
LIFE SAFETY

Scientific article

UDC 614.8; DOI: 10.61260/2304-0130-2024-4-59-63

ON THE ISSUE OF THE ADMINISTRATIVE RESPONSIBILITY OF THE EMPLOYER FOR VIOLATION OF LABOUR PROTECTION REQUIREMENTS

✉ **Trapeznikova Marina M.;**

Zhukova Alina A.

Saint-Petersburg university of State fire service of EMERCOM of Russia, Saint-Petersburg, Russia

✉ *marina-tr@yandex.ru*

Abstract. The features of the administrative responsibility legal regulation of the employer in the process of ensuring labour protection are considered. The basic rights and obligations of an employer in the field of labour protection, as well as the possible consequences of violating labour protection requirements were analyzed. The importance of an integrated approach to monitoring compliance with occupational safety requirements at the enterprise was formulated as a conclusion.

Key words: labour protection, safety, employer, injury, control, responsibility

Introduction

Currently the issue of the employer's administrative responsibility for violation of labour protection requirements is becoming increasingly relevant. This is due to a number of factors, including the current general situation in the field of occupational safety and health, as well as existing risks to the health and life of employees. In these circumstances, the need to strengthen control over compliance with occupational safety requirements is becoming much more apparent. The need for the above-mentioned control is confirmed by statistical data (in the timeframe from 2020 to 2022). It can be noted that the total number of accidents at work has increased in the aforementioned period. The dynamics of injuries are presented in tabl. 1 [1].

The information given in tabl. 1 indicates that the existing security and control measures are insufficient to prevent such incidents. It is important that employers not only realize their responsibility for violating labour protection requirements, but also actively work to improve working conditions at the enterprise.

For citation: Trapeznikova M.M., Zhukova A.A. On the issue of the administrative responsibility of the employer for violation of labour protection requirements // Supervisory activities and forensic examination in the security system. 2024. № 4. C. 59–63. DOI: 10.61260/2304-0130-2024-4-59-63.

Injury dynamics (according to Rostrud data)

Year	Total number	Group accidents		Accidents	
		Number	Including lethal cases	Lethal cases	Cases with a severe outcome
2020	5 171	361	260	1 261	3 594
2021	5 491	347	318	1 337	3 807
2022	5 563	381	296	1 269	3 913

Analytical part

The Constitution of the Russian Federation proclaims that the state takes care of the health and safety of its citizens when they work [2]. Ch. 35 of the Labour code of the Russian Federation contains norms concerning labour protection. In addition, art. 219 of the Labour code of the Russian Federation considers the employee's right to safe work, and art. 220 of the Labour code provides guarantees for the exercise of this right. Art. 214 of the Labour code of the Russian Federation provides for special rules according to which the employer is obliged to provide employees with the necessary conditions and means for the safe implementation of the labour process [3]. At the same time, non-compliance with labour protection requirements may entail various kinds of sanctions (disciplinary, material, administrative, criminal). The first two types of liability apply in cases of less serious violations. In turn, administrative liability is introduced for more serious violations of labour legislation [4]. To be fair, in the opinion of the authors, scientists P.N. Kachalov and I.V. Kurlevsky, the administrative type of responsibility can be considered as the most effective way to protect the labour rights of employees. The inclusion of administrative responsibility in the current labour legislation clearly contributes to improving the quality of legal regulation of public legal relations, as well as the control and accounting of offenses [5].

Currently, the problem of insufficient responsibility of the employer for compliance with labour protection requirements is debatable in the scientific community. Scientists such as I.M. Anisimov and A.I. Fomin focus on psychological reasons, namely, that with an increase in the length of an employee's work experience, there is a decrease in the level of perception of danger and responsibility in the process of his work. Employees often neglect the requirements of industrial safety, trying to minimize the time and effort spent. Analyzing these opinions of scientists, it can be concluded that the problem of employer responsibility for violation of labour protection requirements is widespread and requires an immediate solution [6].

From the analysis of the open data of the Rostrud «Passport – Information on industrial accidents», 10 types of accidents in various industries with a high level of injury were identified. This information is shown in tabl. 2 [1].

