

THE DEVELOPMENT OF REMOTE WORKERS WITH DISABILITY FOR ENTREPRENEURSHIP SYSTEM

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ABSTRACT

At present, world space is undergoing changes affecting not only the means of interaction of people, but also the principles of the organization of production and labor relations. Features of labor law include the expansion of the differentiation of legal regulation of labor. Thanks to the emergence of new methods of business cooperation and social communication, new non-standard forms of labor relations are reflected in the laws of the countries of the world that do not give workers a traditional set of basic social guarantees and rights. One of such effective forms of employment is remote work. The problem of social protection of people with disabilities is one of the most important problems facing humanity in the XXI century. Disability is a problem that concerns not only one person, but also the state and society as a whole. It is persons with disabilities who should be supported in every possible way, providing them with any assistance, be it psychological or material support. Disability issues are very important, cannot be ignored. There is also a need for an accessible environment for people with disabilities. Remote work for people with disabilities is not only an urgent problem for society, but also a priority direction of state social policy. The main task of the state policy in the field of social protection of persons with disabilities is to assist persons with disabilities, promote employment, create conditions for the development of entrepreneurship of persons with disabilities, ensure that persons with disabilities have equal opportunities with other citizens in the implementation of civil, economic, political and other rights and freedoms.

Keywords: Disabled Person, Teleworker, Labor Law, State, Working Time, Entrepreneurship.

INTRODUCTION

According to the Federal State Statistics Service, the number of workers aged 15 years and older in September 2019 amounted to 75 578 thousand people, including 72 207 thousand people (95.5% of the labor force) were engaged in economic activity and 3 371 thousand people

(4.5%) did not have a profitable occupation, but actively searched for it (in accordance with the methodology of the International Labor Organization, they are classified as unemployed).

Compared with August 2019, the number of employed people aged 15 years and older decreased by 269 thousand people or 0.4% (in August 2019, the number of employed people was 72,476 thousand). The number of unemployed people aged 15 years and older increased by 113 thousand people or by 3.5% (in August 2019, the number of unemployed was 3 258 thousand people).

Compared to September 2018, the number of employed people aged 15 and older decreased by 943 thousand people or 1.3% (in September 2018 the employed population was 73 150 thousand people), the number of unemployed people aged 15 and older decreased by 63 thousand people or 1.8% (in September 2018, the number of unemployed was 3,434 thousand people).

In September 2019, the unemployment rate of people aged 15 years and older amounted to 4.5% of the workforce and increased by 0.2 percentage points. compared to August 2019. Compared to September 2018, the unemployment rate has not changed, thanks to the development of the institution of remote workers, in particular this type of work is popular among people with disabilities. Thanks to the latest legislative changes in Russia, a new type of entrepreneurial activity began to develop as a remote work among the disabled.

One of the main features of the development of modern labor legislation is the increase in its flexibility (not only simplifying the procedure for hiring and dismissing workers, but also flexible wages, flexible working hours, etc.), which is one of the most important points for implementing employment policy at the European level 2000s The primary component of this policy is the concept of flexicurity, the essence of which is the combination of the principles of labor market flexibility and social security of workers (Akhmetshin et. al., 2018). That is, the principle of flexicurity, on the one hand, simplifies the procedure of hiring-dismissing employees, thereby ensuring sufficient mobility of the workforce, and, on the other hand, affects the increase in legislative measures to promote employment and prevent unemployment.

The crisis of the modern world economy put on the agenda issues of flexibility and security of the labor market, the formation and implementation of flexicurity policies in the labor market (Lozenko, 2007). Each country is looking for its own ways to solve this problem, taking into account national, socio-economic conditions, legal traditions, and in part international and foreign experience. The Russian Federation is not an exception, as evidenced by the amendments and additions to the Labor Code of the Russian Federation in recent years regarding the legal regulation of new types of employment contracts, such as contracts with teleworkers.

LITERATURE REVIEW

Remote work is defined as the performance of a labor contract for a labor function outside the location of the employer, its branch, representative office, other separate structural subdivision (including those located in another locality), outside the stationary workplace, territory or object, directly or indirectly under the control of the employer, condition for use to perform this work function and for interaction between the employer and the employee on matters related to her olneniem, information and telecommunications networks, including the "Internet" (Kalmykova, 2013).

