

Problems of Implementing the Right to Work in the Current Economic Conditions of the Pandemic Period

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Abstract. The article summarizes the practice of forming a legal framework for organizing work remotely in the context of the spread of a new coronavirus infection. The relevance of the study is due to the fact that in a pandemic, the current state of the social and labor sphere is one of the most important problems in all countries of the world. The main objective of the study is to scientifically substantiate the problem of the impact of the negative consequences of the spread of COVID-19 on the rights of workers in the field of labor relations. The purpose of the article is a comparative analysis of the implementation of labor legislation using the example of various countries in the context of the COVID-19 pandemic. The object of the research is social relations arising in the labor market. The subject of the research is the assessment of the implementation of the right to work of an employee performing labor activities in a safe or remote mode. The economic analysis of private law, comparative legal analysis, methods of statistical research and analysis of scientific literature and open sources of the Internet are used. In the course of the study, statistical and other data were compared, an analysis of Russian, Chinese and American labor legislation was made, which allows drawing conclusions about the prospects for interaction between Russia and the outside world in the coming decades based on the experience gained by the world community during the COVID-19 pandemic and before it began. The results of the study will be useful to lawyers and economists, as well as representatives of business and industrial structures, whose professional interests include issues of organizing workers' labor in the pandemic.

1 Introduction

Unprecedented measures to contain the spread of COVID-19 are having a significant negative effect on the economies of all countries, regardless of their integration into global value chains. According to the results of 2020, experts from the International Monetary Fund estimated a decline in the global gross domestic product (GDP) at the level of 3%. It should be noted that this indicator is much higher than during the global financial and economic crisis of 2008-2009. This drop will make the current crisis the worst since the Great Depression [18].

Economically developed countries have been hit hardest by the negative impact of the COVID-19 pandemic. On average, the GDP of developed countries by the end of 2020 decreased by 6.1%: in the United States, the decline will be 5.9%, 7.5% in the eurozone countries and 5.2% in Japan. Developing countries are less affected by the current crisis: their economies will contract by 1% on average. China is expected to grow 1.2% (up from 6.1% in 2019), Brazil's economy will

shrink 5.3%, that of Mexico, South Africa and Russia will reduce by 6.6%, 5.8% and 5.5%, respectively.

The International Labor Organization (ILO) estimates that the COVID-19 response has negatively impacted nearly 2.7 billion workers worldwide, representing 81% of the global workforce. The crisis led to an unprecedented decline in economic activity and working hours: in the second quarter of 2020, there was a decrease in working hours by 6.7%, which is equivalent to 195 million full-time workers with a 48-hour work week [16]. It was revealed that employees of the industrial sector were most affected by the consequences of the crisis. This area employs 463 million people, or 13.9% of the total number of workers in the world. Quarantine measures, store closures and wage cuts have lowered consumer demand, which has a direct impact on the plight of workers.

2 Materials and methods

The theoretical basis of the study was the work of national and international scientists in the field of labor law. The methodological basis of the research was formed by general scientific methods of cognition, in

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particular, economic analysis of private law, comparative legal analysis, methods of statistical research and analysis of scientific literature and open sources of the Internet, synthesis, comparative analytical and logical analysis, systemic method. Methods of statistical analysis were also used in the work.

The empirical and information bases are presented by the provisions of scientific research, periodicals of a theoretical and legal profile, devoted to the problems of realizing the right to work in the context of global risks and challenges associated with the spread of a new coronavirus infection.

3 Results

At the end of 2019, the world faced a new test of cohesion—the new coronavirus infection. Chinese Wuhan took the first blow, and later, the virus began to spread throughout the planet. Within a month from the moment of detection, the virus reached Europe [10, 12, 13]. The first cases of infection were recorded in France and Italy, then in Australia, Germany, Canada, and gradually the infection covered more people, more countries were faced with the need to take certain measures, the content of which was not entirely clear at first due to the poor knowledge of the threat. In the Russian Federation, the first case of the disease was detected on March 2, 2020; on March 11, WHO announced that the coronavirus infection, which already has the official name COVID-19, acquired the character of a pandemic and the world really began to enforce a set of major restrictive measures that were supposed to prevent spread of infection. Restrictions on air traffic between the countries were put, the governments of different countries recommended transferring to distance learning mode for students and schoolchildren [9]; in Russia, from March 30, a new unnamed concept began to be widely introduced into practice—"non-working days with the preservation of wages for employees".

