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LEGAL REGULATION OF THE LABOR MARKET IN INDUSTRY 4.0 TO PROTECT THE RIGHTS OF PEOPLE WITH DISABILITIES

REGULAMENTAÇÃO LEGAL DO MERCADO DE TRABALHO NO SETOR 4.0 PARA PROTEGER OS DIREITOS DAS PESSOAS COM DEFICIÊNCIA

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Abstract: This article considers the specifics of Industry 4.0 regulation of the labor market. The transition to a digital economy significantly changes the nature of labor: the scope of physical labor is narrowing, and the number of remote-friendly professions is growing. Under such conditions, the labor market and its legal regulation inevitably undergo certain changes. The study aims at searching for legal regulation mechanisms that provide new opportunities for the use of labor by people with disabilities. The article dwells on the concept of Industry 4.0, as well as new risks and opportunities for labor relations. The authors of the article substantiate the need to change labor regulation during the transition to Industry 4.0 to minimize risks and realize the opportunities that open up for certain categories of the population. They also study the positive world experience of attracting people with disabilities to developing sectors of the economy. Conclusions are drawn about the possibility of spreading the positive experience of using the labor of disabled people in Industry 4.0 to more countries and various sectors of the economy, as well as improving labor legislation.

Keywords: Industry 4.0. Labor relations. Legal regulation. Persons with disabilities. Competitive advantages.

Resumo: Este artigo analisa as especificidades da regulamentação do setor 4.0 no mercado de trabalho. A transição para uma economia digital altera significativamente a natureza da mão de obra: o escopo do trabalho físico está se reduzindo e o número de profissões que aceitam trabalho remoto está crescendo. Sob tais condições, o mercado de trabalho e sua regulamentação legal inevitavelmente passam por certas mudanças. O objetivo do estudo é buscar mecanismos de regulamentação legal que ofereçam novas oportunidades para o uso do trabalho por pessoas com deficiência. O artigo aborda o conceito de Indústria 4.0, bem como os novos riscos e oportunidades para as relações de trabalho. Os autores do artigo fundamentam a necessidade de alterar a regulamentação trabalhista durante a transição para a Indústria 4.0 para minimizar os riscos e aproveitar as oportunidades que se abrem para determinadas categorias da população. Eles também estudam a experiência mundial

positiva de atrair pessoas com deficiência para setores em desenvolvimento da economia. São tiradas conclusões sobre a possibilidade de disseminar a experiência positiva de usar a mão de obra de pessoas com deficiência na Indústria 4.0 para mais países e vários setores da economia, bem como melhorar a legislação trabalhista.

Palavras-chave: Indústria 4.0. Relações trabalhistas. Regulamentação legal. Pessoas com deficiência. Vantagens competitivas.

1. Introduction

The modern development of the economy and society is associated with a radical and dynamic change in the quality and nature of labor, which affects the current state of labor relations (Dmitrienko et al., 2023). These changes are associated with the Fourth Industrial Revolution and the emergence of Industry 4.0, in which the required and implemented digital competences transform the concepts of working time, workplace, and types of work performed (Dmitrienko et al., 2023). A possible negative consequence for the labor market is mass unemployment in many industries due to the systemic and pervasive role of information and communication technologies and the active development of convergent technologies that automate more types of activities, including intellectual ones. Economic growth, which occurs simultaneously with an increase in labor automation, can exacerbate social conflicts and increase inequality (Afanasev, 2019; Sekerin et al., 2022). The current development of robotics, artificial intelligence, and cyber-physical systems has not allowed the creation of a fully autonomous factory. However, a new level in the development of information and communication technologies has caused noticeable changes in various fields of the labor market (Tsekhla & Orlova, 2022). The demand for soft or over-professional skills is growing (Potekhina et al., 2022). As a result, business and personal spheres of life are mixed, which is not a complete list of ongoing transformations (Tsekhla & Orlova, 2022). Therefore, the understanding of social and labor relations and their subjects and objects is filled with new content and is transformed according to digital changes.

