Labor security in conditions of digital globalization

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Abstract
The article reveals the changing of labor safety model issues under the globalization influence. Focus point is on the changes taking place in the labor market because of different hiring technologies interpenetration and use of labor in contrast to the usual interpretation of globalization processes impact. New tendencies of labor market modern development are highlights by the author. Key essence is in activation of workers’ migration; outsourcing development; reduction of the influence of trade unions; development of digital technologies that open a unique opportunity for economic development; development of non-standard forms of employment, based on short-term contracts, contractor’s agreement and zero working hours contracts; gig economy development. Based on that in the work it is concluded that globalization processes changed the model of labor safety radically where the rights that guaranteed hired employees are increasingly replaced by temporary basis work and without warranties. This requires the establishment of normative rules for the organization of work in the framework of non-standard employment.

Keywords: globalization, labor market, employment; non-standard employment; outsourcing; offshoring; labor standards; employment model; gig economy.

Introduction

The economy globalization processes in conjunction with the rapid development of the latest information and telecommunication technologies have led to radical changes in society called an information revolution. The labor safety system cannot ignore the relevant changes and should adequately respond to challenges of the information era. In this context, the main task of countries with transition economy like Ukraine, there is a problems transformation which arises in the process of new conditions adaptation to opportunities for development of labor safety field and workers’ health.

However, the global occupational health and safety (OHS) are strictly linked to the dynamics of economic globalization. As the global market is increasing the gap between developed and underdeveloped countries, occupational diseases, and injuries affect a vast number of workers worldwide. Global OHS issues also become local in developed countries due to many factors, including untrained migrant workers in the informal sector, construction, and agriculture.

Significant achievements in the field of digital technologies have been taken place over the past decade, including artificial intelligence, robotics, cloud technologies, data analysis and mobile communication. In coming decades these technologies are almost transformed into every branch of human life - from agriculture and industry to finance and transport - and will radically change the nature of labor. Because of fast technology development, we simply do not have time for comprehending. Digital technology will have a complex influence of the nature of work and will change the way we work over the time in the future, where plenty of nuances and, at the same time, opportunities and risks for employees will be.

In the modern world, every year is growing interest in establishing safety standards with considering the development of digital technologies on the international level. Security and work safety should have a higher priority on the international agenda but improving the infrastructure of occupational safety and systematic prophylactic methods in developing countries is extremely slow.

Many countries have developed control mechanisms for preventing violations in the field of labor safety, despite this fact, the working conditions for most workers in the world do not respond the minimum standards and recommendations of World Health Organization (WHO) and
Goals of the article is an analysis of the digital globalization impact on unified rules and standards, strengthening of economic competition in the field of labor safety, and conducting a study of perspectives that arise in the adaptation process to new conditions.

Materials and Methods

Methodological basis of the article is a set of methods and techniques of scientific knowledge. Their application directed to a systematic approach that makes it possible to investigate safety issues in terms of digital globalization and the ability to carry out a systematic analysis of the legal regulation of labor protection in the world. The synthesis method was used to determine the harmonization of Ukrainian legislation with the norms of international labor safety law. The deduction method determines the legal and institutional mechanisms of international labor safety law changes in connection with the requirements of technical progress. Logical-semantic method contributed to generalization, systematization, and knowledge deepening on labor safety in the information changes measurement.

Discussions

In the twenty-first century, the international community faced great difficulties. The population of the planet is constantly growing; globalization and introduction of digital technologies are open new opportunities for mobility, and the population demography is changing rapidly. The growth of information and knowledge volume more and more often gives us many new answers, diseases disappearing, new solutions applying, and people move from place to place more often than ever before. These changes create difficulties in the field of labor safety.

Globalization processes reflect a qualitatively new stage in the evolutionary development of the world economy. This stage characterized by such distinctive features as the manufacturing internationalization due to the increased impact of transnational corporations (TNCs) with participation in creating different conglomerates and alliances. The emergence of as well as revolutionary changes in the information sphere, which conditioned the formation of the world markets system (Blokhina, 2014).

The change in the structure of world economic system as a set of national economies, which ensures their inclusion in the world market by developing transnationalization and regionalization processes is - globalization. These challenges are necessary to consider in certain areas:

1) The employment model where the hired employee is guaranteed the right to save the workplace and social support were increasingly replaced by work on a temporary basis and without warranty on safety issues - these radical changes occurred from globalization processes. Whereby, new personnel technologies based on the use of temporary work, provide companies cost reduction and productivity growth. This transforms the interaction between the employer and the employee around mediation, which provides the selection of employees and supplies them with the required amount and quality for the enterprise-customer. The emergence of intermediary firms (recruitment agencies) in the labor market creates conditions for personnel outsourcing as a necessary condition for the modern development of the world economy (Smirnyh, 2005).

