

ISCKMC 2020**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****ON THE STATE OF WORKPLACE INJURIES IN ECONOMIC ENTITIES OF KURGAN REGION**

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Abstract

The concept of a workplace injury is enshrined in the legislation of the Russian Federation. In line with Article 227 of the Labor Code of the Russian Federation, this is harm to workers' health due to an accident at work, with a consequent need to transfer workers to another job, temporary or permanent disability, death of workers. Accidents at work are a combination of industrial injuries (in an economic entity). The State Labor Inspectorate in the Kurgan region regularly oversees and monitors compliance with labor legislation and other regulatory legal acts containing labor protection norms. For 2017–2019 the State Labor Inspectorate in the Kurgan region, reduced a number of inspections by 238, including reviews of individual entrepreneurs by 82, legal entities by 156. More than 80 % of all inspections are initiated by the Inspectorate upon appeals of the public. In 2017–2019 industrial injuries at the facilities of the Kurgan region reduced by 1937 in the total number of violations of labor legislation. This was due to both routine maintenance by the State Labor Inspectorate in the Kurgan region (holding public hearings, posting information, consulting workers and employers), and reduced number of inspections.

2357-1330 © 2021 Published by European Publisher.

Keywords: Labor Inspectorate, workplace injuries, control and supervisory activities



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1. Introduction

In June 2015, in order to ensure compliance with labor legislation and other regulatory legal acts containing labor norms, the Government of the Russian Federation approved the Concept of increasing the efficiency of ensuring compliance with labor legislation and other regulatory legal acts containing labor norms for 2015–2020 (Churbakova et al., 2020). The Concept basically aims to ensure compliance with the rules and regulations established in the field of labor regulation, based on cooperation between workers, employers and the Federal Labor Inspectorate, and to increase the efficiency of federal state supervision over labor legislation and other regulatory legal acts containing labor norms through innovative principles, forms and methods of supervision (Stolbyuk et al., 2019).

Today, the State Labor Inspectorate in the Kurgan region is faced with a challenge of making labor supervision more advanced and innovative. It should meet both basic expectations of employees and interests of employers. This requires a system in which legal norms and requirements are extremely clear and transparent for all parties to labor relations. The wider objective must change, and, therefore, the methods employed by state labor inspectors. They should become full-fledged and demanded assistants, both for citizens and for business, armed with modern effective instruments of supervision and control. One of the most important tasks of state labor inspectors should be to help improve working conditions, information security for workers and employers, and the use of “culture of prevention” in organizations (Imasheva et al., 2016).

Rostrud (Federal Service for Labour and Employment) has joined the Reform of Control and Supervisory Activities project under the key development strategy implemented by the Russian Federation (Minkova et al., 2020). The passport of the departmental priority project of Rostrud on Improving the Efficiency of Ensuring Compliance with Labor Legislation and Other Regulatory Legal Acts Containing Labor Standards is being implemented. It was approved by the minutes of the meeting of the project committee on the key development strategy implemented by the Russian Federation on Reform of Control and Supervisory Activities No. 13 (2) dated February 21, 2017.

2. Problem Statement

Accidents at work is a relevant issue at all times, as it is associated with human health and life. It is employer’s obligation to ensure safe working conditions at the legislative level (Taranushina & Titova, 2019). The results of inspections indicate that a significant part of entrepreneurs do not have even basic knowledge of organizing labor protection and prevention of industrial injuries, do not understand the importance of labor management system (Churanov & Titova, 2019). Economic entities often appear to lack work safety service (responsible person) and heads good at work safety issues (Aliev & Mikhailenko, 2020; Frolova, 2020). This negligent attitude to labor protection results in injuries and deaths of employees (Mikhailova & Balovtsev, 2017).

Addressing industrial injuries requires a more thorough understanding of causes of accidents, which implies coming up with more advanced methods of prevention (Khadartsev et al., 2019). Industrial injuries are mostly caused by non-compliance with safety regulations and the human factor. Hence, at the

level of economic entities, it is necessary to ensure more intense training of workers, provide them with instructions, create safe working conditions, and carry out medical preventive measures and briefings.

3. Research Questions

The topic is relevant due to the fact that, in accordance with the Constitution of the Russian Federation, the highest value in the Russian state is a person, his rights and freedoms, the recognition and protection of which are assigned both to the state and to all its bodies, institutions and organizations, including the State Labor Inspectorate in the Kurgan region.

4. Purpose of the Study

The paper aims to depict the actual status of industrial injuries in the economic entities of the Kurgan region and to offer recommendations for improving the efficiency of control and supervisory activities of the Inspectorate.