If certain problems arise for some categories of employees, the ongoing transformations also provide several advantages to others. The emergence of non-traditional forms of employment, part-time jobs, flexible working hours, secondary employment, and home office can create a stable and flexible foundation for new motivations in professional behavior. This will undoubtedly arouse interest in the work and comfort of those social categories that could not be involved in the labor sphere. First of all, we are referring to people with disabilities

who cannot move or perform heavy physical work. According to the UN, this social category of the population is approximately 650 million people, or about 10% of the world's population (United Nations, n.d.). Unemployment among people with disabilities is about 80% around the world (United Nations, n.d.), which indicates their significant exclusion from labor relations. One of the main beneficiaries is the state. By attracting a significant number of disabled people to work, it can solve or mitigate many economic and social problems: satisfy the growing demand for certain professions in Industry 4.0; reduce budget expenditures for the functioning of social security services; socialize people with disabilities by adapting them to labor collectives, etc.

Given the foregoing, state policy should aim at creating conditions for the full integration of persons with disabilities into society, including through their employment (Kiseleva et al., 2023; Laukart-Gorbacheva et al., 2021; Maia et al., 2023). This policy should be expressed in legal regulation, taking into account the current stage of economic development, i.e. Industry 4.0 (Mokhov et al., 2023). In this connection, many of the current regulations regarding the work of disabled people should be finalized (Sapfirova et al., 2022). The declared rights of disabled people to work are difficult to realize due to the lack of proper organization. The issues of proper organizational and legal support attract the attention of many scholars who offer various solutions (Kuzubova et al., 2022; Zenin et al., 2022b). For example, R.M. Khakimov (2015) considers international conventions and standards regarding the rights of persons with disabilities and proposes to integrate their requirements and recommendations into national legislation. T.A. Liksutina (2019) and N.M. Mikhalenya and I.V. Shulenkova (2013) demonstrate a conceptual approach to the employment of disabled people based on the principles of non-discrimination, unity, and differentiation. Some authors refer to the experience of developed countries, such as Germany (Afronchenko et al., 2019) and Japan (Dronishinets & Filatova, 2017), where conditions have been created for entrepreneurs that make them comply with employment regulations for disabled people. Despite a large number of studies, the accumulated positive experience of some states in the employment of people with disabilities does not completely solve the existing problem. Furthermore, it aggravates with the transition to Industry 4.0 (Vysheslavova et al., 2022). Therefore, it is necessary to conduct studies on the legal regulation of employment of disabled people in the context of the ongoing Fourth Industrial Revolution (Zenin et al., 2022a). This article aims at developing legal guidelines governing the labor relations of disabled people with due regard to the transition to Industry 4.0. The study objectives are as follows: to study the features of Industry 4.0 that contribute to the active

participation of people with disabilities in the labor force; to explore the positive international experience of state regulation aimed at protecting the rights of people with disabilities in the course of their labor activity; to form proposals and recommendations for improving the legal regulation of the labor of people with disabilities in the transition to Industry 4.0.

The research hypothesis posited that instead of solely relying on existing job quotas at the state level, the legal regulations pertaining to the employment of disabled individuals should aim to generate novel job opportunities that align with industry demands, while adhering to market principles and fostering competition.

2. Methodology

Within the framework of this study, we used a dialectical approach to assess the development of the phenomenon under study. Theoretical and empirical methods were selected in accordance with the conditions determined by the above-mentioned approach. We used both general and special scientific methods. The main role in the study was played by the system-structural method, the transition from a general concept to a particular one, the comparative-legal method, and the statistical method. To prove the hypothesis, we obtained data from 20 sources, including regulatory legal acts, statistical information, news posted on trusted websites, and conceptual provisions contained in works by scholars from different countries protecting the labor rights of disabled people indexed in the Scopus and Web of Science databases.

The main empirical and most time-consuming method was an expert survey, followed by the mathematical processing of its results. We interviewed 30 respondents, including employees of the Ministry of Labor and Social Protection and the Ministry of Health of the regional governments of three constituent entities of the Russian Federation in the Central Administrative Region. The experts were selected based on their experience in working with appeals from people with disabilities and organizing their employment at least for 10 years and/or the fact that they had written at least three articles on this topic published in journals included in Scopus or Web of Science. All the respondents were informed about the survey objectives and the subsequent publication of its results while keeping their personal data confidential.

We sent an email to each respondent and asked them to express their opinion on the legal regulation of the work of disabled people necessary for the proper observance of their rights in connection with the transition to Industry 4.0.