This trend has found support in the labor market, where the active services growth accompanied by highly specialized companies' formation that offers their services in accordance with the requirements of the market in certain areas, such as accounting, IT-service, security, etc.

Thus, the demand for certain types of services on the one hand, and the supply of these services on the other - contributed to the formation of non-standard employment segment in the labor market, when the employee was registered in a recruitment agency with a purpose to provide to the enterprise certain kind of services (Anikin, 2009).

Recently, the labor market has a specific category of workers - freelancers who, by their or professional activities, or life position, prefer to work on terms of outsourcing. These include highly skilled professionals (artists, designers, software specialists, etc.) who build such labor relations deliberately. And another category of workers is most commonly encountered in the implementation of non-standard employment - outstaffing (staff leasing). As a rule, the transition of such workers to the category of temporary staff is not voluntary. In these cases, they prefer to work under conditions of outsourcing of dismissal, that is, to maintain their employment at this enterprise for the worst conditions for them.

Thereby, the composition of temporary workers, who take part in personnel outsourcing relations is quite diverse, but they all share a common characteristic - consideration this form of employment as a transitional moment in their work career. First of all, with all the benefits that an enterprise gets when using outsourcing personnel, the employer falls into the sphere of social risks influence, ie work safety lack. Main benefits which company receives from outsourcing, consist not in saving the wage fund, but in the responsibility reduction, the absence the safety workplace obligations, and social benefits that are associated with disability. In addition, this type of hiring makes many types of incentive measures inaccessible, that permanent employees have, such as social insurance, payroll supplement, etc. (Aleksyey, 2015).

The norm in world practice is to provide services in form of "outsourcing" and "out staffing." These services are not so common in Ukraine, and their present legal regulation is inadequate and imperfect. National legislation is not regulated the defined type of employment properly, those make impossible to implement the mechanism of labor rights protection for employees who work within outsourcing. In July 2012 a new Law of Ukraine "On Employment of the Population" was adopted, where section VI outlines the provision of employment services, which, in essence, is a seamless attempt to streamline the relations under consideration. According to Art. 36 of the Law of Ukraine "On employment of the population" the services of mediation in employment are the job search and job placement assistance, selection of employees according to employers orders (including foreign ones) within the limits.
of agreements (contracts) concluded with employers (The Law of Ukraine "On the Occupancy of the Population", 2012). It can be concluded from the analysis of the contract for mediation services in employment is the counterparty's search for the promotion of employment or employees selection. Thus, the agreement refers to civil law contracts by its nature (Vazhchenchuk, 2017). Thus, art. 14.1.183. “Employee provision service” shall be understood as an economic or civil-law agreement, whereby the party providing a service (resident or non-resident), places at the disposal of another party (resident or non-resident) one or several individuals for the performance of the functions stipulated by the said agreement (Sub-Code of Ukraine, 2010).

In its turn definition of outsourcing is given in Sec. 4 of the National Classifier of Ukraine “Classification of Economic Activities” State qualifier 009: 2010: “outsourcing” is an agreement under which the customer requests the contractor to perform certain tasks, in particular, part of the production process and complete production process, providing recruitment services, support functions. Thus, outsourcing is a transfer by one company of specific business processes, functions or specific tasks to be performed by another company (outsourcer), specializing in the field (Classification of types of economic activity, 2010).

Taking into account the general provisions of the contract (the section 2 of the Civil Code of Ukraine, the chap. 61 of the Civil Code of Ukraine ("Suborder") and the chap. 63 of the Civil Code of Ukraine ("Services. General Terms") the outsourcing contract could be considered as a non-standard contract that may contain signs of a mixed contract. Based on the Civil Code of Ukraine indicated could be outlined only by works or services. In terms of understanding of work and services nature, actions aimed at implementing the functions of the customer are not clear, therefore specified contract may contain signs as a service contract (art. 901 of the Civil Code of Ukraine), and suborder contract (art. 837 of the Civil Code of Ukraine). Based on the above, the counterparty’s actions in relation to another counterparty may be the outsourcing contract subject. In so doing, such actions are heterogeneous, because you can understand them as the work and, as the services. However, considering norms of Civil Code of Ukraine is not clear what kind of actions should be performed by an outsourcer to perform customer functions for the implementation of business processes.

