

GCPMED 2020
**Global Challenges and Prospects of the Modern Economic
Development**

**SAFE WORKING CONDITIONS AS CORPORATE
RESPONSIBILITY ELEMENT IN PANDEMIC**

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Abstract

The article deals with the problem of ensuring the right of workers to safe working conditions. In the context of the new coronavirus infection spread, the employer must change its occupational safety policy and ensure the safety of workers who, due to working conditions, cannot work remotely. This policy should be developed jointly with workers' representatives with the principles of social partnership. The current system for ensuring safe working conditions does not take into account the bacteriological danger in the process of interaction between the employees, both among themselves and with third parties. Currently, most scientific research in the labor protection is based on a narrow understanding of harmful and hazardous production factors with the impact on a person of tools, mechanisms, substances. We propose to include the social factor as the factor of communication in the workplace safety system. We propose to understand the workplace safety conditions as the employer's social responsibility. This social factor is most manifested in the following economical spheres: medicine, public catering, transport services, hotel business, services for special care people, including with the condition of cohabitation, as well as types of industries that involve work in closed settlements (rotational method) and special territories (ships, oil platforms, etc.). Thus, today, there are no scientifically substantiated proposals for changing the legislation in labor protection due to the lack of statistical material. The authors propose to carry out further comprehensive research in this direction.

2357-1330 © 2021 Published by European Publisher.

Keywords: Corporate social responsibility, COVID-19, harmful production factors, labor protection, pandemic



1. Introduction

Corporate social responsibility is a complex social and legal phenomenon that includes various aspects of the relationship between an employee, an employer, on the one hand, and the work collective as a single entity and administration - a group of people who make managerial decisions, on the other. With the spread of coronavirus infection, the entrepreneur's responsibility for safe working conditions illustrates a new meaning. The traditional understanding of working conditions as a set of production factors that affect the ability of workers to perform their work duties, in the context of the pandemic, requires extensive interpretation and detail. The usual measures provided for by national legislation in the field of ensuring safe working conditions are insufficient to preserve the life and health of persons who, by the nature of their work, meet many people. So, according to the Government of the Russian Federation, the most affected sectors of the Russian economy are the hotel and tourism business, passenger transportation, business in the field of organizing cultural and physical events, and public catering (Government of the Russian Federation, 2020). At the same time, public administration, education and, of course, medicine can also be attributed to the number of the most socially concentrated industries.

2. Problem Statement

The purpose of this study is to pose the problem of expanding the concept of harmful and hazardous production factors as an element of corporate social responsibility of the organization. In addition, it is proposed to consider the danger of large-scale spread of infections as a new type of occupational threat, the responsibility for protecting against which should be assigned to the employer. It is also necessary to assess the impact of the new threat on certain sectors of the economy to identify those industries and groups of employers that are obliged to pursue a policy of protecting employees from infectious diseases that threaten the life and health of personnel. To ensure the logic of the study of this issue, we propose to periodize the stages of introducing measures to prevent coronavirus infection. In this regard, it is proposed to analyze the legislation in force in relation to business entities before and after the introduction of restrictions related to the pandemic. The objectives of this study are: 1) determine the normative provision for solving labor protection problems in the context of the spread of infection and similar situations of the pandemic nature; 2) establish the limits of the employee's rights to safe working conditions and the development of possible ways of their implementation.

3. Research Questions

The research questions of this study are the following:

- what is the structure of the current legislation in labor protection?
- what are the requirements of the International Labor Organization to the employer in the field of safety of working conditions?
- what does the current mechanism for ensuring safe working conditions include?
- is the current labor safety mechanism enough?
- what factors are currently recognized as dangerous and harmful to workers?

- is the set of existing harmful and hazardous production factors enough to protect against new bacterial threats?

- how can the protection of workers be most susceptibly structured to infection?

