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INTERSECTORAL PROBLEMS OF QUALIFICATION OF LABOR LAW VIOLATIONS AS ADMINISTRATIVE OFFENCES IN RUSSIA

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The subject. The article discusses certain problematic issues of bringing to administrative responsibility within the framework of the general staff under Article 5.27 of the Russian Code of Administrative Offences for violation of labor legislation. The subject of the branch of labor law is very mobile, it already partially affects issues of employment, education, and certain aspects of ensuring national security. Consequently, the application of administrative responsibility for violations of these norms should be organized by extending it to both obvious violations and complex cases of intersectoral regulation affecting the world of work or certain aspects of its functioning.

The purpose of this work is a comprehensive analysis of a number of norms of the Russian Code of Administrative Offences concerning violations of workers' labor rights, based on the study, analysis and generalization of the scientific base, current legislation and practice of its application. In the process of achieving the goal and solving the tasks set, the general scientific dialectical method of cognition was used, as well as logical, systematic, historical, comparative legal and formal legal methods.

In the course of the study, the authors conclude that it is necessary to regulate in more detail the provisions on administrative responsibility for labor offenses and the legislative changes proposed by the authors, since compliance with and application of these standards directly affects the normal development of the production process and the economy as a whole.

Conclusion. Administrative penalties have a positive impact on law enforcement and contribute to the prevention of labor offenses by employers and their representatives. Restrictions in the field of state control and supervisory activities, which began in 2020 in connection with the pandemic, largely slowed down the development of legislation on administrative responsibility for labor offenses. But the time for change has already come, so labor legislation and legislation on administrative responsibility need to be improved in the very near future.

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1. Introduction

Labour legislation is closely connected with economic processes that have a direct impact on the level of well-being and social climate in society, which determines the immanent need of the labour sphere in its protection and defence by the state. Citizens involved in the social organization of labour for many reasons need various forms of state support - from the minimum necessary regulatory influence of the state on the sphere of labour and the education system to various forms of social protection and procedural and procedural provision of basic human rights and freedoms in the sphere of labour. . By virtue of the above, the method of legal regulation of labor and directly related relations is of a mixed nature and implies a mandatory public law (imperative) impact on the relations that are currently the subject of the branch of labor law [1], in order to reasonably and proportionately limit the private legal managerial freedom of the employer, which reflects the historical development of the industry, its paradigm, which is precisely manifested in the features of the method of legal regulation, principles, tasks, functions, sources of industry, legal awareness and law enforcement [2, p. 472-473], its social (protective) orientation [2, p. 462]. The Constitution of the Russian Federation[1] determined that among the social benefits protected by the state is labor (Article 37). The state guarantees respect for the working person, creates conditions for sustainable economic growth of the country and improving the well-being of citizens (Article 75.1). In order to implement state labor policy to ensure compliance with the provisions of labor legislation and other regulatory legal acts regulating labor relations, in addition to regulatory impact on public relations, there is currently almost continuous administrative liability of employers for violations of the labor rights granted to employees. This ensures the necessary balance between labor rights and the needs of the economy [3]. The necessary balance between the interests of employees, employers and the state is also ensured by control and supervisory activities aimed at detecting violations and informing subjects of labor relations about their rights and obligations.

Each branch of law has its own subject of legal regulation, the relevant method and derived from them the branch responsible entities. According to these criteria all branches of law are separated and exist in the legal system [4, p. 314]. However, as correctly pointed out by Y. M. Kozlov, no legal industry does not exist in pure form [5, p. 17]. Article 419 of the Labor code of the Russian Federation (LC RF)[2] determines that the number of types of legal liability for violation of labor legislation and other normative legal acts containing norms of labour law include criminal and administrative liability that are not regulated directly by the labour code. Thus the right demonstrates his systematic and rather conventional division into a separate independent branch of law (law) and is valid right is effective only in cases when all sectors are involved in the regulation of a particular group of public relations [6, p. 6].

Independent sectoral labor and legal responsibility of employers and their representatives is of a private-law nature and is seen more as a way to protect violated workers' rights, but the creation of a mechanism for public legal protection in the presence of administrative responsibility would conflict with the principle of regulatory economy - the most important rule of legislative technique [7, p. 21]. As a result, the legislator formed a reference rule on the responsibility of employers and their representatives, linking the improper application of labor law with administrative penalties. However, since the date of the simultaneous adoption on 12.30.2001 of the Labor Code of the Russian Federation and the Code of Administrative Offenses of the Russian Federation (hereinafter referred to as the Administrative Code of the Russian Federation)[3], a long time has passed, during which the systemic regulation and application of the norms of these branches of law on the protection of labor rights acquired some legal uncertainty and even defects in some intersectoral logical structures, which I would

[1] The Constitution of the Russian Federation (adopted by popular vote on 12/12/1993 with amendments approved during the all-Russian vote on 07.01.2020).