Of course, at the beginning of the spread of the new virus across the planet, states first of all began to take unprecedented measures that would maximize the preservation of human life and health. This priority continues at the time of this writing.

At the same time, as the viral infection spread in countries, economic problems began to grow. Initially, they manifested themselves as a restriction or complete lack of the ability to move goods and people around the planet, then replacing full-time work with remote work until the complete stop of entire economic sectors—trade, restaurant business, a number of industries, and so on [11]. For example, in China, due to the government taking measures caused by the spread of coronavirus infection, most of the country's economy was in a serious crisis. In February 2020, after an extended Chinese holiday break, 31% of companies remained closed, and 29% of working citizens performed their duties remotely. In general, according to the results of the first quarter, China's GDP fell by 6.8%, which has not been observed since 1992 [19]. The largest economy in the world—the US economy—at the peak of the pandemic

suffered from a record unemployment since the Great Depression; in April 2020, more than 20.5 million people lost their jobs. As a result, the annual US GDP fell by 3.5%—a record decline since 1946 [13]. A historical drop occurred in the European Union as well—the gross domestic product collapsed by 14.4%. The greatest economic blow fell on Spain, where, given the failed tourist season and the continuing restrictive measures caused by the difficult situation in the fight against the virus, the economy lost 18.5% of GDP [12].

In Russia, at the level of the newly adopted normative acts in force, throughout the entire period of restrictive measures aimed at combating the spread of coronavirus, the legislator sought to achieve an optimal balance between the economic and social interests of the employee and the employer and mitigate the negative consequences of restrictions on the population and the economy.

The plan to overcome the economic consequences of the new coronavirus infection, prepared by the Government of the Russian Federation in April 2020, provided for assistance to fifteen sectors of the economy [8]. To maintain the level of wages and preserve jobs, a portfolio of 305 billion rubles was formed, which made it possible to save up to 5 million jobs. However, registered unemployment rose 5.5 times. In general, the consequences of the pandemic, including the fall in oil prices, have reduced Russian GDP by 4%. Thanks to measures of state support for business, the adoption of a preferential mortgage program, financial support for the unemployed and families with children (totaling 2.3 trillion rubles), the development of the worst-case scenario was avoided.

We understand that the main source of income for the overwhelming majority of the world's population is receiving wages for labor. Labor is a key factor in the formation of human civilization, the keeper of the achieved heights of its development and a tool for preserving and increasing its potential. The list of documents that regulate the labor process and protect the rights of its participants is quite wide. It also includes acts of the United Nations, which role can hardly be overestimated in the current world order, and, of course, a number of Conventions and Recommendations of the International Labor Organization (ILO). In particular, if we dwell on the influence of the ILO in Russia, then it should be noted that membership in this organization allows our country to study and apply in practice international experience, which plays a significant role in the process of resolving social and labor disputes, developing social partnership between the government and trade unions, and implement other reasonable social policy measures.

In addition, among the acts regulating labor relations, there are documents of the Council of Europe, the CIS, the EAEU and other normative acts that carry a regulatory or recommendatory procedure for organizing labor, resolving employment issues, protecting and exercising the right to work, etc. A document of this kind is the Constitution of the Russian Federation, the 37th article of which states that labor is free and every citizen has the right to protection from unemployment [4].

Further, these rights received their development in the Labor Code of the Russian Federation, namely in Articles 2, 3, 4, 24 and 210. The decline in economic activity due to the fight against the pandemic led Russia, like many other states, to the fact that the issues of the implementation of the right to labor and employment of the population began to require more than usual attention, and therefore require prompt, targeted and effective measures. Problems in the implementation of the right to work and employment are a phenomenon not limited by state borders, which, undoubtedly, in the period of global upheavals, challenges and threats (and the coronavirus, no doubt, refers to them), exacerbates fears on the part of the world community. In Russia, from the very beginning of the pandemic, the government has taken various measures to positively influence the situation in the country, including protecting the rights of workers and citizens who have lost their jobs [7].