4. Purpose of the Study

The authors conducted a study of the current labor protection system in the context of international and national legislation of Russia. The authors revealed that the concept of the current system is focused on production sectors of the economy. This does not correspond to the current model of the world's economic system. The labor protection system established by the Russian legislation at the enterprise does not consider new challenges and threats affecting the exercise of the employee's rights to safe working conditions. In modern conditions, it is necessary to consider the factor of the spread of infection as a harmful and dangerous production factor. Research is required to show the percentage of the spread of infection by sector of the economy. To provide more accurate data, it is necessary to collect statistical information from employers by sectors of the economy whose activities are related to active social contact.

5. Research Methods

This research was carried out using legal research methods. The main methodological guidelines of this study are the following provisions:

1. Historicism as a factor showing the development of the labor protection system before and after the 2020 pandemic.
2. Analysis and interpretation of existing regulations in their relationship.
3. Recognition of legal processes by economic needs and the current economic situation.
4. Understanding the need to introduce the principles of social responsibility into corporate policy and legal practice.
5. Need to amend the current legislation based on science-based concepts.

These methods allowed the authors to formulate a new idea of the employer's social responsibility in the context of the pandemic.

6. Findings

The system of legislation in the field of labor protection includes several levels: international and national. The fundamental laws of the International Labor Organization on labor protection include Convention No. 187 "On the Promotional Framework for Occupational Safety and Health" and Convention No. 155 "On Safety and Health at Work and the Workplace". The semantic emphasis in these regulations is made on improving the safety of tools, working environment, reducing injuries, as well as on the exercise of the employee's rights to information about working conditions, the possibility of cooperation with the employer concerning the problems of establishing more effective protection methods. In addition, one of the basic conventional requirements is to consolidate the right to refuse to continue to work that poses a threat to the life or health of the employee.

The international level of the labor protection legislation is quite consistent with the requirements of the national legislation of Russia. Thus, most of the conventional norms have been implemented in everyday practice for quite a long time, and in this regard, the ratification of these conventions did not lead to changes in the domestic regulatory framework for labor protection at enterprises. This is primarily due to historical features of the labor and social legislation of Russia, which are associated with the earlier (by European standards) emergence of the institution of labor protection in its modern expression (1917-1922), as well as the political conditionality of normative regulators of workers' rights.

It should be noted that the current international labor protection standards are designed to ensure safe working conditions mainly in the manufacturing sector of the economy, as well as in those areas in which there is a direct human contact with mechanisms and assemblies, harmful substances that can cause physical harm to the life and health of the employee. The paradigm of the current labor protection system is based on the prevention, first, of industrial injuries and occupational diseases. The effectiveness of the current system is expressed in the assessment of the number of accidents at work and corresponding diseases, which shows that the approach to understand working conditions and their safety is limited. So, in accordance with the requirements of the International Labor Organization, a labor organization is considered effective if it includes the following areas of the organization's activities:

- availability of the labor protection policy;
- creation of a special body in the corporation in the field of labor protection;
- assessment of working conditions;
- implementation of measures to inform, train employees in safe working practices;
- improvement of production processes to reduce injuries;
- analysis and prevention of industrial accidents;
- compulsory social insurance of employees;
- social partnership in the field of labor protection (International Labor Organization, 2010).

Such provisions are provided by the relevant regulations adopted by the Russian Federation.

These provisions include:

- section X of the Labor Code of the Russian Federation on labor protection (the main obligations of the employer to create safe working conditions and corresponding rights of workers are fixed (Articles 212, 219-226); requirements for the organization of labor protection at the enterprise are established (Articles 216-218); the procedure for investigating accidents at work (Articles 227-231);

- Federal Law of 28.12.2013 No. 426-FZ "On Special Assessment of Working Conditions" (hereinafter - FZ No. 426-FZ) (the procedure for assessing working conditions at the workplace is regulated);

- system of legislative acts on compulsory social insurance, primarily the Federal Law of the Russian Federation of 24.07.1998, No. 125-FZ "On Compulsory Social Insurance Against Industrial Accidents and Occupational Diseases";

- by-laws that ensure labor protection and its management in the corporation, the procedure for conducting training on labor protection and registration of accidents.