[2] Labor Code of the Russian Federation dated 12/30/2001 No. 197 FZ // SZ RF. 2002. No. 1 (Part 1). Art. 3.

[3] The Code of Administrative Offences of the Russian Federation dated 12/30/2001 No. 195-FZ // SZ RF. 2002. No. 1 (Part 1). Art. 1.

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like to discuss in more detail. and suggest ways to solve the problems raised.

2. General characteristics of the composition of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation

The employer plays a decisive role in labor relations, acting as the organizer of production, since he directly creates jobs and specifies the scope of the rights and obligations of employees. In this regard, the employer's own rights and obligations, which form its legal status, are partly public, regardless of the employer's field of activity, its form of ownership and the number of its employees.

In addition, A.F. Nozdrachev correctly noted back in 1999 that there is a need in the economy to increase managerial potential, in particular, in the field of monitoring compliance with labor legislation [8, p. 96]. With the changing political situation in the country, the definition of economic spheres and specific organizations that ensure the defense capability of the state, the safety of the population, the realization of constitutional rights and freedoms, the strengthening of public law principles in the management of the labor sector has become an urgent need.

The most frequent violations of labor legislation by employers include: incompleteness of the terms of the employment contract, their non-compliance with the law or not completing the employment contract at all; failure of employees to sign with the employer's local regulations (Articles 22, 68 of the Labor Code of the Russian Federation); illegal transfers to other jobs, unjustified dismissals (Articles 72.1, 72.2, 77, 79, 80, 83 of the Labor Code of the Russian Federation), the illegality of an order (order) to terminate an employment contract (Article 84.1 of the Labor Code of the Russian Federation); lack of written consent of employees to increase the volume of work or expand service areas (Article 60.2 of the Labor Code of the Russian Federation); lack of written consent to engage in weekend work and non-working holidays (Articles 113, 153 of the Labor Code of the Russian Federation); violation of working hours (Articles 91 of the Labor Code of the Russian Federation, Article 99 of the Labor Code of the Russian Federation); actions violating certain special rights and guarantees granted to certain categories of employees (minors, disabled, pregnant women, etc.), etc.

An administrative offense under Part 1 of Article 5.27 of the Administrative Code of the Russian Federation can be committed in the form of both an action (for example, an illegal transfer to another job) and inaction (for example, non-payment or delay in payment of wages). As a result, the legislator considered it appropriate to fix the general administrative offense of employers and their representatives in Part 1 of Article 5.27 of the Administrative Code of the Russian Federation as a violation of labor legislation and other regulatory legal acts containing labor law norms, unless otherwise provided for in parts 3, 4 and 6 of this Article and Article 5.27.1 of this Code. This is the general (general) offense of the employer, expressed in any failure to comply with or improper fulfillment of the requirements of labor law. The question is which ones.

In accordance with paragraph 3 of Resolution No. 45 of the Plenum of the Supreme Court of the Russian Federation dated December 23, 2021[4], the sources (forms) of labor law containing norms for violation of which punishment may follow under Part 1 of Article 5.27 of the Administrative Code of the Russian Federation are given with reference to Articles 5 and 11 of the Labor Code of the Russian Federation: The Labor Code of the Russian Federation, other federal and regional laws containing labor law norms, decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, and regulatory legal acts of federal executive authorities, executive authorities of constituent entities of the Russian Federation, and local self-government bodies. But here, in fact, the first questions arise.

From the content of Article 5 of the Labor Code of the Russian Federation, it is clear why the

[4]Resolution of the Plenum of the Supreme Court of the Russian Federation dated December 23, 2021 No. 45 "On certain issues arising during the consideration by courts of general jurisdiction of cases of administrative offenses related to violations of labor legislation and other Regulatory legal acts containing labor law norms". Bulletin of the Supreme Court of the Russian Federation. 2022. No. 3.

