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Features of the application of legal guarantees and compensations for rotation workers in the Arctic zone of the Russian Federation

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Abstract. The reported study was funded by RFBR in accordance with the research project No. 18-013-00623. The article discusses the features of the application of legal guarantees and compensations for rotation workers in the Russian Federation. The main features of rotation work, positive and negative features of the rotation labour regulations are singled out; suggestions are made on how to increase the effectiveness of the legal regulation in the field of rotation work.

1. Introduction

Currently, the projects for the extraction of natural resources are being actively developed in the Arctic region. Taking into account this fact, the need for workers in this field is constantly increasing. Rotation work is the most common work method in the companies extracting natural resources. However, the development of this industry can be carried out only if there is working-age population that is able to work effectively in extreme conditions. This phenomenon is directly dependent on the effective legal regulation of labor relations in the field of rotation work organization.

The rotation method should be distinguished from other special forms of work organization, such as “shift work” and “distant work”.

Shift work is work in shifts. This work method is introduced when the duration of the production process exceeds the allowed duration of daily work. Despite the fact that work is organized according to a special labor regime, shift work does not imply the fulfillment of a labor function outside the place of permanent residence. It also does not imply the impossibility of the daily return of employees to their places of residence.

Distant work is work when the fulfillment of labor functions is performed outside the location of the employer, branch, representative office, other separate structural unit (including those located in another locality), outside the stationary workplace, etc. The main difference from the rotation labor is that the employer does not provide conditions for the life of employees during the work performance.

Speaking of the features of the rotation work regulation in the Russian Federation, it should be noted that the rotation method itself is a feature of labor regulation. The rotation method is a form of work based on the use of labor resources outside their place of permanent residence, provided that the daily return of workers to their place of permanent residence cannot be ensured. Work in this case is organized according to a special labor regime, the working time is usually summed up, and rest between the rotation shifts is carried out in places of permanent residence.



Thus, rotation work basis can be applied at a considerable distance from the workers' place of work or the employer's location. It is used to improve production efficiency in remote areas with special climatic conditions. These conditions can be called extreme conditions (such as the conditions of the Far North). In turn, the conditions of permafrost, hard-to-reach, sparse terrain make permanent residence impossible and imply a rotation work method.

Work in areas with extreme conditions requires guarantees, higher wages and should attract more applicants. It should be noted that not everyone can work according to the rotation method in the Far North conditions. According to Article 298 of the Labor Code of the Russian Federation, it is not possible to involve in rotation work the following groups of people: people under the age of 18, pregnant women and women with children under the age of 3, as well as people with medical contraindications. Also, according to Article 264 of the Labor Code of the Russian Federation, single fathers who bring up children under the age of 3, as well as guardians, cannot be involved in the rotation work [1].

According to Article 299 of the Labor Code of the Russian Federation [1], the total period, which includes the time of work and rest between shifts in the rotational settlement, is called a rotation shift. The duration of the rotation shift should not exceed a month, and in exceptional cases 3 months. The accounting period covers all working hours, including travel time to the place of work and back, as well as the rest time that falls on a given calendar segment.

The rotation method presupposes the summed-up accounting of working time for a month, a quarter or another longer period, but no longer than 1 year. (Article 300 of the Labor Code of the Russian Federation) [1]. Time of work and rest in accordance with Article 301 of the Labor Code of the Russian Federation is regulated by a schedule approved by the employer taking into account the opinion of an elected body of the primary trade union organization.

In accordance with the Labor Code of the Russian Federation, the remuneration of workers, employed in areas with special climatic conditions, is higher (Article 146 of the Labor Code of the Russian Federation). These rules are specified in Articles 315, 316, 317 of the Labor Code of the Russian Federation, and stipulate that the remuneration of people working in the Far North regions and equated localities is performed with the use of regional coefficients and rated wage increases [1]. Similar legal regulation is contained in the Law of the Russian Federation of February 19, 1993 No. 4520-1 "On State Guarantees and Compensations for Persons Working and Living in the Far North Regions and Equated Localities" (hereinafter - the Law of the Russian Federation of February 19, 1993 No. 4520-1) [2].