To analyze the impact of the new economic environment resulting from the pandemic on the realization of the right to work in Russia and other countries, let us correlate the Russian Labor Code, the PRC Labor Law and the US National Labor Relations Law. Then, we will briefly compare the measures taken by the three indicated countries in order to find a balance between the health of their citizens and the state of the economy, curbing the growth of unemployment and introducing restrictive measures, and also trace how the legislation on the regulation of labor relations of the countries in question was ready to withstand negative conditions, and including whether the concept of remote work was regulated in their legislation [3].

It should be noted that all of the above acts enshrine the rights of workers and employers, point to the role of the state in labor legal relations and explain where the freedoms of one subject of legal relations begin and the rights of another one end. For example, the Labor Law of the PRC (Articles 1, 5, 8 and 10) states that the law is intended to create and protect a socialist market economy, and the state is obliged to take various measures to promote employment and gradually improve the standard of living of workers. Let us emphasize that, undoubtedly, it was the cited norms of the PRC Labor Law that contributed to the fact that the Chinese economy became the first among the largest countries in the world to start growing after reaching the lowest point of the economic cycle caused by the COVID-19 pandemic.

An example of a market economy, but without the participation of socialist ideology, is the US economy, which began acquaintance with the virus with a relatively small recession, but by November 2020, its economy had lost about 23 million jobs. And the transition to a remote work format and the closure of food outlets caused by restrictive measures exacerbated the damage suffered, since even after the restaurants opened, office workers did not visit the catering infrastructure due to teleworking, which in turn consistently hit the catering, agriculture and food production segments.

And these are just examples of a few industries. Almost the entire service sector has ceased to function, which is a clear result of political and managerial flaws in the US leadership. It should be emphasized that in the "National Labor Relations Law" one of the main guarantees is the right of workers to defend their rights through the creation of trade unions, and therefore to defend their interests (sections 1, 7 and 8) collectively, but in a pandemic that limited the possibilities of direct interaction in protecting their interests, the said law lost its former effectiveness. As a result, trade unions were unable to achieve the most effective balance between restrictive measures and labor organization. Having started unexpectedly, the viral pandemic hit hard both on the economic results of collective labor and on the rights and guarantees of citizens to effective, feasible and safe work. The issue of organizing remote work has become especially acute [5].

It should be noted that the concept of "remote work" was not enshrined (at the level of which the pandemic demanded) both in the legislation of the PRC and in the legal acts of the United States. As a positive example in this matter, we can name the Russian Federation, in the Labor Code of which, since 2013, there has been a whole section devoted to the regulation of the labor of teleworkers. In December 2020, the necessary amendments and improvements were made to Federal Law No. 60 on this topic, which made this section fully consistent with the situation that has developed in the issue of citizens' realization of one of their basic social rights—the right to work—including with the help of ways of performing official duties remotely (Articles 312.1, 312.2, 312.3, etc.).

The fact that Russia has timely adopted and carefully thought out legislative acts on the organization of labor in non-standard and force majeure conditions provided the country's leadership, forced to introduce restrictive measures, not only to ensure the protection of the life and health of citizens of the country, but also to carry them out with the maximum preservation of the rates of economic development and ensuring the quality implementation of the right of citizens to work.

Practice has shown that Russian legal scholars, having entered the second decade of the twenty-first century, not in vain considered the topic of remote work. Three years before the start of the pandemic, the journal "Russian Law" published an interview with a Doctor of Law, Head of the Department of Labor Law, Moscow State University. M.V. Lomonosov, A.M. Kurenniy, who already in March 2017 called remote work a very promising direction. In turn, Doctor of Law, Head of the Department of Labor Law of the Ural State Law University S.Yu. Golovina even earlier (in 2012) expressed a scientific opinion about the need to regulate the work of Internet workers who carry out remote work [4]. Many scientific works are devoted to this topic as well.