At present, the regulation of the work of remote workers is enshrined in Chapter 49.1 of the Labor Code of the Russian Federation. Remote workers are persons who have entered into an

employment contract for remote work. Such employees are subject to the labor legislation and other acts containing labor law norms (Demidov, 2017). In other words, “*remote workers*”, like ordinary employees, are paid twice a month, salary is guaranteed, compensation for expenses related to the performance of official duties, leave, etc. are provided. etc. (Lushnikova & Kirillova, 2018). The mode of working time and rest time of a remote worker is set by him at his discretion, unless otherwise provided by the employment contract for remote work (Serov, 2014). If the employer needs a remote worker to participate in the production process simultaneously with working at stationary workplaces, a five-day working week (40 hours) with two days off can be set in the contract: Saturday and Sunday (Davydova, 2013; Kuroles, 2014; Ponomareva, 2017).

It should be noted that the contract of employment may also establish the boundaries within which the employer has the right to require the employee to be in touch (online) (Zakalyuzhnaya, 2015a; 2015b; Stepanov, 2013; Sitnikova et al., 2017).

The employer has a duty to keep track of the time actually worked by each employee. Such accounting is carried out in the sheet of accounting of working time. It should be noted that the cost of working time is taken into account in the time card or by the method of continuous registration of attendances and absences for work, or by registering only deviations (non-appearances, delays, overtime hours, etc.) (Egorov, 2017). It is also necessary to pay attention to the fact that when a remote worker establishes a certain working time and rest time in an employment contract, he can be involved in overtime work and work on a day off (Voskresenskaya, 2015; Grishakova, 2013).

It should be noted that if, according to the employment contract for remote work, the remote worker is set to the working time and rest time in the organization, and the total working day in the organization coincides with the “*regional*” non-working holiday relevant to the remote worker (Zakalyuzhnaya, 2013; Kossov, 2015).

METHODOLOGY

The theoretical and methodological basis of the study consists of domestic and foreign articles in the field of legal regulation of the work of teleworkers with disabilities, including monographs, articles and analytical reviews.

The study is based on common methods, such as methods of control theory, expert analysis, statistical analysis and comparative analysis, expert assessments. The paper analyzed the legislation of Russia on remote workers with disabilities, identified the advantages and disadvantages of such work for people with disabilities, conducted a sociological survey of people with disabilities, analyzed the statistics of workers with disabilities in Russia.

In Russia, this year, amendments to the Federal Law “*On Employment in the Russian Federation*” came into force, which give people with disabilities additional rights when looking for work and during work. In other countries, such as Japan, the government subsidizes some of the needs of people with disabilities. For example, the purchase of a wheelchair with an electric drive that costs a lot of money. The state pays for the work of social workers who help people with disabilities. In Japan, there has been a law since 1976, according to which every local company is obliged to provide a certain number of jobs for people with disabilities, depending on the total number of staff. The firm must take an employee, train him and employ. Compliance with these standards in the country is strictly monitored.

In France, the right of persons with disabilities to work is enshrined in law. According to the existing legislation, all enterprises employing more than 20 employees must employ at least six percent of people with disabilities. The implementation of this law is monitored by a specially created structure Agenfiph, which is specifically engaged in the employment of persons with disabilities. Enterprises that do not comply with these requirements are penalized with fines, and funds received in this way go to various programs for helping people with disabilities.

The legislation of the United States for several decades provides for a variety of measures for social integration and support for people with disabilities. Indicative in this sense was the decision of the Supreme Court in 1999. The bottom line is that the state is obliged to create all the conditions for people with disabilities in their homes in a normal urban environment, and not in special boarding houses. There are many government, commercial and charitable programs to provide regular household or medical care at home.

Many measures concern employment, as people with disabilities often face discrimination in this regard. Laws prohibit the denial of employment to those with disabilities who are able to fully perform their duties.

RESULTS & DISCUSSION

In Russia, 12 million 111 thousand people with disabilities, on January 1, 2018. Of these, 13.6% officially work (Akhmetshin et al., 2018) In two years, the number of employed people with disabilities has decreased by almost 1 million people: in 2016 there were 2.5 million (20% of the total). On the one hand, it is connected with a change in legislation providing for the reduction and subsequent refusal of indexing of pensions. On the other hand, the reduction is explained by a change in the method of calculating workers with disabilities (from 2018 only adults who have been employed for no more than a month and more than four months a year are considered employed) (Surie, 2017).

In other words, some people with disabilities seem to have gone into the shadows, refusing official employment due to a vague pension perspective. The fact is that in Russia, people with disabilities are paid a disability pension regardless of the retirement age. That is, people with disabilities, regardless of age, can work and simultaneously receive both wages and pensions (Table 1).