After receiving answers from the respondents, we grouped and processed them using the method of mathematical calculation to determine the state policy of employment of persons with disabilities.

3. Results

The ongoing Fourth Industrial Revolution will have a huge impact on labor in the near future. Unlike previous industrial revolutions, not only low-skilled jobs will undergo major changes but also high-skilled labor (law, financial services, education, and healthcare) (Filipova, 2019). Today such consulting agencies as McKinsey Global Institute, PricewaterhouseCoopers, and Deloitte give unnerving forecasts for the number of jobs in the future. According to McKinsey Global Institute, global automation due to new technologies will affect about 50% of jobs, and partial automation (about 30% of all the operations performed) will influence at least 60% of jobs by 2030 (Manyka & Sneader, 2018). This means that automated manufacturing will not need the previous amount of labor force and many jobs will be cut. The most pessimistic forecasts predict the release of up to 2 billion jobs by 2030 (World Economic Forum, 2017, p. 22), which can become a social catastrophe. However, by destroying some traditional types of labor, Industry 4.0 will create a demand for new types of employment. According to a UNCTAD report, the key changes in the labor market will be the emergence of new jobs and professions (in the fields of e-commerce, 3D printing, software, cyber security, etc.) along with changes in working conditions (an increase in the volume of remote-friendly jobs, work through Internet platforms, an increase in the precariat through a decrease in the level of social protection, an increase in the share of necessary digital skills) (IBA Global Employment Institute, 2017). As for labor relations, the traditional relationship between the employee and the employer is being erased in Industry 4.0 and resembles the relationship between the customer and the contractor. The employee obeys the orders of the employer in the process of work and is bound by the rules on working hours. The contractor who has concluded a civil law contract for the performance of certain work is obliged to comply only with deadlines and ensure the necessary quality of work. Such relationships are now developing for remote workers: they get as much independence as contractors, the emphasis in their work is on the results of labor rather than on the process, and the employer's control is replaced by inner motivation. Thus, it becomes possible to work from anywhere in the world, the boundaries between professional and private life are erased, and such terms of the labor agreement as the workplace and working hours are variable.

Under such conditions, the employment of disabled people is much more complicated and requires the expansion and revision of existing legal norms, as well as the use of new forms of state support (Table 1).

Table 1. Legal regulation measures considering the requirements of Industry 4.0

Question	Measures proposed by the experts	Distribution of responses, %
How do you see the main directions for the implementation of state policy regarding the labor rights of people with disabilities?	More jobs quotas at enterprises where labor activity involves intellectual work and supports the remote format	32
	Development and application of a balanced mechanism of incentives and responsibilities of entrepreneurs, depending on their attitude to the duties of employment of disabled people	23
	Development and implementation of vocational education programs for persons with disabilities with due regard to the professions demanded by Industry 4.0	27
	Development and implementation of social programs for the creation of specialized jobs at the expense of budgetary funds	18

Currently, the regulation of most states in relation to the labor of disabled people uses traditional types of employment, including proportional employment, job quotas, concentrated employment, public works, and self-employment. For example, the Chinese social policy to support the employment of persons with disabilities is carried out through the following mechanisms: the establishment of 1.5% quotas for the employment of persons with disabilities for teams with more than 30 employees; the allocation of public positions ("social posts") for persons with disabilities (similar to those assigned to women and representatives of ethnic minorities); the functioning of non-profit charitable enterprises (for example, massage parlors where blind therapists provide services); the expansion of self-employment of persons with disabilities (Topilin & Ladik, 2022).

Preferential policies, including tax credits and quotas, are essential to ensure that people with disabilities have an equal right to work. However, in the context of the developing Industry 4.0 and the digital economy, the Chinese government is shifting from social charity directly assisting the disabled. The use of digital technologies by people with disabilities, like other Chinese citizens, has significantly changed over the past ten years. Under President Xi Jinping's program, e-commerce and digital enterprises are encouraged, especially when hiring and recruiting people with disabilities (Topilin & Ladik, 2022). They differ from charitable or state-run social enterprises that provide low-skilled and low-paid jobs for people with disabilities and grant an opportunity to do more interesting tasks, learn new technologies, and grow professionally. The Chinese experience in using digital technologies and employing the disabled is noteworthy and should be used not only in the field of e-commerce and trade but also in other sectors of the economy.