5. Research Methods

The paper relied on the following research methods, namely: monographic method for technological processes, machines, equipment, the state of the air environment, organization of workplaces, lighting and other types of industrial conditions, personal protective equipment and their application; topographic method for the causes of on-site accidents; statistical method for quantitative analysis of industrial injuries and the main reasons; economic method for the losses from injuries.

6. Findings

The State Labor Inspectorate in the Kurgan region is a territorial body of the Federal Service for Labor and Employment, exercising state supervision and control over compliance with labor legislation and other regulatory legal acts that contain labor laws, including labor protection in the territory of the Kurgan region (Roznina et al., 2019).

Annually, in accordance with the Calendar of the State Labor Inspectorate in the Kurgan region, upon appeals of employees, information from state authorities, notifications of industrial accidents, scheduled on-site, unscheduled documentary and on-site inspections are carried out towards economic entities of the Kurgan region operating in different sectors of the economy (Table 1).

Table 1. Inspections by the State Labor Inspectorate in the Kurgan region

Indicator	2017	2018	2019	Deviation 2019 from 2017, (+,-)
Total number of inspections	1133	858	895	-238
incl. individual entrepreneurs (agricultural enterprises)	172	118	90	-82
legal entities	961	740	805	-156

In 2019, the State Labor Inspectorate in the Kurgan region conducted 895 inspections of enterprises of various forms of ownership, which was 238 organizations less than in 2017: 82 entrepreneurs and 156 legal entities less. The number of inspections lowered because the number of economic entities located in the Kurgan region decreased by 735 in 2017–2019. In this regard, there was a decrease in the total number of employed workers by 11,573 people and amounted to 353,800 people in 2019.

An inspection is triggered by an order approved by the Head (Deputy Head) of the State Labor Inspectorate, based on annual calendar of inspections, administration of orders, orders of Rostrud and citizens' appeals about labor violations by employers (Fig. 1).

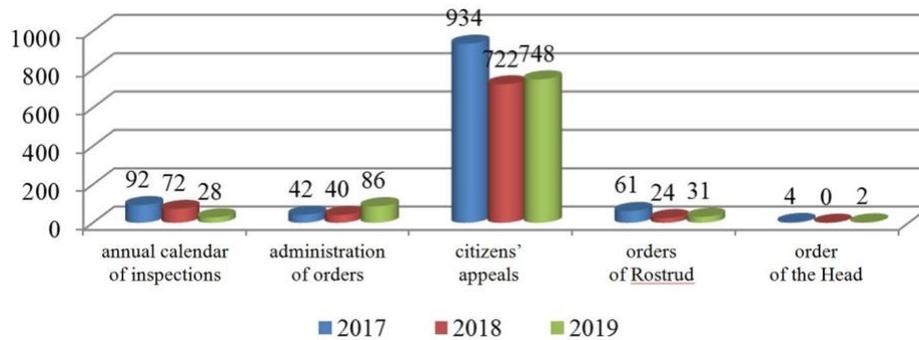


Figure 1. Types of grounds for conducting inspections

The largest number of inspections is conducted by the State Inspectorate in the Kurgan region upon citizens' appeals (934 in 2017, 722, in 2018 and 748 in 2019), which is 83.35 % on average for 2017–2019 of the total number of inspections conducted.

The types of labor violations are shown in Table 2.

Table 2. Types of labor violations

Indicator	2017	2018	2019	Deviation 2019 from 2017, (+,-)
Total number of violations detected	3581	2324	1644	- 1937
incl. collective contracts and agreements	17	1	2	-15
labor contracts	162	96	89	-73
working time and rest time	100	94	60	- 40
remuneration and labor rationing	354	207	274	- 80
guarantees and compensations	86	33	57	- 29
labor discipline and labor routine	17	18	8	- 9
accountability for assets of the parties to the labor	2	10	24	22
regulations for labor of women and persons with family obligations	0	6	5	+5
regulations for labor of employees under the age of eighteen years	1	0	0	- 1
medical examinations of employees	304	209	179	- 125
provision of trainings and instructions for workers on labor protection	417	290	163	- 254
provision of employees with personal and collective protective equipment	139	264	241	102
compliance with the established procedure for assessing	618	307	191	- 427

working conditions				
investigation, registration and administration of industrial accidents	269	141	73	- 196
other issues	1095	648	278	- 817