4 Discussion

Turning to the formation of conclusions from the above comparison of the legislation of Russia and some representatives of the outside world, taking into account the experience of the pandemic and related events, it is necessary to analyze the plans of globalists that by 2030 the economic model of the world will change beyond recognition. Strengthened by the active development of information technologies, the great convergence and globalization will take possession of the minds of industrial economic giants, and state borders will begin to blur from the absence of the need for their existence due to new models of world logistics and transit.

According to experts' forecasts, the rapid development of neural networks and the expansion of the

prospects for using artificial intelligence over the next 10-15 years, about 70-75% of employees risk losing their jobs due to their displacement by various kinds of bots and algorithms. This will lead to a decrease in production costs for the maintenance of numerous personnel of companies and organizations, to a sharp reduction in labor resources employed in production, to the gradual disappearance of the professions we are accustomed to, large shopping centers and stores will move to the Internet space in the future.

First of all, this process will affect the labor markets associated with the provision of intermediary services. This information is summarized in Table 1.

Table 1. Predicted period of the disappearance of a number of professions [17]

Profession	Projected year disappearance	Note
Tour operator	2025	Using algorithms of online travel agencies
Legal assistant	2026	Application of an automated assistant, significant cost reduction
Accountant	2028	The widespread use of accounting software based on artificial intelligence
Parking employee	2028	Application of new technologies for automatic control of the parking process and collection of fees
Translator	2031	Creation and implementation of an accurate interpretation system for oral speech, indistinguishable from the work of the best translators
Air traffic controller	2038	Elimination of the human factor from aircraft control
Taxi driver	2038	Implementation of a system of unmanned taxis and self-driving electric vehicles

According to the forecasts of analysts of the magazine "The Economist", by 2024, about 80% of the British will lose their jobs due to their replacement with production robots.

However, the pandemic, which claimed hundreds of thousands of lives, disrupted the rates of economic growth of the leading world powers and showed that the plans for the global unification of the world are at least far from being accomplished soon. The member states of the European Union closed their borders from each other, while completely dashing the hopes for mutual assistance. Of course, the panic that gripped Europe at the beginning of the pandemic subsided over time, but what happened clearly made it clear that there was a long way to go before general rapprochement. The United States also closed its borders and, instead of collectively developing a policy of common struggle with European partners, began to fight the virus on its territory and on its own [1].

On the other hand, the pandemic of the new coronavirus infection has become a clear trigger for the development of the process of digitalization of the economy of almost all developed countries, transferring a significant part of the life of mankind to the global Internet. Automation, robotization, as well as intellectualization in the digital economy will have clearly negative consequences in creating a new population redundancy and dramatic changes in the employment and resettlement of humanity in the world.

In the foreseeable future, routine types of work in the production, economic and financial activities of mankind will be ousted from big cities, large industrial centers, large scientific laboratories, etc.

5 Conclusion

The emergence of the digitalized world and digital economies pose a question for us: it is necessary that digital technologies serve a person (individual), but not enslave him.

Discussions between scientists and experts, economists and lawyers, programmers and philosophers on the issue of human adaptation in the digital world continue. The confrontation between optimists and pessimists, who express their own opinions on the problems we are studying, does not stop.

It should be noted that, analyzing the economic situation in Russia and in the world in today's economic conditions, as part of the realization of the right to work during a pandemic, it can be noted that the Russian Federation coped with the difficult period of the fight against the pandemic with dignity, preserved the national economy and the welfare of citizens. As much as possible, it kept the level of employment of the population, applying for this the maximum number of the most effective mechanisms.

In the areas of economic downturn, the Russian state is carrying out a lot of practical work to restore the

economy, which is based on the updated plan of the Government of the Russian Federation, taking into account the accumulated experience. The experience of the pandemic and the economic threats and risks caused by it made the Russian leadership understand that the outside world should be considered as a third opinion without a decisive vote.

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