That is, the lack of clear homogeneous subject of the outsourcing contract does not give grounds to attribute it to the only one contractual type. Given situation is also complicated by the fact that the specified contract may contain conditions by which employees of the company-employer carry out a labor function on manufacturer facilities (territories, etc.) of the customer’s company or with the obedience to the rules of working order of the latter. In the latter case it is quite difficult to qualify an outsourcing contract as a civil law agreement due to the presence signs of labor relations. As a consequence, the actions, which the will be directed to the realization of labor function will present the subject of such agreement. And also, should not forget that the rights to a person are not inherent in the civil law. So, the outsourcing and outstaffing contracts are outside the regulation of civil law, because in these circumstances, such agreements should be precisely regulated by labor legislation. Consequently, it must be admitted that there is a group of relations of a special kind in labor law, which are not regulated by the current Labor Code of Ukraine. It is also an impossible to ignore the fact that the ILO Convention No. 181 "On Private Employment Agencies" regulates the activities of outsourcing companies and details such form of employment as outstaffing. However, Ukraine did not ratify the Convention (Vazhchenchuk, 2017).

However, the draft Labor Code of Ukraine should provide rules that would ensure the emergence of solidarity labor relations with the multiplicity of subjective composition, where on the one hand will act as an employee, and with other co-employers in the person of the user organization, in the person of the employer organization. The indicated would allow to ensure the employee's constitutional labor rights properly.

For this, work responsibilities of the user organization in relation to the employee, which can not be changed by the contract on the provision of personnel or other transaction, should be legally established due to the need to protect the labor rights and legitimate employee's interests.

These duties include:

➢ the duty of the user organization to comply with workplace safety requirements;
➢ the duty of joint responsibility with the employer in case of an workplace accident (at work)

If we deliberately put the employee in a disadvantaged legal position by imposing a duty on safety of work in the workplace only on the employer (company-employer), because the assumption, when such conditions are fully controlling and ensuring by the representatives of the employer on the territory of the user organization would be a utopia. It is also necessary to provide for an imperative rule (at the level of the new Labor Code of Ukraine), according to which the employer has the duty to familiarize the employee with the content of the contract about providing the staff and providing duly certified extract from such contract with a list of information established by the law.

In developed democracies and welfare-friendly programs, there have always been trade unions, which have contributed to the establishment of decent working conditions. Trade union movement was one of the key directions in the states and their democracies development, and always was in the forefront of building a state of general welfare. However, since 2017 there has been a decline in the number of trade unions in the world, despite the high level of unemployment and the great difference in the social and economic situation of those who have a job and those who have no work. Moreover, in the private sector and in the public sector there is a significant gender pay gap next to significant elements of inequality at enterprises, institutions and organizations. The world community should focus on raising the level of trade unions in the period of rising unemployment and increasing inequalities between peoples and nations. The public sector in many countries faces to challenges, which seek to weaken the legitimacy of this sector through the economy liberalization, introduction of amendments to the current legislation and undermine the state’s social policy by reducing budget allocations, privatization and competition. This endangers the democracy and the general well-being in the long term.
important role for investment in job security is to achieve sustainable development is gaining widespread acceptance - and this is evident in the example of many regions of the world, which emphasizes the steady improvement of labor safety. But at the same time, there are serious problems in this area, and this applies to developing countries especially. Among other things, the problems include:
- insufficient knowledge and understanding of industrial hazards and risks, as well as the need to create safe and healthy workplaces;
- lack of opportunities and the potential needed for prevention, compliance and ensuring the implementation of labor safety standards, especially in small and medium-sized enterprises (SMEs);
- insufficient and incomplete data on mortality, injuries and illness related to employment, and their implications for sustainable development;
- imperfect legislation, regulations and policies in the occupational safety field.

It is difficult to establish safety of labor as a priority task and to substantiate the need for investments in prevention in the face of growing demand for resources by policy makers. A comprehensive, strategic approach is needed which allows to create a culture of prevention and to create decent working conditions in order to reduce the number of deaths, injuries and diseases associated with work. In addition to the problems mentioned above, there are some aspects that require attention of concern:

1. Work safety risks prevention in global models of business entities. Often, such global entities include the SMEs, whose opportunities are limited in the field of occupational safety. In many cases, such model does not stimulate investment in prevention, including the creation of safety management systems. In addition, this business model creates additional risks due to short-term and volatile business ties, which forces enterprises to work in an intensive mode, change the conditions of work and employment regularly and use temporary and seasonal workers.