Of the total number of violations, the most common violations involve remuneration and labor rationing, compulsory medical examinations, provision of trainings and instructions for workers on labor protection, failure to provide workers with personal and collective protective equipment, violation of the established procedure for assessing working conditions and others. They basically include non-compliance by employers with labor protection requirements in the sectors of the economy. In 2019, the State Labor Inspectorate in the Kurgan region, based on the results of control and supervisory activities, unveiled 1644 violations of labor legislation, which is 1937 violations less than the same period in 2017, and issued 368 mandatory orders. For 2017–2019, there were 102 more violations of labor legislation solely due to a failure to provide workers with personal and collective protective equipment. For all other types of labor legislation, violations were reduced. This trend results from a series of preventive measures provided by the State Labor Inspectorate in the Kurgan region, public hearings, dissemination of information and advice to workers and employers in all districts of the Kurgan region. Strengthening sanctions for labor violations significantly reduced a total number of violations.

The behavior consistent with public notice is reflected in Table 3.

Table 3. Public notice

Indicator	2017	2018	2019	Deviation 2019 from 2017, (+,-)
Number of citizens during visiting hours	999	701	575	-424
Total number of consultations	1546	1013	992	-554
incl. by employers	364	237	200	-164
to employess	1182	776	792	-390
number of consultations on the issues of execution and termination of labor contracts	115	157	267	152
number of consultations on remuneration issues	742	699	516	-226
number of consultations on labor protection	689	157	209	-478

In the target period, the number of citizens who made an appointment to visit the Inspectorate was 424 less. The number of consultations provided decreased by 554, including employers by 164 and workers for 390. The Inspectorate conducted the largest number of consultations on remuneration issues (47.99 % in 2017, 69.00 % in 2018 and 52.02 % in 2019 of the total).

The State Labor Inspectorate in the Kurgan region constantly monitors the execution of the issued orders. At the end of 2019, 55 inspections were conducted to monitor the execution of the order for organizations that did not submit documents confirming full implementation of some previously issued orders. The number of orders duly fulfilled amounted to 260 (or 70.7 % of the number totally issued).

The administrative proceedings for the State Labor Inspectorate in the Kurgan region are reflected in Table 4.

Table 4. Administrative proceedings

Indicator	2017	2018	2019	Deviation 2019 from 2017, (+,-)
Administrative decisions delivered	1403	1106	1065	-338
incl. fines on:	877	612	639	-238
officials	503	267	266	-237
entrepreneurs	98	36	50	-48
legal entities	276	309	323	47
Cautions	517	476	341	-176
Legal notices	9	18	85	76
Total amount of fines imposed, thousand rubles	18009	19212	20579.5	2570.5
Total amount of fines collected, thousand rubles	15784.37	15483.4	14918.29	-866.08

Based on the results of inspections in 2019, 980 administrative cases (administrative fine + caution) were initiated against the perpetrators, including 266 administrative cases against officials, 323 administrative cases against legal entities, 50 against entrepreneurs. Based on the results of the inspections, 22 files were sent to investigative and prosecutorial agencies in order to consider bringing to criminal responsibility the officials guilty of labor legislation violations.

7. Conclusion

In order to improve the effectiveness of control and supervisory activities of the Inspectorate, a number of changes is required to legal acts regulating procedures for organizing inspections and for bringing to administrative responsibility (Klimova & Ryzhikov, 2017):

1. Paragraph 10 of Article 360 of the Labor Code of the Russian Federation, paragraph 16 of Article 10 of the Federal Law of December 26, 2008 No. 294-FZ, paragraph 97 of the order of the Federal Service for Labor and Employment No. 160 of June 13, 2019, must be amended by granting the right to notify the controlled entity by the officials of the control body.

2. To consolidate the obligation of an unscrupulous employer to provide documents in the sanctions of Articles 19.7 and 19.4.1 of the Administrative Code of the Russian Federation, while tightening administrative punishment under the above articles of the Administrative Code of the Russian Federation.

3. In order to ensure the transparency of control and supervisory activities of the Inspectorate in some areas of state control (supervision), it is now necessary to supplement the departmental order of the Federal Service for Labor and Employment No. 655 of November 10, 2017 with missing checklists.

4. To amend part 3 of Article 13 of the Federal Law of December 26, 2008 No. 294-FZ, paragraph 24 of the order of the Federal Service for Labor and Employment No. 160 of June 13, 2019 regarding the possibility of extending the deadline for documentary verification if additional information and documents are needed.

5. It is required to address HR issues of the Inspectorate, to increase the staff of state labor inspectors and attract additional financial resources to increase payment (Roznin, Roznina, Karpova, 2019).

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