Constitution of the Russian Federation does not apply to acts of labor legislation due to its general rather than sectoral nature. But on the other hand, it is unclear where the employer's local regulations disappeared from the system of sources (forms) of labor law, violations of which occur quite often. In Part two of Article 5 of the Labor Code of the Russian Federation, collective agreements, agreements and local regulations containing labor law norms are mentioned among the regulatory regulators in the field of labor. And if for violation or non-fulfillment by an employer or a person representing him of obligations under a collective agreement, liability is established in the Administrative Code of the Russian Federation by a special composition of art. 5.31, however, with the clearly requiring updating sanction "warning or imposition of an administrative fine in the amount of three thousand to five thousand rubles", local regulations of the Administrative Code of the Russian Federation clearly lost sight of it.

In paragraph 3 of the RF Supreme Court No. 45 (third paragraph), it is noted that in resolving cases of administrative offenses, generally recognized principles and norms of international law and international treaties of the Russian Federation, as well as collective agreements, agreements and local regulations adopted in compliance with the provisions of laws and other regulatory legal acts containing labor law norms, are subject to application. Obviously, the wording "upon authorization" indicates a procedure rather than a qualification. If an employer violates its own local regulations, for example, on paying employees an internship allowance or providing them with additional rest days, the local regulatory act on these additional employee rights cannot be applied to resolving the case of an employer violation. The resolution of the case is the Administrative Code of the Russian Federation.

No less surprising is the position of the supreme court regarding the fact that local regulations containing labor law norms will be applied in resolving cases of administrative offenses if they are "adopted in compliance with the provisions of laws and other regulatory legal acts." In accordance with Article 8 of the Labor Code of the Russian Federation (Part one), employers adopt local regulations within their competence in accordance with labor legislation and other regulatory legal acts containing labor law norms, collective agreements, and agreements. This very competence is defined by the Labor Code of the Russian Federation as the duty of an employer (and not any one!) to adopt separate local regulations (art. 309.2 of the Labor Code of the Russian Federation) without restrictions in order to supplement the specified list with some other document necessary for the employer's activities. Moreover, there is considerable legal uncertainty in the system of local acts of the employer itself, for example, regarding whether one or two local acts are adopted on the issue of remuneration and bonuses, whether a local act on the processing of personal data of employees is mandatory, whether this issue and a number of others are possible, including, for example, the same bonus should be included in the content of the internal labor regulations, etc. [9]. At the same time, according to the position of paragraph 3 of the RF Supreme Court No. 45, all cases of the adoption of a local regulatory act in order to fill a gap in regulatory regulation or when it is adopted on the basis of a collective agreement provision rather than a rule of law are, in principle, outside the scope of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation.

It is proposed to amend paragraph 3 of the RF Supreme Court No. 45 in the form of an indication that if an employer violates local regulations containing labor law norms adopted by the employer within its competence, such a violation constitutes an offense under Part 1 of Article 5.27 of the Administrative Code of the Russian Federation, provided that these documents comply with the requirements their form, content, and acceptance procedure. Collective agreements could also be added here, since there is no particular difference between the norm of a collective agreement and the norm of another local act of the employer for an employee. However, then Article 5.31 of the Administrative Code of the Russian Federation will need to be abolished, especially since it is already largely outdated and does not provide adequate legal protection against the offenses specified in it.

3. On the ratio of Part 1 of Article 5.27 of the Administrative Code and Articles 5.27.1, 5.62 of the Administrative Code of the Russian Federation

Another clarification contained in paragraph 3 of the RF Supreme Court No. 45 (second paragraph) is that violations of state regulatory requirements for labor protection contained in federal laws and other regulatory legal acts of the Russian Federation entail administrative liability not under Part 1 of Article 5.27, but under Article 5.27.1 of the Administrative Code of the Russian Federation (without application of the general staff).

At the same time, according to Article 212 of the Labor Code of the Russian Federation, in part two, state regulatory requirements for labor protection may be contained in federal and regional laws, resolutions of the Government of the Russian Federation, regulatory legal acts of the Ministry of Labor of the Russian Federation and executive authorities of the subjects of the Russian Federation with relevant competence. According to part four of the same Article 212 of the Labor Code of the Russian Federation, the Ministry of Labor of the Russian Federation approves labor protection rules, as well as other regulatory legal acts containing state regulatory requirements for labor protection, as well as uniform standard standards for the free provision of personal protective equipment to employees.