2. Prevention in occupational safety field in hazardous industries.

3. Unprotected groups of employees.

To solve these problems ILO through its flagship program in the field of occupational safety (Occupational Safety and Health - Global Action for Prevention: OSH GAP) seeks to contribute to the development of a global culture of prevention in order to achieve a real reduction in the number of deaths, injuries and diseases associated with work (ILO Flagship Program).

4) Digital technologies provide unique opportunities for the economy development and improving the quality of citizens life. The rapid and profound consequences from transition to the "digital" would be possible only if the "digital" transformation will become the basis for the society's life, for business and government institutions, will become a commonplace and everyday phenomenon, like our DNA, our key agenda on the path to prosperity and will become the basis of the country's well-being.

But there are open the problems described below:

The potential impact of digital technologies and artificial intelligence on the labor market is endless. They have already play a leading role in the labor market development, providing an effective balance between qualifications and employers, capital and investors, consumers and sellers, etc. The basis of the production and distribution chain are the digital technologies, they participate in the processes of commercialization and automatization of office support. However, with the increasing market prosperity process, they gradually gain full control over the economy. And threat of cyberattacks and large-scale manipulations in the digital environment is growing with the digital systems proliferation. In this regard, becomes important the issue of the information data use. Decisive factor for all labor market models, even one of them, which focuses on the human factor - is how governments, organizations and individuals manage the information. In addition, technologies of artificial intelligence (digital assistants, virtual interlocutors, computer training) recognize, memorize and use the same information.

There are three levels of artificial intelligence development:

Auxiliary intelligence is widely used today it helps people and organizations deal with everyday tasks. A simple example could be found in our every day life in almost any car - it is a GPS navigation program that gives directions to drivers according to road conditions.

Advanced intelligence is expanding more and more now. It helps people and organizations accomplish tasks that they can not perform on their own. For example, the system of joint trips by taxi could not exist without a combination of programs that ensure its work.

Autonomous intelligence - technology of the future, which involves the machines' use that will act on their own. For example, an unmanned vehicles that are not yet widely used, but will be used in the future. Some optimists believe in the ability of artificial intelligence to create a world in which machines help people use unlimited possibilities by reworking, analyzing, evaluating data, allowing people to engage in high-intellectual activity, creativity and decision making.

Nowadays, many people are working side by side with artificial intelligence, and not displaced by them (e., the Uber company's recruiters). Also, for example, self-directed cars are not able to cope with all travel situations yet. The "Nissan" company proposing the "human decision" concept: if any of its autonomous cars falls into a situation that it does not understand - such as roadwork ahead or an accident - it automatically connects to a remote command center which man temporarily takes over the management and drives the car through the problem area (Anthes, 2017).

5) In the modern world, in terms of technological progress, production equipment and technological processes are continuously changing, refining and complicating. Production spheres are under constant pressure not only from their competitors, which offer cheaper products, but also from the manufacturers of highly developed countries, investing big money in the industry to increase their own competitiveness. Therefore, enterprises should strive for the competitiveness of their products by strengthening their positions in the use of modern technologies to achieve recognition and success in the global market. To implement these tasks successfully organizations should invest money in automation systems.
Under the automation of production processes is understood the use of such equipment, which will enable the process to be executed in a predetermined mode. In this case, a person does not use physical force, but only controls the correct operation of machines.

In conditions of production automation the production equipment and the progress of technological processes are changing. This also changes the workload of the employee. Mechanization, as the first degree to automation, fulfills the task of reducing the proportion of heavy physical labor in the work process, as well as contributes to increased productivity, provides the opportunity to reduce accidents and injuries.

At the same time, the share of mental labor on the management of equipment, will increase machine tools and control over their work. Automation represents the highest level of mechanization, it frees the employee from direct participation in the work, leaving behind him the functions of management and control. Automation of production is an important factor in the facilitation and improvement of working conditions (Poltev, 1980).

Along with the positive aspects of automation and the facilitation of physical activity, there is also a negative side - the psycho-physiological strain of the worker.

The main reasons for the emergence of hazardous and harmful production factors that affect workers when using automated equipment are:
- violation of equipment usage requirements;
- violation of labor safety requirements in the organization of an automated site, which is associated with incorrect planning of equipment, control panels and transport accumulating devices;
- erroneous actions of the operator during adjusting and repairing the equipment or during its operation in an automatic cycle;
- the breakdown or failure of process equipment, industrial robots and manipulators;
- appearance of man in the working space of equipment;
- violation of the safety instructions requirements;
- failures in the functioning of diagnostic and alarm systems, refusal to display information;
- errors in the operation of devices in terms of software control and programming errors.

