PERSONNEL SECURITY OF THE EMPLOYER WHEN EMPLOYING CITIZENS: LEGAL MANAGEMENT ASPECTS

SEGURANÇA DO PESSOAL DO EMPREGADOR AO EMPREGAR CIDADÃOS: ASPECTOS LEGAIS DA GESTÃO

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ABSTRACT

Objective: This article aims to explore the legal and management issues in ensuring the employer's personnel security during the process of employing citizens. It seeks to identify effective measures that can be implemented to enhance security without compromising efficiency.

Methods: The study adopts a multidisciplinary approach, analyzing regulatory legal acts and forming new legal structures to provide in-depth and valid insights into ensuring personnel security. It includes both qualitative analyses and reviews of recent legislation and its applications.

Results: The research identifies that personnel security can only be ensured through a comprehensive strategy encompassing effective personnel policies, the use of artificial intelligence and robots to minimize human error, and targeted training along with non-traditional employment forms such as remote work, part-time work, and personnel leasing.

Conclusions: The study concludes that there is no universal method for ensuring personnel security, and custom approaches must be designed according to specific organizational needs. The recommended management and legal measures are crucial for reducing vulnerabilities during the employment process.

Keywords: personnel security; employer; employment; personnel policy; targeted recruitment; artificial intelligence**.**

RESUMO

Objetivo: Este artigo visa explorar as questões legais e de gestão na garantia da segurança do pessoal do empregador durante o processo de contratação de cidadãos. Procura identificar medidas eficazes que possam ser implementadas para aprimorar a segurança sem comprometer a eficiência.

Métodos: O estudo adota uma abordagem multidisciplinar, analisando atos legais regulatórios e formando novas estruturas legais para fornecer insights profundos e

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válidos sobre a garantia da segurança do pessoal. Inclui tanto análises qualitativas quanto revisões de legislação recente e suas aplicações.

Resultados: A pesquisa identifica que a segurança do pessoal só pode ser garantida por meio de uma estratégia abrangente que engloba políticas de pessoal eficazes, o uso de inteligência artificial e robôs para minimizar erros humanos, e treinamento direcionado junto com formas de emprego não tradicionais como trabalho remoto, trabalho em tempo parcial e locação de pessoal.

Conclusões: O estudo conclui que não há um método universal para garantir a segurança do pessoal, e abordagens personalizadas devem ser projetadas de acordo com as necessidades organizacionais específicas. As medidas de gestão e legais recomendadas são cruciais para reduzir vulnerabilidades durante o processo de emprego.

Palavras-chave: segurança pessoal; empregador; emprego; política de pessoal; recrutamento direcionado; inteligência artificial.

1 INTRODUCTION

Ensuring employment for the population is a primary task in any state. The staff shortage experienced by some countries and regions is accompanied by labor surpluses in others, posing a threat to national security. The critical task of ensuring the livelihood of citizens should be addressed by providing them with employment opportunities.

Business creates the necessary living conditions. It exists for the employee, with the employee, and because of the employee. Employers organize labor on the federal and regional levels, facilitating the production of goods, the provision of services, and the completion of tasks. Thus, employers contribute to the economic development of the country and its regions. By providing employers with a reliable legal foundation, it is essential to allow them to retain the region's human resources and effectively redistribute personnel, thus mitigating the negative effects of migration flows and digitalization, while strengthening the employer's labor security.

The literature review is divided into two parts. The first part introduces the content of labor law related to traditional employment relationships, without addressing new forms of employment. In other words, employment relationships are traditional. They can be modified, but their essence remains the same, i.e., long-term relationships subject to the internal labor regulations established by the employer. This perspective

is reflected in the works of many scholars who laid the foundations of labor law (Blanpain & Hendrickx, 2016; Tal, 1913; Nosova et al., 2018).

