation "On Extraordinary Evaluation of Working circumstances" characterizes the undertakings of social protection against modern mishaps and word related infections, as well as state ensures for pay for harm brought about by modern wounds.

This regulation purposes the expression "protected occasion", and that implies the reality of harm to the wellbeing or passing of the safeguarded because of a mishap at work or a word related illness. This extent of the idea incorporates the vital rules that decide the event of commitments for the safety net provider.

As a component of the Program "Advancement of business " embraced the State Program of the Russian League "Safe work" for 2018-2025, which was ready by the Branch of Work Conditions and Security of the Service of

Work and Social Insurance of the Russian Organization to coordinate the Idea of "zero wounds": this subprogram was grown straightforwardly to make conditions that structure a culture of safe work and increment the viability of measures pointed toward protecting the life and wellbeing of representatives over their work.

Avoidance of word related infections and word related wounds is its need task. Current reality as mishaps is often alluded to as a counter to the 'zero objective' drive [7, p. 455].

A fundamental component is likewise an expansion in the degree of interest of the two businesses and representatives during the time spent guaranteeing the safeguarding of wellbeing and security at work. Transparency and effectiveness of control and supervision measures should also increase the effectiveness of measures in the field of favorable working conditions [8].

The program has clear stages that define the set of measures necessary for its implementation. In 2020, it is planned to introduce preventive measures in the model of safe work, elements of a safe work culture. By 2025, the results of a long-term effect should appear – the formation of a universal culture of safe work at all stages and levels of production cycles. It is planned to finance more than 280 billion rubles. The program is designed for 2018-2025. The effectiveness of the program should increase the indicators of improving the health of the working person. The evaluation criterion here will be a reduction in the number of days of disability due to industrial injuries and morbidity, minimizing the number of victims as a result of industrial activities, taking into account the reduction in mortality as a result of industrial injuries; another criterion is an increase in the level of detected occupational diseases, where their detection at the first stages of signs of development becomes particularly important, this should be facilitated by the maximum elimination of jobs with particularly dangerous working conditions, in general, the final criterion is to increase labor efficiency and reduce economic losses of the employer.

Summary

Currently, the state authorities exercising control and supervision in the field of occupational safety and health form the following system:

The federal (national) level is represented, first, by the Ministry of Labor and Social Protection of the Russian Federation (Ministry of Labor of the Russian Federation). Its competence includes the development of the legal framework for the activities of all government bodies on labor protection, as well as the management of this activity.

Regional (at the level of the constituent entities of the Russian Federation) is represented by ministries corresponding to their functions. It is assumed that this is an independent right and task of regional executive authorities, which should not contradict the position of a higher-level authority. The main thing is to adapt the legislative framework taking into account regional specifics and administer this activity.

The level of municipal authority (local self-government) administers local labor protection activities, specifying the regulatory framework taking into account the specifics of a specific territory.

To date, there are the following regulatory state bodies for labor protection.

The Prosecutor's Office of the Russian Federation is the highest supervisory body in the state, its competence is to ensure the implementation of labor laws [9-10].

Conclusions

Thus, the concept of "zero injuries" combines the interests of the employee and the employer. Its complex nature allows us to take a fresh look at the idea of social justice, which is implemented through the social function of the state. Section 2 of the Labor Code of the Russian Federation deals with the principles of social partnership, its levels, and forms in the sphere of work. The concept of "zero injuries" allows to structure the existing regulatory framework taking into account the mutual interests of the employer and the employee, it clearly defines the directions of this interest: the employer must become a leader in implementing a culture of safe work, invest in personnel, motivate employees, improve their skills and develop professional skills. Of course, identifying threats and controlling risks is the competence of every employee at their workplace [11]. A high level of self – organization of an employee is a new quality of his professional skills, which contributes to the prevention of injuries. Modern high-tech production at the present stage is developing in two directions: on the one hand, there is the robotization and automation of harmful production processes, resulting in people leaving the industry with high health risks (an example would be steel industry, gas industry, etc.), and on the other hand, increases the intellectual component of any industrial production, which could not be realized without creative human intervention, it qualitatively new competencies based on a high level of individual organizations, a high level of motivation to increase productivity, contributing to the growth of his wealth.

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