In 2017 the unemployment rate among people with disabilities of working age was 23.7%, while in the whole country only 5.4%. Compared to previous years, the unemployment rate increased slightly (from 22.3% in 2015). Last year, 167,000 people with disabilities turned to employment services for a job search, of which only half were able to find a job. At the same time, there are much more disabled people who want to work, but only 18.7% of them turn to employment services.

It is not easy for people with disabilities to find a job, let alone find a well-paid job. This is indirectly evidenced by data from a survey conducted by Rosstat in 2016 (more recent data are not available). It follows from it that 68.7% of people with disabilities were not completely satisfied or not at all satisfied with the level of wages. Although for the sake of justice, it is worth noting that among the entire population of these, there is not much less-62.2%.

Table 1
INFORMATION ON THE WORKING DISABLED PEOPLE CONSIDERING IN THE ACCOUNT IN THE SYSTEM OF THE PENSION FUND OF THE RUSSIAN FEDERATION (2011-2018)

		2011	2012	2013	2014	2015	2016	2017	2018
1.	Total disabled including: I group	2195	2276	2344	2407	2473	2543	2012	1644
2.	Including: I group	92	93	87	82	82	82	69	49
3.	Of them disabled since childhood	3	3	3	3	3	3	6	7
4.	II group	887	898	906	913	923	939	704	557
5.	Of them disabled since childhood	22	23	23	23	23	24	49	58
6.	Including: III group	1209	1280	1348	1409	1466	1520	1235	1038
7.	Of them disabled since childhood	38	46	52	58	69	83	110	139
8.	Disabled children	6	5	4	3	2	2	4	14,3

In 2016, the average salary of persons with disabilities was three times lower than the average salary in the subject of the Russian Federation, follows from the data of the All-Russian Popular Front (ONF). Difficulties with the employment of persons with disabilities are largely associated with the concerns of employers: they do not want to spend additional funds and efforts to interact with them.

A survey was conducted of 100 people who are disabled and work as remote workers. The study revealed that the majority of persons with disabilities work in the areas of trade, education and medical services, and the least in the field of construction and financial activities (Figure 1). At the same time, the average working week for people with disabilities is generally 4 to 8 hours per week (Figure 2).