The second part examines labor law in connection with new employment legislation, focusing on legal conditions that ensure labor security for employers when hiring citizens. In the works of these scholars, flexible forms of employment have begun to prevail over traditional employment relationships, which may fundamentally impact labor security in employment relations (Alexandro, 1948; Shugurov & Pechatnova, 2023; Volokova, 2023)

2 METHODS

In the course of the study, we used legal analysis (analysis of regulatory legal acts), the formal-legal method (the development of new legal mechanics), and statistical and analytical methods (analysis of statistical data on employed and unemployed citizens).

This research can identify the legal conditions ensuring labor security for employers when hiring citizens from the perspective of legal techniques and their compliance with legal norms. Scientific studies should substantiate the legal conditions necessary to ensure the employer's labor security during hiring. Since labor law focuses on protecting the labor rights of employees, it is evident that its norms will also reflect the protection of the weaker party in the employment relationship (the employee). Within the framework of modern digitalization, the employee's weakness and the employer's strength should be reconsidered with due regard to the economic development of the country and its regions.

3 RESULTS

Given the ongoing digitalization, it is advisable to ensure the employment of citizens using digital technologies, particularly artificial intelligence, already being utilized by recruitment specialists.

Digital technologies are applied in three main categories: gradually implemented (digital platforms), disruptive (AI), and technologies of the near future (office robots).

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The development and application of these categories will lead to significant updates to the established theoretical and practical legal frameworks, particularly employment practices (Akhmetshin, 2023; Akhmetshin et al., 2024a; Nosova et al., 2018)

Let us highlight two key factors in the employer's success: labor productivity and workforce (Akhmetshin et al., 2024b). If the employer fails to retain employees and experiences high turnover, they will struggle to remain competitive in the market and lose workforce support. Therefore, this article focuses on labor security during the hiring process, while labor security in employment relationships will be considered in a separate article.

Labor security in hiring has two essential aspects: legal and managerial. The legal aspect encompasses the relevant laws regulating the employment relationships that arise during hiring. The managerial aspect involves the implementation of these laws from the standpoint of efficiency, employee motivation, and business interests.

1. To ensure labor security when hiring citizens, the employer should establish a staffing policy. This policy serves as a strategic plan for developing HR potential.

The legal framework of staffing policy is a system of internal regulations governing the relationship with current employees and job applicants. For example, the Recruitment Policy, Internal Labor Regulations, Compensation and Bonus Policies, and Internal Communication Protocols (Beisov et al., 2013; Kuzmenko, 2005)etc. Given the focus of this article, we are particularly interested in the staffing policy concerning potential employees. This is typically reflected in internal regulatory documents, such as the Policy on Work Access, Recruitment Policy and Policy on the Processing of Personal Data of Employees (and Job Applicants), etc.

The managerial aspect of staffing policy during recruitment lies in building a team of employees that both advances business objectives and fosters a comfortable work environment for everyone. To this end, the staffing policy should outline methods for recruiting employees, their further training, career development, and strategies for boosting employee motivation (Gabidullina et al., 2020).

Staffing policy must be adaptable to the current state of the labor market. In times of labor shortages, the hiring process should be simplified; in times of surplus, the requirements for applicants should be heightened.

Staffing policy during recruitment should encompass strategies for embedding the employer's brand into the minds of potential candidates, aligning the interests of

future employees and employers. This approach facilitates faster and more qualified mass hiring. A popular method used by HR managers is the referral strategy. The bonuses provided can take various forms: one-time cash rewards, basic health insurance, valuable gifts, etc.

2. According to the Concept for the Development of Regulation in the Field of Artificial Intelligence and Robotics Technologies until 2024 (Resolution of the Government of the Russian Federation, 2020), a key area is addressing cross-sectoral issues related to the development of Russian legislation, including ensuring the security of AI and robotics systems. A cross-sectoral task involves the development of labor law toward the integration of AI, particularly for optimizing hiring and training processes, as outlined in the National Strategy for the Development of Artificial Intelligence until 2030 (Code of Ethics in the Field of Artificial Intelligence, 2024). This will necessitate a comprehensive restructuring of labor and employment legislation and the formation of new provisions within the theory of labor law, specifically addressing one fundamental issue, i.e., the recognition of robots as subjects of labor law and the legal consequences of such recognition. However, this issue requires separate consideration and may become the subject of future research (Sitnikov, 2024).