Thus, violations of state regulatory requirements for labor protection contained in laws and other regulatory legal acts of the subjects of the Russian Federation are outside the scope of Article 5.27.1 of the Administrative Code of the Russian Federation. The question arises: in the absence of a special composition in the law of the subject of the Federation on administrative responsibility on liability for violations of regional regulatory requirements for occupational safety and health, can Part 1 of Article 5.27 of the Administrative Code of the Russian Federation be applied? And how should the issue of competition of such trains be resolved in the presence of regional regulation? Apparently, this problem should be solved by analogy with similar explanations of the RF Supreme Court Law No. 45 on the principle of competition of a general and special norm, although it would be the federal legislator who should exclude such competition, indicating, for example, in art. 5.27 of the Administrative Code of the Russian Federation (for example, in the form of a note) how its provisions operate when availability of regional trains. Alternatively, the disposition of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation may be directly changed, namely: "Violation of labor legislation and other regulatory legal acts containing labor law norms, unless otherwise provided for in parts 3, 4 and 6 of this Article, Articles 5.27.1 – 5.34 of this Code or the law of the subject of the Russian Federation on administrative offenses."- ...".

Also, according to Part eleven of Article 209 of the Labor Code of the Russian Federation, labor protection requirements are divided into state regulatory requirements for labor protection and labor protection requirements established by local regulations of the employer, including the rules (standards) of the organization and instructions on labor protection. Therefore, there is also a problem as to whether and how to qualify a violation of local labor protection standards as an administrative offense.

Based on the principles of this institution and its pronounced public-law nature, labor protection as a whole does not tend to local regulation, but since the legislator has seen something in these relations that requires local regulation, the corresponding violations should be made punishable. Since the norms of Article 5.27.1 of the Administrative Code of the Russian Federation, by virtue of the direct instruction of the RF Armed Forces Code No. 45, are of a special nature, violations of all local regulations, regardless of their content, can be considered as an element of the objective side of the composition of Article 5.27 of the Administrative Code of the Russian Federation. Accordingly, it is necessary to make a decision on the fate of Part 2 of Article 5.31 of the Administrative Code of the Russian Federation – this is a violation or non-fulfillment by the employer or a person representing him of obligations under a collective agreement or agreement regarding labor protection of employees engaged in work with harmful and (or) dangerous working conditions, including underground work. A collective agreement regulates such issues only in one case – if it improves the

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situation of employees in the field of labor protection. Duplication of labor law provisions on labor protection in a collective agreement is Article 5.27.1 of the Administrative Code of the Russian Federation, since the rule of law quoted in the collective agreement does not become a provision of the latter.

Nevertheless, in order to avoid such difficult qualifications, due to the importance of occupational safety and health to ensure decent work for an employee and due to repeated repetitions of the same provisions in labor legislation, industry rules on occupational safety and health and local instructions on occupational safety and health, it is proposed both in art. 5.27.1 of the Administrative Code of the Russian Federation and in paragraph 3 of the RF Supreme Court No. 45 should delete the words "state" and "regulatory" in relation to labor protection requirements and bring the definition of a violation qualified under Article 5.27.1 of the Administrative Code of the Russian Federation into line with the concept of Article 209 of the Labor Code of the Russian Federation "labor protection requirements".

Another problem with the application of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation is the correlation of this composition with Article 5.62 of the Administrative Code of the Russian Federation "Discrimination".

Article 5.62 of the Administrative Code of the Russian Federation defines discrimination as a violation of the rights, freedoms and legitimate interests of a person and citizen, depending on reasons that have no rational explanation and therefore are untenable and illegal. Among such discriminatory grounds are gender, nationality, marital and official status, age, membership in public associations (for example, a trade union), which is directly related to fairly common violations of workers' rights. It would be possible to limit ourselves to a general indication of the special nature of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation in relation to the general norm of Article 5.62 of the Administrative Code of the Russian Federation, since a large number of cases of violations of labor rights by employees themselves, and sometimes the courts, confuse with the concept of "discrimination", calling, for example, non-payment of bonuses, disciplinary penalties, dismissals, including due to old age, refusal to transfer, extension of a fixed-term employment contract, etc. However, there are also reasons. First of all, Article 5.62 of the Administrative Code of the Russian Federation significantly increases the amount of punishment for a legal entity (however, for unclear reasons, neither an entrepreneur nor an official are unreasonably listed among potential violators). In this regard, it is definitely wrong to consider discrimination in the field of work as a less serious offense. 391 of the Labor Code of the Russian Federation (part three, paragraphs 1 and 4), which separately formulates the exclusive judicial competence in an individual labor dispute of a person who believes that he has been discriminated against. In other words, the establishment of discrimination in employment or related relationships exists and should be applied as an independent way to protect violated labor rights. At the same time, the definition of discrimination in the sphere of work (Article 3 of the Labor Code of the Russian Federation) is identical to the definition of Article 5.62 of the Administrative Code of the Russian Federation, taking into account industry specifics, since both of these concepts are set out in accordance with Article 19 of the Constitution of the Russian Federation.