When calculating rated wage increases for rotation workers, the grounds for employment termination are irrelevant to the calculation of work experience. The wage increase is included in the salary and does not apply to incentive payments. The right to a rated wage increase depends on the length of service in the regions of the Far North and equated localities. A rotation worker who received a claim for misconduct is not subject to additional punishment in the form of deprivation of the right to a rated wage increase for work experience in special climatic conditions. Also, employees are granted additional annual paid leave.

The procedure for applying the rotation method is approved by the employer, taking into account the opinion of the elected body of the primary trade union organization in the manner prescribed by Article 372 of the Labor Code of the Russian Federation for the adoption of local regulations [1].

Thus, the rotation method of work is a special form of the labor process. The main features of the rotation method include: work in a specific business area (mainly oil or gas industry, construction or geological exploration, transport and communications, forest industry, etc.); finding a job at a considerable distance from the employer's location; working at a considerable distance from the place of residence; creation by the employer of conditions paid for by the employer to ensure the life of employees during the execution of work; a special mode of work and rest during the work execution.

Features of the legal regulation of the rotation method in the Russian Federation, undoubtedly, have their positive aspects. These include the benefits enshrined in the law: providing employees with free

meals and housing during the rotation shift, increased wages, additional leave, rated wage increases for work in extreme conditions, payment of travel to a place of rest and back every two years.

Despite the advantages, there are a lot of disadvantages. These include the following: a worker is in adverse climatic conditions for a long time, the rotation time is not enough to adapt to them; difficult working conditions require good health, excellent physical shape; frequent injuries due to remoteness from regulatory authorities and non-compliance with safety regulations; lack of qualified medical care; employee's isolation; separation from the family.

Taking into account the negative aspects of the rotational labor, we propose to expand the range of benefits and guarantees for workers employed in the field of rotational labor by supplementing the Law of the Russian Federation of February 19, 1993 No. 4520-1 (as amended of 03/07/2018) "On state guarantees and compensations for persons working and living in the Far North and equated localities". The first step is to provide medical guarantees. The employee should have the right to receive medical care at the place of stay free of charge. At the same time, medical care means not only the treatment of a disease, but also various types of surgery [2].

Also, benefits should be provided to the employee's family members, because it is the family that has numerous difficulties that are associated with a special form of work organization. We propose to increase benefits for workers' wives. For example, to increase the amount of child allowance, lump-sum allowance at childbirth, and establish monthly subsidies, the amount of which should be determined in each region separately. Children must be granted the right to enroll in preschool and school facilities out of turn. Kindergarten payments should be compensated. Workers' family members should be granted the right to free travel to a place of rest at any point of the country and back once a year.

In addition, the rotation workers' families should be considered preferential categories of citizens when paying for housing. The compensation amount should be set at the regional level and should depend on the family's place of residence. It is necessary to introduce subsidies for purchasing an apartment or a house through the introduction of separate regulatory legal acts.

Also, we believe that in Article 302 "Guarantees and compensations to persons working on a rotational basis" of the Labor Code of the Russian Federation, we need to add an item on the right of an employee to receive retirement severance pay. The size of this pay should be established depending on work experience.

2. Conclusions

1. The main features of the rotation work method in the Arctic zone of the Russian Federation are as follows: work in a specific business area, working at a considerable distance from the employer's location and place of residence, creating conditions by the employer to protect employees' lives during work, special work and rest regime during the execution of works.

2. The positive features of the legal regulation of rotation work include: providing employees with free meals and housing during the shift, increased wages, additional leave, rated wage increases for work in extreme conditions, payment of travel to the place of rest and back.

3. The negative aspects of rotation work include: employee's long-term stay of the in adverse climatic conditions, difficult working conditions, frequent injuries, frequent failures to observe safety precautions, lack of qualified medical assistance, employee's "isolation".

4. In order to level the negative aspects of the rotation work, we propose to expand the range of benefits and guarantees by supplementing the Law of the Russian Federation of February 19, 1993 No. 4520-1 (as amended on 03/07/2018) "On state guarantees and compensations for persons working and living in areas of the Far North and equated localities", in particular, the provision of medical guarantees to the employee, the provision of benefits to the employees' families (a larger child allowance, the right for free travel to the place of rest and back at any place in country once a year, etc.). We also consider it necessary to supplement article 302 "Guarantees and compensation for persons working on a rotational basis" of the Labor Code of the Russian Federation by including a clause on the right of an employee to receive retirement severance pay.

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