We need to highlight the positive experience of the Arkhangelsk Region and other northern territories of Russia in implementing new recruitment methods (for example, recruiting citizens sentenced to settlement, recently released, etc. to work at Ozon), including the use of AI which selects candidates based on criteria set by the employer. These methods cover new categories of employees facing employment difficulties (e.g., former inmates, people with disabilities). This successful recruitment experience has been extended to the south of the country, specifically to the Krasnodar Territory, although with less success and on a smaller scale. This is because it is an agricultural region where the labor shortage is due to a lack of workforce for agriculture rather than marketplaces. From this experience, we can draw a clear conclusion: what is suitable for some Russian regions is irrelevant for others.

When using AI (chatbots) in hiring, employers must consider global ethical standards for its usage and the Code of Ethics in the Field of Artificial Intelligence adopted in Russia (Code of Ethics in the Field of Artificial Intelligence, 2024). In particular, the top priority in developing AI is the protection of human rights and interests, which must be regarded as the highest value. The primary ethical principle and criterion for ethical behavior in Russia is the focus on humans and a humanistic

approach. Therefore, when integrating AI into recruitment between an employer and a job applicant, it is essential to ensure that AI and humans are present in this process. We believe this should occur at the initial and final stages of recruitment: during the creation of the job description and the interview stage. The interview is not a mandatory part of the hiring process (Shugurov & Pechatnova, 2023). This is where the involvement of AI should end. Otherwise, the employer risks unjustly rejecting candidates not based on their professional qualifications (according to Article 64 of the Labor Code of the Russian Federation), but due to the programmed actions of AI.

Thus, let us examine the hiring process from a legal perspective, involving both human and robotic (including AI) participation.

First, when drafting a job vacancy, the employer must ensure that it does not violate Article 64 of the Labor Code of the Russian Federation, which prohibits discrimination. The sole legitimate basis for non-discriminatory hiring is the business qualities of employees. Unfortunately, the law does not provide a clear definition of "business qualities". However, judicial practice includes factors such as health (relevant for hazardous working conditions, where hiring individuals with disabilities, pregnant women, etc. is prohibited), personal skills (knowledge of specific software for HR or accounting roles, or foreign language proficiency for executive assistants), and working conditions (mandatory medical examinations for roles listed in orders of the Ministry of Health of the Russian Federation or special labor conditions assessments). If a job vacancy imposes excessive requirements on candidates (demanding proficiency in five foreign languages for a technical support role), such criteria may be deemed discriminatory based on personal characteristics. A job opening is considered lawful if the requirements for the position are proportionate to the responsibilities and functions of the role. Therefore, business qualities must align with reasonable demands for the vacancy. Is it possible that the labor shortage is partly due to a mismatch between job vacancies and the requirements imposed? In the Krasnodar Territory (a predominantly agricultural region), the labor shortage is especially acute in agriculture. Given this and the persistent labor shortage, one can speculate that job requirements may not align with the business qualities of available employees. This could be due to either excessive demands or unjustly low standards, for example, low wages (Riczu et al., 2023; Sapfirova et al., 2019).

Second, after posting a job vacancy on various platforms (such as the Unified Digital Platform for Employment and Labor Relations "Work in Russia", hh.ru, etc.), the

employer must manually screen candidates or leverage the advantages of AI to assist in selection. More specialists are turning to AI, particularly for analyzing large datasets that require extensive processing (Code of Ethics in the Field of Artificial Intelligence, 2024). When selecting potential employees, recruiters have several approaches: targeted selection (typically used for hiring highly qualified specialists), periodic selection (in cases of high staff turnover), or mass recruitment (for rotational work). AI can assist in these tasks, reducing the workload on HR specialists and filtering candidates.

Third, after AI analyzes the submitted resumes, a specialist steps in at the final stage of recruitment to make the hiring decision for the shortlisted candidate. At this stage, it is crucial to comply with the legal aspects of the onboarding process which can be described in the company's internal regulations. Although employers are not forced to develop such a regulation, the onboarding process without it may be considered incomplete, exposing the employer to potential administrative liability under Clause 3 of Article 5.27 of the Code of Administrative Offenses of the Russian Federation.