Despite the above reasons for emergence of hazardous factors in the production, which affect the safety of work, we can conclude that the more mechanized and automated production, the less the probability of accidents and injuries of an employee. Especially when introducing flexible production systems that are capable of operating a certain amount of time in a desert mode, the occupational risks associated with occupational safety are minimized.

Thus, automation is designed to increase the productivity of the enterprise, as well as create safe working conditions for employees.

6) The next challenge to globalization is "on-call work". Since working time for a call is often unpredictable and the worker can be warned at the last minute, the rest periods also become unreliable and the worker has the opportunity to rest while he is waiting for a call at work. Each country independently solves this problem at the legislative level. But in 2016, the report of the ILO emphasized the unresolved issue of this problem in many countries of the world and in particular in Ukraine. However, the report contains positive examples of developed countries in the world regarding legislative regulation of call work. In particular, the United States sets the minimum number of hours for which a worker must be warned (in two hours), and if he completes his hours in full before the week ended, there would be a total exemption from change (Ghosheh, 2016). In the UK, such types of work are provided by an agreement between the employee and the employer, according to which the obligation on both sides arises - "a contract with a zero hour". According to its features, an employment contract with zero working hours is similar to work with part time and flexible work schedule, but its essential difference is the absence of pre-established duration of working hours, and therefore - the established amount of remuneration. Even in the absence of work on a call, the employer pays wages. According to the Additional Statistics Service of Great Britain, in November 2015, approximately 1.7 million workers in the country were employed under a zero-time employment contract, accounting for about 6% of all employees in that country (Taylor, Marsh, Nicol & Broadbent, 2017). However, in 2015, such a norm was a source of concern for the Government, and changes were made to the legislation aimed at eliminating gaps. So, in March 26, 2015 in the UK, was adopted the Law "On Small Business, Enterprise and Employment" (Small business, enterprise and employment act 2015), which provides for amendments to the Law "On Labor Rights" of 1996, namely, the specified regulatory act is supplemented by Section 2A "Workers with zero working hours". According to Art. 27A of the Law "On labor rights", an employment contract with zero working hours is determined by any contract of employment or other contract with an employee, according to which: an obligation to perform work or to provide services is a conditional obligation, which is performed in the presence of accessible the employer of the work; there is no guarantee that any work or service will be provided to the employee. In addition to the proliferation of labor legislation for workers with zero working hours, the Law "On Labor Rights" provides for other provisions aimed at protecting the rights of such workers. Contracts with zero clock and similar arrangements are also widely used in Canada, Ireland and, until recently, New Zealand. Major changes were made to the Employment Act in New Zealand in 2016, which led to the prohibition of certain forms of contracts in the country and to prevent employers from making changes without compensation, in the absence of an order. At the same time, it should be noted that an employment contract with zero working hours is optimal for people who work unstable (students, pensioners, housewives). Such an employment contract is also promising for a combination with homework.

Conclusions

Summing up all the above, it should be emphasized that solving all global problems in the field of labor are the most important elements in labor relations, as global-information challenges affect labor safety. All international standards are based on a unified approach - the protection of human rights. This approach is reflected in the Universal
Declaration of Human Rights, according to which everyone has the right to safe working conditions. This principle is also recognized by the United Nations in the International Covenant on Economic, Social and Cultural Rights, as well as in regional instruments.

At the same time, new technologies have broken into our lives and require new approaches to solving these problems in the field of labor. In addition, information and communication technologies have an increasing influence on the organization of work, as well as on labor safety and working time regulation, which contributes to the development of remote work and the blurring of borders between working hours and rest periods. The development of the automated economy of "gig economy" and custom work also has implications for the organization of working time and ensuring labor safety. It should be pointed out that these problems should be solved at the national level, taking into account changes in the country's economy and the needs of workers, the standard of living and flexibility of the requirements of enterprises.

Also, it is necessary to increasingly apply the practice of collective agreements and sectoral agreements in certain areas of the economy in solving the issues of labor safety in the conditions of globalization. It should be emphasized that the provisions of the international labor conventions point to the importance of not only national legislation but also the priority of collective agreements. Collective negotiations and social dialogue at all levels are mandatory for their signatories and are based on a common agreement between the parties to ensure the safety of the company.

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