It seems that in part 1 of Article 5.27 of the Administrative Code of the Russian Federation, article 5.62 of the Administrative Code of the Russian Federation should also be added as an exception, and in Article 5.62 of the Administrative Code itself (as part of the article), an indication that preventive measures in the form of detention may be applied to offenses related to violations of the legislation of the Russian Federation. officials and persons engaged in business activities without forming a legal entity, with the definition of their punishment in accordance with the specified norm.

4. Problems of applying the composition of Part 1 of Article 5.27 of the Administrative Code of the Russian Federation

It is also a difficult question to apply Part 1 of Article 5.27 of the Administrative Code of the Russian Federation, which legal acts nevertheless

relate to the norms of labor law, although at first glance there should be no special problems here. The content of Article 5 of the Labor Code of the Russian Federation does not provide any clarity, since it uses the phrase "containing labor law norms" in relation to a number of regulatory sources not only for bodies of special competence (for example, the Ministry of Labor of the Russian Federation), but also for bodies of general competence. But how do you know if, for example, decrees of the President of the Russian Federation or Resolutions of the Government of the Russian Federation are relevant to the world of work, which, along with issues based on the Labor Code of the Russian Federation, set out others, for example, regarding the regime during the pandemic, in relation to foreign citizens, personal data, employment, the market labor, etc. Federal Law No. 10-FZ of January 12, 1996 "On Trade Unions, their Rights and Guarantees of Activity" and Federal Law No. 125-FZ of July 24, 1998 "On Compulsory Social Insurance against Industrial Accidents and occupational Diseases" are very indicative in this aspect.

The first is an act of corporate nature, trade union organizations are not created according to labor law, but ensure the right of employees to unite to protect their interests. The second is the sphere of social insurance, but article 14.1 of Federal Law No. 255-FZ dated December 29, 2006 "On Compulsory social insurance in case of temporary disability and in connection with maternity" concerns the procedure for assigning, calculating and paying for the first three days of temporary disability of an employee at the expense of the employer. Does the violation of this article constitute Part 1 of Article 5.27 of the Administrative Code of the Russian Federation? Obviously, yes, but unfortunately, the RF Armed Forces Code No.45 no longer provides answers to such questions, and therefore Part 1 of article 5.27 of the Administrative Code of the Russian Federation may have a very contradictory practice of its application. The first is an act of corporate nature, trade union organizations are not created according to labor law, but ensure the right of employees to unite to protect their interests. The second is the sphere of social insurance, but Article 14.1 of Federal Law No. 255-FZ dated December 29, 2006 "On Compulsory social insurance in case of temporary disability and in connection with maternity"[5] concerns the procedure for assigning, calculating and paying for the first three days of temporary disability of an employee at the expense of the employer. There is a question of forming a violation of this article in Part 1 of article 5.27 of the Administrative Code of the Russian Federation. Obviously, yes, but, unfortunately, the Supreme Court no longer provides answers to such questions, and therefore Part 1 of Article 5.27 of the Administrative Code of the Russian Federation may have a very contradictory practice of its application.

Summarizing the above, the object of the administrative offense specified in Part 1 of Article 5.27 of the Administrative Code of the Russian Federation should be considered labor rights and freedoms, including the right to work, the right to rest, ensuring the rights and opportunities of employees, the right to association and other rights guaranteed by labor legislation [10, p. 58]. Part 1 of Article 5.27 of the Administrative Code of the Russian Federation may include a wide variety of violations (actions and omissions), but, above all, those that entail a violation of the labor rights of employees within the framework of an employment contract concluded by them. At the same time, it should be noted that the latency of labor offenses is quite high, and therefore traditionally the indicators of offenses are determined based on the analysis of statistics that do not contain complete data on reality. Most often, information concerning the latent part of this social phenomenon remains outside statistics [11, p.140].

Offenses committed by employers are considered completed from the moment of committing any of the actions punishable under Article 5.27 of the Administrative Code of the Russian Federation (or inaction – from the moment of expiration of the statutory period for fulfilling the relevant duty or authority) [12].