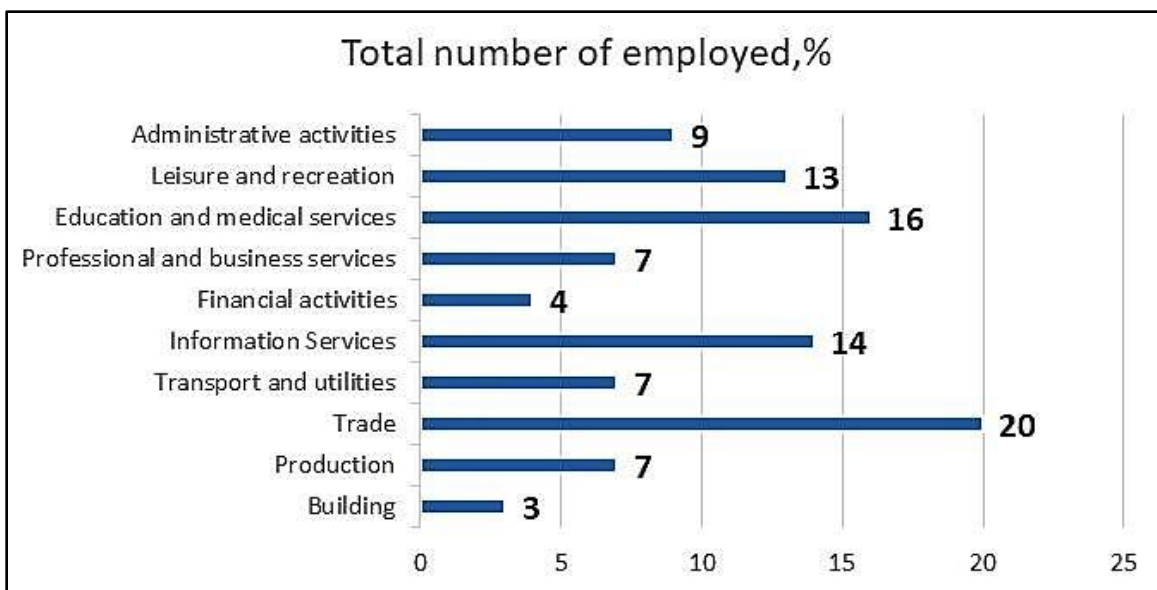


FIGURE 1
THE AVERAGE DURATION OF A WEEKLY HOURLY LOAD OF DISABLED WORKERS

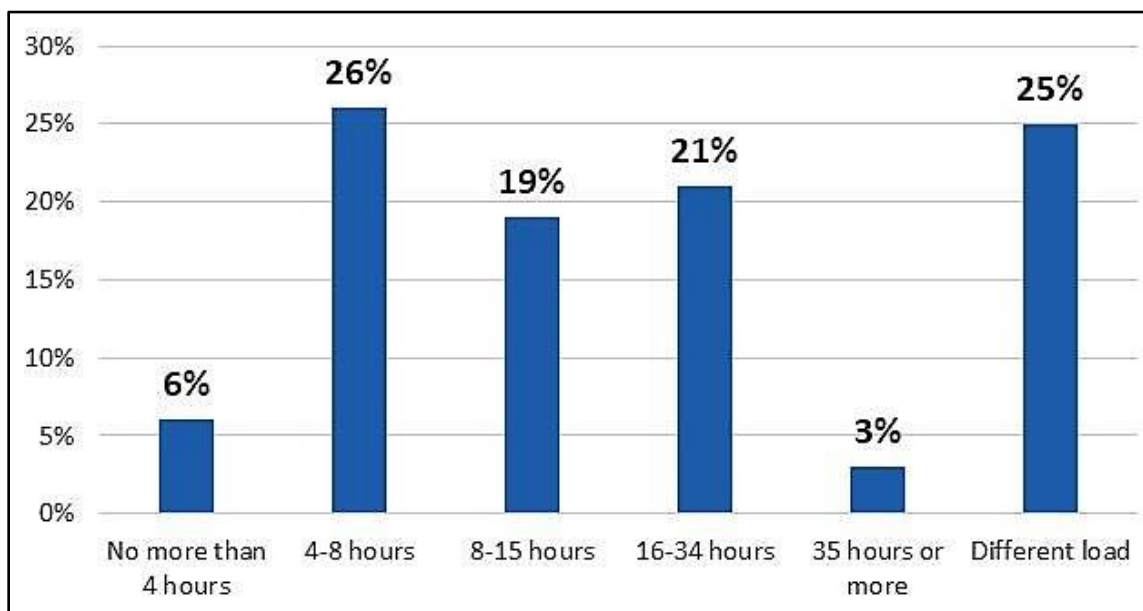


FIGURE 2
AVERAGE WEEKLY HOURLY WORKLOAD FOR PEOPLE WITH DISABILITIES

During the survey, we also found out what advantages and disadvantages exist in their remote work. Among the main social benefits for people with disabilities who accompany the use of remote working are the following:

- Reducing the time spent on travel to work, solving transport problems on the one hand. On the other hand, the absence of the need to travel to work in a certain way will allow to solve the problem of environmental pollution due to the reduction of traffic flows.
- Remote employment can reduce unemployment, as it expands the potential opportunities for employment.
- The ability to solve the problem of oversaturation of large cities and the migration of people from the inner periphery to regional centers.
- Increased flexibility in the use of working time.
- Increase in time for family communication, reduction of expenses for the services of individuals and institutions caring for family members (children, elderly parents), etc..
- The possibility of greater participation in public life, education, additional income.
- Compliance with individual biological rhythms, time of work and rest.
- Provision of jobs for persons with disabilities (disabled, elderly, gave birth to young children, etc.).

Remote work has tangible advantages for the employer, in particular:

- Cost reduction due to the rental of premises, the organization of jobs, utilities, attendants.
- Increase productivity (for example, by eliminating the loss of time to travel and more comfortable conditions for the organization of the workplace).
- Flexible number of staff and the possibility of operational management of its quantity, depending on current needs.
- The possibility of attracting employees not from the region where the organization is located, which allows not only to attract the most competent employees, but also to save on wages.
- A new motivation of relations (“*work at home*”, providing increased employee loyalty by reducing the time and costs of moving from home to work, etc., increasing trust between the employer and the employee).
- Reducing the number of vacations related to family circumstances and health problems, as well as missing work for various reasons.
- Organization of work of employees located in different time zones.