For the needs of the digital economy, some traditional mechanisms for employing people with disabilities remain in high demand. Some countries, for example, Sweden, use the temporary employment of persons with disabilities. Samhall AB, a state-funded company operating since 1980, creates jobs that are in demand in the labor market, having previously organized vocational training (Brzokoupil, 2022). Although disabled people work at this enterprise temporarily, they are trained to become experienced specialists demanded in the free labor market and can find regular jobs.

The UK has assumed most of the costs of assisting people with disabilities in finding a job, allocating benefits to pay for special transport services (if necessary), and equipping their workplaces. Companies that use the labor of disabled people are provided with a cash allowance for the purchase of special equipment (wheelchairs, elevators, etc.). Given the remote work format common to Industry 4.0, disabled people are provided with the necessary equipment at the expense of the state budget, including computers (Papworth Trust, n.d.).

Some positive experiences of various states in employing people with disabilities, considering the transition to Industry 4.0, are systematized and presented in Table 2.

Table 2. Positive experiences of various states in employing people with disabilities in the context of Industry 4.0

Country	China	Sweden	Great Britain
Organizational and legal	Providing benefits and preferences to	State financing of multidirectional commercial	Providing disabled people

measures within the transition to Industry 4.0	e-commerce enterprises that contribute to the employment of people with disabilities	enterprises, in which persons with disabilities temporarily work in the positions most demanded by the economy until they obtain sufficient qualifications and find a job in the free labor market	with remote-friendly positions demanded in the digital economy at the expense of the state

4. Discussion

Modern studies highlight the need for a timely legislative response to a possible sharp reduction in jobs caused by the dynamic development of technologies in the economy: "Not being inevitable, the scenario (mass unemployment) is quite likely, so it is better to start preparing for it today" (Hines, 2019, p. 20). Changing economic conditions create new tasks for the legislator to "promote employment, the inevitable formation of a new type of labor relations and new models for their regulation" (Golovina, 2015, p. 132).

Regarding the labor rights of people with disabilities, the state transiting to Industry 4.0 should not only protect their right to work (i.e. free them from discrimination) but also create competitive advantages for them and conditions for their implementation.

Thus, E.G. Kopalkina (2022) proposes to create beneficial organizational and legal foundations for the activities of enterprises that use the labor of disabled people with extrability, i.e. adaptation skills that develop in disabled people due to the lack of the ability to use some of their organs and help them act more effectively using the other organs, which grants them with a competitive advantage over ordinary people.

According to I.A. Filippova (2019), another advantage in using the labor of disabled people might arise in connection with the spread of neuroprosthetics. Today many people need such prostheses for medical reasons (Filipova, 2019). The quantity and quality of labor will depend on the presence/absence of neuroprostheses and other technological devices available at the workplace. The new principle should consider the possibilities of using neuroprostheses as parts of the human body that have artificial intelligence. It will be more profitable for employers to hire people with neuroprostheses since their use in the labor process ensures the best performance of an employee having an AI-powered device. An employee with a neuroprosthesis can become more efficient than an ordinary worker (by exceeding the natural indicators of

functionality) and provide new opportunities, for example, touching hot objects with bionic hands. Then ordinary workers will lose in the competition for a job (Barfield & Williams, 2017). In this regard, the state should provide disabled people with prostheses that grant them a competitive advantage when applying for a job. The status of workers using neuroprostheses in their work activities should be regulated by labor, information, and medical law (Kamalova, 2019).

5. Conclusion

We concluded that the legal regulation of labor relations, including those involving persons with disabilities, in the transition to Industry 4.0 needs to be supplemented by special regulatory measures that require labor adaptation to the new economy. The effectiveness of such measures has already been demonstrated in progressive world practice. Some of them exist only in the form of scientific proposals on the employment of people with disabilities during the transition to a digital economy. In new economic and technological conditions, the state regulation of the employment of people with disabilities should shift from the forced assignment of job quotas to the creation of special jobs that are in demand in the new economy based on market incentives and state participation. Thus, the research hypothesis has been proven. Further research should analyze the possibilities for protecting labor rights for workers whose jobs are being reduced due to manufacturing automation and robotization.

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