The number of accidents with serious consequences at work in 2016–2024

№ п/п	Name of accident type	Total number of people	Fatal accidents
1	Agriculture, forestry, hunting, fishing and fish farming	445	132
2	Manufactures	1 296	261
3	Building	893	293
4	Mining operations	419	114
5	Wholesale and retail trade; repair of motor vehicles and motorcycles	336	62
6	Transportation and storage	725	188
7	Electric energy, gas and steam provision; air conditioning	209	63
8	Health and social services activities	231	25
9	Activities in the field of culture, sports, leisure and entertainment	39	7
10	Other types of services	19	2

Based on the data given in tabl. 2, it can be concluded that the number of accidents at work with severe consequences varies depending on the sector of the economy. To prevent accidents and incidents at work, it is necessary to conduct regular inspections and briefings, as well as provide employees with the necessary protective equipment. According to Yu.V. Baranov, «over a thousand people die from injuries every year. Moreover, to date, no legal mechanism has been found that provides a systematic approach to preserving the life and health of the economically active population of the country» [7].

According to Y.S. Sergeenko, «...the high level of occupational injuries may be due to the lack of a training system for employers and specialists in specialized courses with mandatory study of regulatory documents on labour protection» [8]. The position of Y.S. Sergeenko can be confirmed by judicial practice. For example, on December 21, 2020, in Berezovka village (Krasnoyarsk territory), an employee of the production site was repairing an electric loader. During the work, an accident occurred: the loose mast of the loader tipped over, the worker fell to the concrete floor, and the mast fell on him. The employee suffered severe head, face and chest injuries due to the lack of measures for safe work, occupational safety training, and improper provision of personal protective equipment. As a result of the accident investigation and an unscheduled inspection, the perpetrators of the violations were brought to administrative responsibility [1].

According to the report of the State Labour Inspectorate (SLI) on activities in the Leningrad region for 2023, the following dynamic of basic indicators is noticeable compared to the previous year:

- the number of inspections was reduced in 2023 due to restrictions on supervision and control activities: from 677 inspections in January-December 2022 to 13 inspections in the same period of 2023;
- the number of orders issued decreased: from 318 in 2022 to 12 in 2023;
- there was a decrease in the number of warnings issued on 49 %: from 1 256 in 2022 to 694 in 2023.

In 2023, there was a significant increase in the number of warnings: from 33 411 in 2022 to 85 038 in 2023 (more than 200 %). During the inspections of the SLI in Saint-Petersburg, 29 violations of labour legislation were detected. In the same year, according to the results of the analysis of information received through the system of interdepartmental electronic interaction (SIEI) on violations that entail liability under P. 2 of art. 15.33.2 of the Code of Administrative Offences of the Russian Federation, 24 053 decisions on bringing to administrative responsibility were issued, of which 9 802 decisions on imposing fines totaling at 7 661.13 thousand rubles. In 2023 the State Labour Inspectorate in Saint-Petersburg recorded a total of 420 accidents, of which 194 accidents directly occurred in Saint-Petersburg. This data is presented in tabl. 3 [9].

Analysis of the accident records of Saint-Petersburg SLI in 2023

SLI	Number of accidents	Accidents with severe outcome	Accidents with lethal outcome	Group accidents
Saint-Petersburg	194	107	82	5

In an effort to save time, employees often ignore established safety standards [1]. To prevent employees from becoming less attentive, it is important to regularly remind them of the consequences of violating security requirements. Trainings and educational events help to increase the self-awareness of employees regarding ignorance of labour protection rules. The organization of work processes also plays a key role in occupational safety management. At the planning stage, it is necessary to identify all possible hazards and harmful factors, which allows you to eliminate problems before starting work and make work safer and more efficient.

Conclusion

In conclusion, the authors would like to note that a comprehensive solution to the problems associated with bringing an employer to administrative responsibility for violating labour protection requirements is currently required. First, it is necessary to reinforce control over the labour activity process, as well as to develop and implement a system for training employers in specialized courses with mandatory study of regulatory documents in the field of labour protection. Secondly, in order to regulate the legal mechanism of the supervisor's responsibility for compliance with labour protection requirements, it is necessary to amend art. 5.27.1 of the Code of administrative offences of the Russian Federation regarding the increase in penalties for employers for violating occupational health and safety requirements in the organization.

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Information about the article: submitted for editing: 20.10.2024; accepted for publishing: 15.11.2024

Information about the authors:

Trapeznikova Marina M., associate professor of the labor law chair of Saint-Petersburg university of State fire service of EMERCOM of Russia (196105, Saint-Petersburg, Moskovskiy ave., 149), Phd in law, e-mail: marina-tr@yandex.ru, AuthorID: 871456, SPIN: 4316-7263

Zhukova Alina A., student of Saint-Petersburg university of State fire service of EMERCOM of Russia (196105, Saint-Petersburg, Moskovskiy ave., 149)