However, remote employment also has negative consequences. Among the negative factors of remote work, the following should be noted:

- Deterioration of the morale of remote workers caused by their remoteness from their colleagues. The biggest problem for most remote workers is the problem of social as well as professional isolation, as well as the reduction of corporate culture and team spirit in the organization.
- Lack of control over remote workers (over the degree of their workload, the possibility of disclosure of trade secrets, etc.).
- The relative insecurity of information on remote computers, the risk of its leakage. A remote computer can be subjected to a hacker or virus attack that can pursue different goals (interception of passwords for access to the employer's network, interception of control of a remote computer, etc.). A remote computer is easier to attack, since the means of protecting it are usually lower than the means of protecting a local network in an office.
- Problems of productivity and quality of work performed by a remote worker.
- Ensuring the working conditions and responsibility of the employer in the field of the protection of the rights of remote workers.

- The presence of certain difficulties in attracting labor, caused by the unwillingness of many workers to work according to a remote scheme.
- The lack of opportunities for young professionals to gain experience from more professional colleagues.

In addition, it is worth noting that teleworking requires a large degree of employee self-organization. There is another not unimportant problem-the appearance of fraudsters on the network who, under the guise of an organization, offer remote work on the network. For example, many seek to earn on unfair mediation by selling non-existent jobs. This factor causes the cautious attitude of potential employees to a virtual search for a vacant place and employment.

The mode of work is determined by the employee independently or may be specifically stipulated in the employment contract, overtime work performed by a remote employee may be paid.

In accordance with the status 312.4 of the Labor Code of the RF, the remote worker has the right to determine the mode of his working time independently. At the same time, the employer is obliged to keep records of the time actually spent by each employee, including the duration of overtime work (part 4 of article 191, part 7 of article 199 of the Labor Code of the Russian Federation). The purpose of the accounting of working hours, among other things, is to calculate the wages of workers, as well as pay for overtime work (Rispaal, 2010).

In connection with these provisions of the Labor Code of the Russian Federation, a problem arises-how will the employer carry out such accounting for a remote worker who independently determines his schedule. It is obvious that in such cases the issues of the regime and the accounting of working time must be regulated at the level of the employment contract (Kovalenko et al., 2019). In an employment contract with a remote worker, it is advisable to fix his mode of work (for example, a five-day working week with two days off, working hours, a time when an employee must be in contact with the employer, deadlines for specific tasks, etc.). With the proper approach on the part of the employer, it becomes impossible for the remote worker to ascribe to himself an actually unworked time (Yakovleva et al., 2018).

With regard to remote workers, the employer is given the opportunity to conduct personnel workflow in electronic form. It should be noted that at the same time, the legislation does not completely exclude the need to prepare personnel and working documents in writing, while providing ample opportunities for employer and employee interaction in electronic form using the Internet, as well as other public networks (Zeyen et al., 2013). This refers to familiarization of the employee with the orders of the employer, orders, internal regulations of the organization, as well as other documents through the exchange. At the same time, the maintenance of personnel document flow between an employer and a teleworker in full in paper form is also allowed. Moreover, the relationship between the teleworker and the employer allows for a situation where the employee and the employer, or his representative, are not seen personally.

CONCLUSION

Thus, summing up, we note that the concept of remote working was introduced by the Labor Code of the Russian Federation, where Chap. 49.1 "*Features of the regulation of the work of remote workers*" and, in particular, Part 1 of Art. 312.1, providing a definition of this concept. In accordance with the provisions of this article, distant work means the fulfillment of a labor

function determined by a labor contract outside the location of the employer, its branch, representative office, other separate structural unit (including those located in another locality), outside the stationary workplace, territory or object, directly or indirectly under the control of the employer, subject to use for the performance of this labor function and for the implementation of interaction between the employer and employees on issues related to its implementation, information and telecommunications networks, including the "Internet".

Based on the legislative definition, remote work is characterized by two features:

- This is work outside the location of the employer - outside the production or administrative premises, office, separate structural units (branches, representative offices, departments, workshops, departments), stationary workplaces, outside the territory or facility, directly or indirectly under the control of the employer. Thus, the lack of control of the employer regarding the place of performance of the labor function is the fundamental criterion for classifying an employee as a teleworker.
- Work involves the use of public information and telecommunications networks to perform an employee's job function and communication with the employer. This sign indicates a limited opportunity to use such an atypical form of employment, such as teleworking, since they can be engaged only in employees of the intellectual sphere who need electronic equipment and software to perform their work function related to the use, processing and transfer of information. This feature can be considered minor, since the use of public networks is typical for many types of work performed in the office of the employer.

That is, remote working is characterized by two features: it is work outside the employer's location (fundamental criterion) and this job involves the use of public information and telecommunications networks to perform an employee's job function and communication with the employer (minor criterion).

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