

## THE PROBLEM OF SPECIAL ASSESSMENT OF WORKING CONDITIONS

**Ryzhkova Svetlana**

Student, Moscow Polytechnic University, Russia, Moscow

**Kozhukhova Valentina**

научный руководитель, Scientific supervisor, senior lecturer of the Department of "Foreign Languages" of Moscow Polytechnic University, teacher of GBOU "School No. 2103", Deputy director of ANO DPO "East Siberian Educational Center", Russia, Moscow

## ПРОБЛЕМА СПЕЦИАЛЬНОЙ ОЦЕНКИ УСЛОВИЙ ТРУДА

**Рыжкова Светлана Юрьевна**

студент, Московский политехнический университет, РФ, г. Москва

**Кожухова Валентина Валерьевна**

научный руководитель, старший преподаватель кафедры «Иностранные языки» Московского политехнического университета, учитель ГБОУ «Школа № 2103», заместитель директора АНО ДПО «Восточно-Сибирский образовательный центр», РФ, г. Москва

**Abstract.** This article raises issues related to the special assessment of working conditions, the implementation of the constitutional rights of citizens of the Russian Federation and provides recommendations for improving the situation.

**Аннотация.** В данной статье поднимаются проблемой связанные с проведением специальной оценкой условий труда, с реализацией конституционных прав граждан РФ и приведены рекомендации по улучшению ситуации.

**Keywords:** special assessment of working conditions, harmful and (or) dangerous production factors, class of working conditions, employer, state, employee.

**Ключевые слова:** специальная оценка условий труда, вредные и (или) опасные производственные факторы, класс условий труда, работодатель, государство, работник.

The key tools for ensuring the constitutional rights of citizens of the Russian Federation in the field of labor relations and labor protection guarantees are a system of monitoring and reliable assessment of working conditions. A new approach based on the study of the real state of working conditions in the workplace was launched in 2014 in accordance with Federal Law No. 426-FZ, developed by the Ministry of Social Labor of the Russian Federation. However, the SOUT

methodology has caused a number of problems for government agencies and those who are in labor relations.

This problem can be solved by developing a modern approach to assessing working conditions, which will include scientific methods, new technologies, as well as standards that meet international standards and practices. The new system should be automated and provide quick access to information about working conditions for employers, government agencies and employees. In addition, it should be dynamic and flexible, take into account changes in technologies and requirements in the workplace, as well as be updated in accordance with the latest scientific achievements.

It is also important to improve the quality of identification of harmful and dangerous production factors, including through the introduction of new methods of measurement and data analysis. To do this, it is necessary to carry out regular updates and training of personnel related to monitoring and assessing working conditions, as well as identifying and expanding the use of modern technologies and tools.

The integration of such a monitoring and evaluation system into labor relations can significantly increase the level of protection of employees from negative impacts on their health and safety, as well as improve the social well-being of society as a whole. However, in order to realize these advantages, it is necessary to take decisive measures to eliminate the shortcomings of the existing system for assessing working conditions and to introduce a new, modern system based on scientific approaches and technologies.

Currently, the scientific community is paying attention to the problems associated with conducting a special assessment of working conditions. One of the main problems is the artificial simplification of the methodology that was previously used for certification of workplaces, and is now used in production control. As a result of this approach, a legal conflict arises, which allows evaluating the same workplace with the same working conditions with different results, which is unacceptable.

The artificial underestimation of the class of working conditions, made possible by the method of carrying out the SOUT, has negative consequences. This approach is beneficial to the employer, since it allows him not to invest resources in the development of measures to improve working conditions. However, such an action is illegal and unfair to employees who should be able to work in comfortable conditions.

It is necessary to change approaches supported by a regulatory framework so that employers cannot minimize investments in production, and responsibility for harm caused to an employee is shifted to the state. Regulation and control should be strict in order to ensure the protection of workers' rights and reduce the risks associated with the negative consequences of artificial assessment of working conditions.

An introductory measure currently adopted in the Russian Federation is a system for monitoring the availability of employment contracts for employees of organizations. However, by examining this system more closely, several potential negative consequences can be identified.

Firstly, such a measure can lead to a sharp deterioration in the social security of citizens and an increase in social tension. The obligation to conclude employment contracts could lead to an improvement in the situation in this area, but the existence of a mass of informally employed persons suggests that this system does not yet solve the problem in full force, and in some cases aggravates the situation.

Secondly, such a control system can lead to a reduction in employers' payments to the Federal Tax Service of the Russian Federation, which will lead to an increase in the financial burden due to an increase in direct and indirect budget expenditures. In addition, such a system can worsen relations between the state and business, which can also negatively affect the state of the economy as a whole.

Thirdly, the mandatory conclusion of employment contracts may lead to a decrease in employers' interest in improving working conditions, updating fixed assets and introducing advanced

technologies. Employers can begin to reduce their expenses in these important areas to compensate for the need to conclude employment contracts.

Fourth, such a system can complicate the situation in the field of public administration and planning. A larger number of legal documents created to monitor the availability of labor contracts can complicate the procedures of the budget process, reduce the rationality of existing systems and increase risks in the field of public administration in general.

Thus, the system of monitoring the availability of employment contracts, despite its importance and relevance at the present time, requires more in-depth consideration and analysis in order to avoid or minimize potential negative consequences.

To improve the situation, changes in the methodology are needed, taking into account industry specifics and a broad collegial approach that includes the maximum number of stakeholders.

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