

SLCMC 2021

International conference «State and law in the context of modern challenges»

**LEGAL SAFEGUARDS OF MEDICAL WORKERS ISSUES:
RESULTS OF SOCIOLOGICAL RESEARCH**Marina V. Erugina (a), Alexander S. Fedonnikov (b)*, Galina Yu. Sazanova (c),
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elena-andriyanova@yandex.ru**Abstract**

The article presents the research of the opinions of a professional group of doctors (N=1041) on topical problems of protecting the rights of medical workers in the exercise of their labor functions associated with the risky nature of medical activities, an increase in legal responsibility, workload and the progressive aggression of patients. The authors used sociological and statistical research methods. The significance of differences between the values was determined using the Student's t-test ($p < 0.05$, $t \geq 2$). Recent years have been characterized by a pronounced increase in the number of complaints of patients to medical workers and institutions related to the medical care provision and the onset of various kinds of responsibility of doctors in the implementation of professional activities. The problem of legal insecurity of medical workers are the following: ambiguity of their legal status in the field of labor legislation, vulnerability in the event of adverse outcomes in professional activity, uncertainty of actions in the event of aggression (attacks) by patients. The leading rank places among the influencing factors are the depreciation of the benefits of medical specialists working in hazardous working conditions and aggression of patients. According to doctors' opinion these negative factors can be overcome by toughening the penalty for the use of violence against medical workers performing their duties.

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Keywords: Health personnel, medical activity risks, medical workers rights, medical error

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1. Introduction

In recent years Russian society has faced a serious problem of infringement on the life and health of medical workers in the performance of their official duties. Danger of doctor's professional activity become to be comparable to the work of employees of law enforcement agencies and others associated with extreme life situations. At the same time there are insufficient regulatory mechanisms for protecting the rights of medical workers as well as regulating the responsibility of citizens for such crimes.

2. Problem Statement

The studied issue is extremely relevant as it affects the professional interests of medical doctors. The problem of the legal vulnerability of medical workers includes several aspects: the underdevelopment of the legal status of a doctor in the field of labor legislation and his vulnerability in the event of unfavorable outcomes in professional activity, uncertainty of behavior during aggression (attack) on the part of the patient and his representatives. These factors contribute to the development of a personnel crisis in the healthcare system motivating to leave the profession and predetermining professional burnout.

3. Research Questions

The growth of the competitiveness of the healthcare industry is one of the long-term strategic guidelines for the state's social policy. The problem of encroachment on the life and health of medical workers in the performance of their official duties has recently become relevant for the different health systems. The issues of conflicts between patients and doctors have been studied in an ethical and legal plane since the 1950s and have recently become increasingly important for healthcare managers as well as specialists in the field of law and social security (Tongwei & Wentao, 2006; Ziping & Dongsheng, 2016). In terms of the degree of danger the work of a doctor can be comparable to the activities associated with extreme life situations which are close to military services.

At the same time there are no regulatory mechanisms for protecting the rights of medical workers as well as regulating the responsibility of citizens for such crimes. Some authors substantiate the need to revise the current criminal legislation in terms of establishing additional guarantees that ensure the protection of the life and health of medical workers in connection with the performance of their official duties and make proposals for its improvement (Petrova et al., 2018). Other researchers believe that the legal status of medical workers differs and should occupy a special place in the system of regulation of labor relations and consider medical workers as special subjects of labor law defining the specifics of the profession, which has distinctive features in the form of a focus on preserving the life / health of the patient, high legal responsibility, expressed by the stressful nature of work, which is harmful and dangerous. It is necessary to improve the regulation of the labor of medical workers and more detailed regulation of the relevant articles of the Labor Code (Sidorov & Simonyan, 2017).

Therewith the legal and social protection of a doctor at the present stage of development of society is one of the most undeveloped branches of law which requires revision, development of the existing

order and an increase in the legal literacy of a doctor (Voevodina et al., 2016). The results of a sociological study in which 870 doctors of the state health care system of two regions of Russia took part showed an increase in the economic and social vulnerability of doctors, their workload, which is not accompanied by an increase in wages, an increase in the risks of losing or changing jobs and the level of instability. This leads to the loss of a long-term life perspective and the erosion of professional values (Klimenko & Posokhova, 2018). A classification of the legal risks of a medical organization has been developed, including those associated with a medical error. It is noted that due to the lack of a clear definition of a medical error, it is extremely difficult to differentiate the cause of an adverse event: whether it is a medical professional's negligence or low professionalism, or the patient's irresponsibility (Pesennikova et al., 2018). On the basis of a survey of a group of doctors the researchers conclude that there is no possibility for doctors to study in detail their rights, the foundations of the organization's legal activities, and that the role of professional unions that could assist doctors in resolving doctor-patient conflicts and, from the current situation, suggests strengthening the legal component in the education of a doctor (Kosukhina, 2019). A significant problem is the discrepancy between the requirements of professional standards which imply the mastering by a doctor of competencies of a professional, legal and ethical orientation, and the content of educational standards that are poorly focused on the formation of these competencies (Porodenko et al., 2020).