3. Starting in 2025, Russia will implement the "Personnel" project fostering collaboration between employers and educational institutions. This initiative has already seen significant progress in 2024 with the introduction of targeted education programs. Employers, educational organizations, and applicants registered on the "Work in Russia" platform until June 10, allowing even government bodies to act as clients by holding pre-selection competitions among candidates. Only the winners were registered on the platform.

The introduction of targeted enrollment is one method of addressing the skilled labor shortage as it helps prepare specialists tailored precisely to the needs of businesses. According to the Deputy Chairman of the Government of the Russian Federation, 2024 will see the first wave of graduates under this system, with 138,000 young specialists entering the labor market. In addition, 860,000 individuals with secondary vocational education will join the workforce, and over 45% will be specialists trained for work in technological sectors.

The targeted enrollment system could potentially develop a strategy for ensuring personnel security across Russia and in each of its regions. Focusing on training young employees, whose demand will persist for some time, is a viable solution. This targeted

enrollment approach might also be a key factor in addressing the shortage of required specialists in the agricultural sector of the economy.

4. Modern forms of employment used by employers can be divided into traditional and non-traditional categories (Blanpain & Hendrickx, 2016). The number of employees working offline is decreasing, while the number of remote, temporary, and seasonal employees is growing exponentially.

The Labor Code of the Russian Federation and other legal acts regulating labor relations oblige employers to continuously improve working conditions and occupational safety. There should be no hazardous working conditions, and harmful conditions must be improved through technological advancements, equipment upgrades, etc. This highlights the increasing value employers place on employees' labor, which leads to the adaptation of both parties in labor relations to economic and legal changes. As a result, multipolar forms of employment gradually prevail.

The most commonly used non-traditional form of employment is remote work. This can take several forms: permanent, periodic, or temporary. Since 2020, periodic remote work has become the most in demand. It involves the employee spending part of their working hours offline and the other part online. The employer and employee specify the conditions for this type of work in the employment contract, and the time they interact is considered working hours.

Other popular forms of employment include outsourcing and employee leasing. While these forms often represent a combination of employment contracts and service agreements, they allow employers to legally bypass some of the requirements set by the Labor Code of the Russian Federation. Employee leasing (the signing of an employment contract for the provision of personnel) is most frequently used in agriculture and is also suitable for drivers.

Labor security for employers during hiring requires adopting new recruitment methods and strategies for employee motivation. Employers must comply with existing employment legislation as violations of job applicants' rights can alienate potential candidates. Such violations, especially from employers who frequently engage in recruitment, may contribute to a feeling of helplessness experienced by HR managers and increase employee turnover.

Unjustified refusals of employment give rise to distrust toward employers, their promises, and the jobs they offer.

An alternative development path can also be considered. Feeling the effects of acute labor shortages, employers may increasingly adopt AI in the hiring process and broader employment relationships. This would inevitably lead to discussions about recognizing AI as a subject of labor law.

4 CONCLUSIONS

It seems unlikely that modern employees will massively return to traditional forms of employment. On the contrary, new forms of employment, particularly remote work in its various forms, are likely to develop more actively. This is driven by the rapid development of the digital economy. Digitalization has fundamentally changed the approach to employment forms and has elevated IT professions, where it does not matter whether work is performed offline or online. Other professions, such as doctors, teachers, etc., follow suit. Soon that work may be performed by AI rather than people, for example, replacing drivers or judges (in minor predictable disputes). Today, the issue of labor security, including the problem of staff shortages, can be addressed by using AI and introducing new equipment. In this article, we explored the process of personnel selection (hiring), where robots and AI can be utilized. However, the final decision on the preferred candidate for a job must be made by a human. Otherwise, cases of discrimination may arise. Introducing new equipment (another way to ensure labor security) is a more expensive approach as the equipment is often costly. When combined with the automation of production or labor processes, these two methods are likely to bring positive results.

ACKNOWLEDGMENTS

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