The inconsistency of this labor protection paradigm with the economic and social paradigm of the present time is obvious. First, the production sphere has ceased to be the leading one in the economic system

of the modern world. Even for a such resource-producing country as Russia, the share of trade and other intermediary activities in the structure of GDP exceeds revenues from mining and manufacturing (Association of leaders in oil and gas service and engineering in Russia. National Association of Oil and Gas Service, 2020; Forecast of the socio-economic development of the Russian Federation for 2018 and for the planning period of 2019 and 2020, 2020). At the same time, the number of people employed in trade significantly exceeds the number of workers directly involved in mining operations (19.1% versus 1.6% of the country's working population in 2017-2018) (Rosstat, 2019). According to the European Economic Commission, the production of services consistently exceeds the volume of industrial production in all countries with market economies (European Economic Commission, 2020).

At the same time, the current system of industrial risks is still based on the assessment of harmful or dangerous factors of the labor process, including deviations of working conditions from the norm in chemical, physical parameters, as well as the severity of the labor process in terms of influence on the musculoskeletal system and human senses (D'Silva & Chandrasekaran, 2020; Havet et al., 2020). The bacterial hazard of work is assessed only in the context of the organization's activities for the production and synthesis of chemicals and is not considered as a single risk factor for all types of work. In some cases, the psycho-emotional reward for the employee is assessed (Hwang et al., 2020; Taouk et al., 2020).

In this regard, we believe that the current system of industrial risks is not adequate to threats of large-scale spread of viruses that attacked the modern world, transmitted by airborne droplets and other contactless and contact ways. Thus, the SARS-CoV-2 virus, which caused the 2020 pandemic, spreads through social contact at one meter in the process of talking, sneezing, singing, and it also persists on surfaces and objects used by an infected person (World Health Organization, 2020). Consequently, as a factor in the modern labor process that can harm human life or health, it is necessary to highlight the employee's duty to contact people in the labor process, when by the nature of work, it is impossible to apply remote forms of employment. As the practice of 2020 has shown, the most dangerous spheres of the economy in this aspect are medicine, retail sale of goods, passenger transportation, hotel business, catering, law enforcement, watch work, and, if necessary, group isolation (work in the fleet, oil platforms, geological expeditions, etc.).

Currently, there is no legislative support for the assessment of these labor factors, and the existing norms in this area are aimed only at material incentives for workers most susceptible to infection. So, according to the decisions of the Government of the Russian Federation, medical workers who directly work with infected citizens receive payments from 25,000 to 80,000 rubles, and employees of social institutions who were forced to isolate with residents during the pandemic for a period of 14 days, in the amount of 15 000 to 60,000 rubles. Moreover, the upper bar of co-payments applies only to doctors of these institutions, subject to confirmation of COVID. The assessment of the current situation from the point of view of insurance legislation was carried out only if a disease was detected that did not lead to disability but was caused by infection with a new viral infection in some categories of medical workers. In this case, a one-time insurance payment was established in the amount of 68,811 rubles and a special procedure was established for investigating the industrial accident (Government of the Russian Federation, 2020). In our opinion, such an approach is haphazard and should be replaced by a scientifically grounded and comprehensive concept of labor hazard in terms of the possibility of contracting a viral infection on a long-term basis.

7. Conclusion

As a result, the authors came to the following study conclusions. It is necessary to understand the employee's right to safe working conditions as the right to the absence of direct or indirect threats with performing work for the employer. The risk of contracting workers with a new viral infection in their work duties should be considered as an area of corporate social responsibility of the employer, on the one hand, and as an industrial accident, on the other. The employer should, together with the employees, formulate a policy of prevention and protection against new bacterial threats based on the current requirements for occupational safety and health. This policy should include: identifying positions and areas of work related to social contact. In addition, the hygienic plan should be formulated to reduce the threat of the spread of viruses leading to harm to the worker's life and health. The costs of these activities, including the purchase of personal protective equipment, should be employer's responsibility. The employer should also arrange for workers to be instructed in occupational safety and health in the workplace. It is necessary to amend the legislation on labor protection and legislation and social insurance in the aspect of including the social factor in the number of harmful and hazardous production factors. It is also necessary to organize an assessment of the degree of harmfulness of this factor with all economical spheres (Salas-Nicás et al., 2021).

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