4. Purpose of the Study

The purpose of the study is the analysis of the opinions of a professional group of doctors on the problems and improvement of legal safeguards of medical workers in the performance of their labor functions.

5. Research Methods

To achieve this purpose a sociological study was carried out by the method of anonymous questionnaires using the original questionnaire. The questionnaire contains 18 questions including both general information (age and sex characteristics, information about the place of work, position, medical experience) as well as special ones, which allow finding out the opinion of the professional group about the problems of regional health care, the degree of legal protection of doctors, factors that infringe on labor rights a medical worker, possible additional measures of protection in the performance of professional duties, awareness of the bodies for the protection of medical workers' rights. Medical workers of Saratov region with higher medical education were interviewed (N = 1041), of which 75 % were women and 25 % were men. 38 % of respondents have more than 20 years of work experience in the health care system, 27 % – 11–20 years, 15 % – 6–10 years, and 20 % – less than 5 years. Chief physicians in the structure of the sample totaled 2 %, deputy chief physicians – 4 %, healthcare and public health specialists – 7 %, diagnostic doctors – 11 %, surgical doctors – 12 %; heads of structural subdivisions – 17 %, work as therapeutic doctors, 47 % of the surveyed doctors. 21 % of respondents work in medical organizations (MOs) subordinated to the Ministry of Health of Russia, 66 % in regional

MOs, 5 % in private ones, and 8 % combine their activities in organizations of the private and public health care system.

6. Findings

More than half of medical workers (53.5 %) faced the cases of violation of their rights in the performance of their official duties while 46.5 % of the respondents did not violate their rights. To the question: "How can you characterize the state of the system for protecting the rights of medical workers?" – 55 % of the respondents answered that the protection of their rights is organized by society ineffectively, 33 % found it difficult to answer the question and 12 % believe that the protection of their rights is fully ensured.

The doctors were asked to rank the factors that infringe on the labor rights of medical workers in order of importance. In their opinion the 1st ranking place is taken by the reduction of benefits for medical workers such as additional paid leave, working hours, raising the retirement age, etc. The 2nd ranking place is occupied by aggression, attacks by patients, the 3rd rank is the non-observance of sanitary and hygienic requirements for the working space, and the fourth is the lack of access to professional psychological assistance at the workplace. One should pay attention to the fact that such professionally significant factors as unreasonable decisions of supervisory authorities, unreasonable administrative decisions of the management, unreasonable decisions of medical insurance companies, violation of professional ethics by management and lack of access to professional psychological help in the workplace are of low importance for the surveyed healthcare professionals (Figure 1).

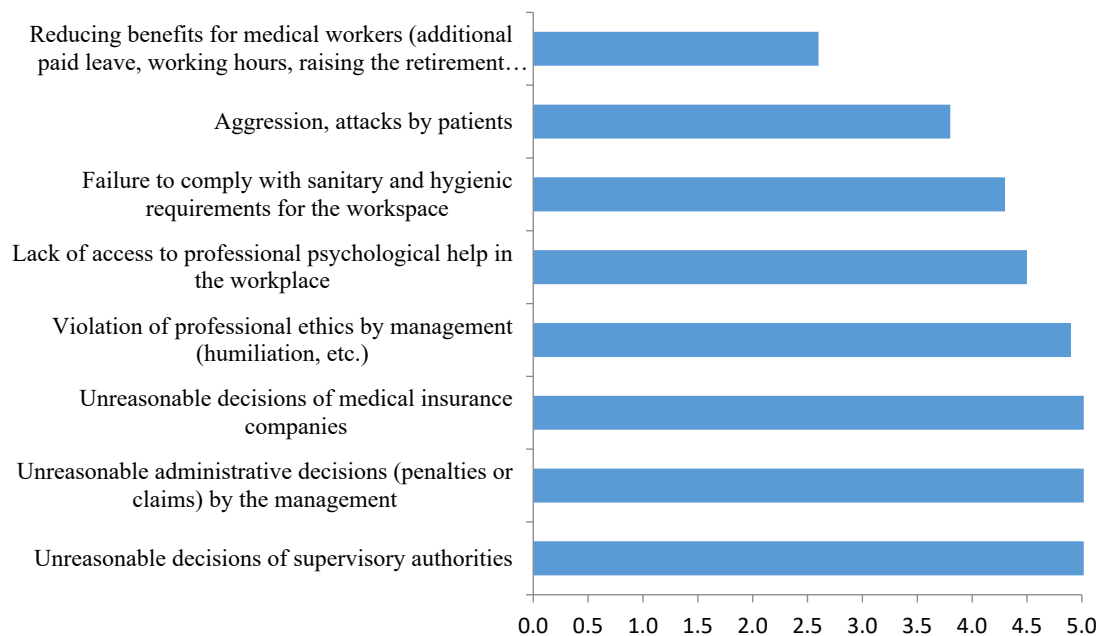


Figure 1. Evaluation of factors infringing on labor rights of medical workers (the lower value is the most significant option)