The subjects of the offense in Article 5.27 of

[5] Federal Law of December 29. 2006 No. 255-FZ "On compulsory social insurance in case of temporary disability and in connection with maternity". Collection of Legislation of the Russian Federation. 2007. No. 1 (part 1), art. 18.

the Administrative Code of the Russian Federation are recognized as legal entities (organizations, institutions, regardless of their organizational and legal form and form of ownership), officials and persons engaged in business activities without forming a legal entity; citizens are referred to only as subjects of such an act as the actual admission to work by a person not authorized by the employer. However, employers under the Labor Code of the Russian Federation can be not only legal entities and entrepreneurs, but also other persons (for example, private notaries, citizens who employ housekeepers, babysitters, chauffeurs, etc.).

The issue of the labor law status of notaries and lawyers as employers has been raised repeatedly in the science of labor law [13]. A notary or a lawyer engaged in private practice has the right to have an office or an office, open a checking account and other accounts in any bank, therefore, he can hire and dismiss employees if they are necessary for him to ensure his activities, for example, to hire cleaners, assistants, technical secretaries, accountants, etc. [14]. In Article 20, the Labor Code of the Russian Federation equated private notaries and lawyers who established law offices to entrepreneurs, but, as stated in this article, "for the purposes of this Code." Applying Part 1 of Article 5.27 of the Administrative Code of the Russian Federation, one can theoretically try to justify that by violating the Labor Code of the Russian Federation, these entities act identically to entrepreneurs, but I would still like to see appropriate changes in the Administrative Code of the Russian Federation (in Article 5.27, other formulations based on violations of labor law, either in the note to 2.4 of the Administrative Code of the Russian Federation or in note to Article 5.27 of the Administrative Code of the Russian Federation by analogy with Article 13.14 of the Administrative Code of the Russian Federation, which states that lawyers who have committed an administrative offense provided for in this Article are administratively liable as officials).

In addition, if a citizen-employer is legally incompetent and his representative concludes an employment contract in his interests (for example, with a social worker), it is necessary to decide on the responsibility of such a subject in the absence of signs of a criminal offense.

Some authors also propose to abandon the administrative responsibility of public authorities in favor of the responsibility of their officials, while allowing for greater rigor (and authorities can also be employers, since not only employees work there). The authors justify their position by the fact that state and municipal authorities pay administrative fines to the budget and spend money from the same budget on it [15;16], which casts doubt on the economic and social meaning of such punishments. This issue also needs to be worked out.

According to Article 2.2 of the Administrative Code of the Russian Federation, the subjective side of administrative offenses is characterized by an intentional form of guilt (direct intent) or negligence, although it is quite difficult for a legal entity to differentiate guilt in the form of intent or negligence [17]. I would like to draw attention to the fact that, according to Article 5.27 of the Administrative Code of the Russian Federation, employers commit misconduct both negligently and intentionally, but committing an offense through negligence should be regarded by state authorities as a basis for imposing a less severe punishment within the limits established by the sanction of a specific legal norm [18, p. 98].

If we talk about the goals of state control, then one of them can be called the prevention, detection and suppression of violations committed by individual entrepreneurs, legal entities, their managers and other officials in the field of labor [19, p. 183], which, taking into account the disposition of Article 5.27 of the Administrative Code of the Russian Federation, can be identified during one inspection several and consider these different violations.

However, it is also necessary to comply with Article 4.1.1 of the Administrative Code of the Russian Federation, according to which a number of employers in the field of small and medium-sized businesses are subject to administrative punishment in the form of an administrative fine to be replaced by a warning in the absence of serious consequences from the offense, despite the fact that the indicators of effective work of control and supervisory authorities include the collection of administrative fines, which were applied as a punishment for the

results of inspections. Such a practice can hardly be considered consistent with the goals and objectives of administrative responsibility in the field of labor relations.

5. Conclusion

In conclusion, I would like to note that despite all the defects in the legal regulation discussed above, the Russian Federation guarantees the protection of the dignity of citizens quite fully and effectively and shows respect for human work. Balancing the interests of employees and employers in the world of work presupposes a timely and effective Government response to violations of their rights or the threat of such violations.

Although labor activity in human society is projected in private interests, it is of a public nature. Participants in joint work should coordinate their actions to achieve their goals. Because of this, qualified knowledge and application of labor legislation in the process of bringing an employer to administrative responsibility will be one of the factors in improving the overall state of law and order [20, p. 19].

Restrictions in the field of state control and supervisory activities, which began in 2020 in connection with the pandemic, largely slowed down the development of legislation on administrative responsibility. But the time for change has already come today, so it is necessary to improve labor legislation and legislation on administrative responsibility.

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