In a situation of violation of their rights in the performance of official duties, 51 % of the respondents would turn to their organization to solve the problem – more than a third of the respondents (37 %) would turn to their manager, 14 % of the respondents would turn to lawyers. 11 % of the respondents would apply to the law enforcement agencies (police, prosecutor's office) and the trade union organization, and 10 % to the health authorities. 7 % and 6 %, respectively would consult professional association of medical workers and judiciary. 70 % of the respondents are in favor of toughening the measure of responsibility in the event of harm to the health of medical workers during the performance of their official duties, 20 % are at a loss to answer and 10 % of the respondents have a negative attitude to this issue.

When assessing the significance of measures to protect the life and health of medical workers in the performance of their official duties the respondents gave priority to the introduction of criminal liability for the use of violence, both dangerous and not dangerous to life and health, against a medical worker in connection with the performance of professional duties (1st rank place). The 2nd rank place is the equalization of the status of a medical worker in execution with the status of police officers, military personnel and other government officials; in 3rd place is the introduction of compulsory state life and health insurance for medical workers. The equipment of all medical organizations with alarm buttons to call the police and the introduction of special trainings for medical workers on working with socially dangerous patients took the 4th and 5th rank places respectively (Figure 2).

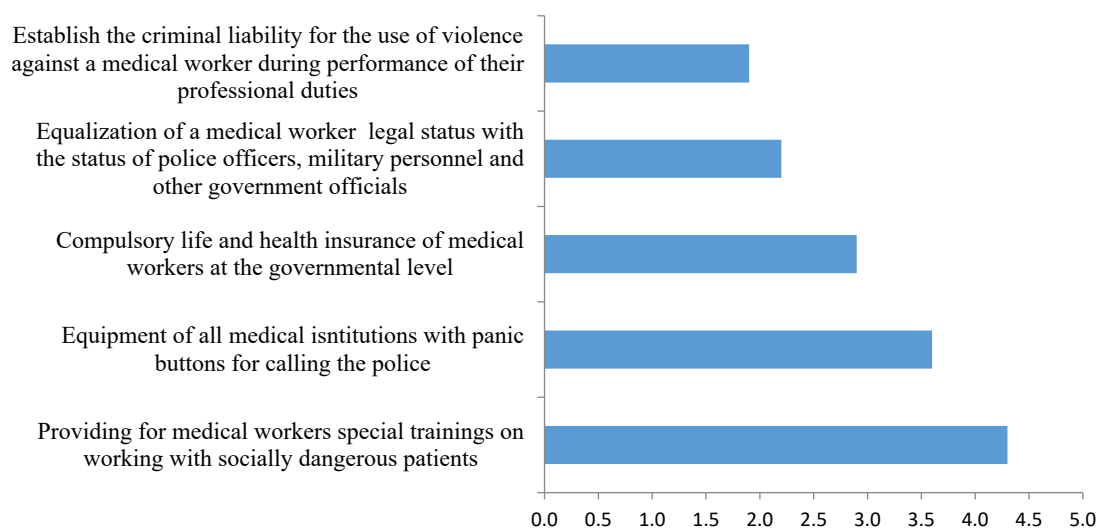


Figure 2. Average ranks of measures to protect the life and health of medical workers in the performance of their professional duties (the lower value is the most significant option)

A number of questions were devoted to the problem of medical error. Thus a 19 % of the respondents had to defend their rights regarding medical errors. At the same time 57 % of medical workers believe that a medical error is "a doctor's mistake in the performance of his professional duties, which is the result of a conscientious delusion and does not contain corpus delicti and signs of misconduct." 43 % of respondents consider it necessary to make the concept of "medical error" legal.

19 % of respondents disagree with this and 39 % of medical workers found it difficult to answer the question.

7. Conclusion

One of the main topics discussed in the modern media space is the protection of medical workers from deviant patients. The article highlights the least studied aspect of social policy in the field of health care which shows the importance of organizing social and legal protection adequate to the needs of medical professionals. Promoting the interests of medical workers as a social and professional group provides its consistency with the long-term goals of social and legal security of the medical profession.

The analysis of the opinions of the professional group of doctors on the problems and improvement of the protection of the rights of medical workers in the performance of their labor functions allows drawing a number of conclusions.

1. Doctors consider the system of protection of their rights imperfect, every second doctor is faced with a violation of his rights. These factors contribute to the formation of a personnel crisis, exacerbating the negative trends in the development of the health system, leaving the profession and professional burnout.

2. The leading rank places among the factors that infringe on the rights of doctors are the reduction of benefits for medical workers and aggression on the part of patients.

3. To overcome these negative factors according to doctors it is possible by toughening the punishment for the use of violence against medical workers performing their duties and equating the status of a medical worker in execution with the status of police and military personnel.

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