

Social Value of Labor and its Formalization in Social Security Law

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ABSTRACT

The objective of this research is to identify the social value of labor in respect of the aspects affecting the social security sphere. The specifics of labor in its interpretation in social security predetermined the complex of methods used to research it; these methods are historic, formally dogmatic, systematic, as well as the analysis and synthesis of research findings and legal information. The analysis of Russian legislation on social security in its historic retrospective and current perspective demonstrates the universal connection between social provisions and previous employment. This conjunction may be identified in every element of the current Russian social security system – mandatory social insurance, state social security, social assistance, and support. The value of labor is also considered in supplemental forms of social security, primarily corporate ones. The formalization of the social value of labor in social security law corresponds to the constitutional principles and regulations, as well as the international standards on human rights. The author concludes that it is necessary to secure the connection between labor and social security in the current stage of social development. In the meantime, the author advises continuing the search for the social and economic mechanisms that would allow improving the social security systems to the extent of the changes in forms, types, and profiles of labor. This research' conclusions might be further used as a basis for scientific researches of labor and social security and considered by the social and political practices and law making.

Keywords: labor, social value, social risk, social security, social security system, constitution

1. INTRODUCTION

Labor plays an essential role in the life of every society regardless of the stage the society is in its development. Labor may be defined as a purposeful and mindful activity of the individual focused on the fulfillment of the person's and society's needs; from an economic standpoint, labor is one of the production factors and provides the individual with the source of income. In the meantime, the value of labor is not limited to the economic aspects since labor evolves the individual him- or herself, it is the condition and the mean of the person's development, socialization, and development of the individual's capacity. Thus, labor is existentialistic [1].

All these factors determine the specifics of labor as a research object for multiple natural and social sciences; each branch of science, corresponding to its subject matter and methods, identifies, theoretically proves the specific characteristics of labor, and demonstrates the potential of their application.

Marxism contributed to the research of labor as a social and economic phenomenon. This philosophy, economic, and political doctrine proves the defining role of labor in the process of anthropogenesis, while the specific of treating labor as a product (in this case, labor equates to the labor force) is considered the critical factor of the social and economic processes development.

The research of different aspects of labor in the variety of its types, forms, and conditions (personal and social, intellectual and physical, individual and collective, etc.) resulted in the formation of new complex branches of science and research areas. This list might contain, in particular, occupational medicine, workplace hygiene, ergonomics, labor economics, labor psychology, and statistics. Occupational physiology studies the common factors of physiological functions of the individuals' bodies and their regulation while the person works [2].

Labor economics studies the regularities of composition and functioning of labor processes, the factors, and conditions of their effectiveness, as well as the economic relations concerning the application of labor in the company, branch of production, region, or country [3]. Sociology of labor focuses on the social processes and phenomena that originate in the sphere of labor and employment [4]. In the legal field, labor law researches the regulatory issues in the sphere of employment.

These cause the multiplicity of the "labor" definitions that are offered by multiple areas of scientific research [5]. In the meantime, regardless of the differences between the definitions, all the researches of labor are eventually focused on its social value: labor is viewed as the essential production factor, the mean of the individual, and social development. The social value of labor in a specific society is not permanent. Its dynamic corresponds with the economic, social, and political processes originating in a

society; consequently, the direction of the named dynamic might change, in some cases – drastically.

The transformation of types and kinds of labor, employment [6], the methods of labor organization amid globalization and information technologies development are currently a major focus of interest of scientists, including the ones who specialize in labor law [7]. The modern stage is marked by the decreased social value of labor [8]. This results in increasing social inequalities, income differences, and precarization of employment [9].

These alterations significantly affect not only the sphere of labor itself (for instance, concerning the freedom of labor, its motivation, the means of organization, the right to work guarantees, the methods of protecting this right, etc.) but also the related sphere of social relations, in particularly – social security. Furthermore, social security itself is usually contingent on the previous employment and, thus, proves the social value of labor. For that reason, in the Soviet period, multiple researchers proved the branch-wise social security principle of conjunction between social security and labor [10]. In the meantime, the widely recognized principle of social security universality was designed to mark the connection between social security and labor, since the USSR had constitutionally established not only the right to work but the obligation to do so.

The Soviet science of social security recognized the conjunction between social security and the individual's previous employment by applying the category of "social and historic type of social security." It was used to identify the specific mean of social assistance on different stages of its development. The researches proved that the so-called almsgiving type of social security historically originated the first; it was typical for the slave-owning and feudal systems. Not every individual facing hardship had an "absolute right" to ration, pension, accommodation in alms-house; the almsgiving type of social security covered several kinds of social assistance conditioned by previous work efforts or other community services. This included the allowance provided to the injured warriors, workshop insurance, and other forms of collective assistance [11].

Consequently, even in the earlier stages of social security development, some categories of individuals received social assistance due to their previous employment and its type. That resulted in a social security differentiation, that later became an essential characteristic of social security demonstrating the specificity of social risks materialization of different categories of individuals. In the meantime, as the job market evolved, these specificities with respect to its' nature and significance extent might be compensated not only by the state models of social security but by the corporate ones.

Today, even the European Union countries that historically had strong traditions of social nation-building still did not find the means to renovate the social security system to fight contemporary challenges [12]. That sets the objectives to research the effect that changes in labor have on the social security system and to evaluate the options offered to resolve today's problems, for instance, the ones associated with basic income [13]. In particular, the issues of social insurance provided to the self-employed

individuals and social security of individuals with atypical work status have become the object of scientific interest [15].

However, there have been no attempts to analyze the Russian legislation regarding the effect social value of labor has on social security. Consequently, this article has the objectives to fill the named research gap, to reveal the connection between labor and social security in different stages of the Russian society development from the standpoint of the social value of labor and its formalization in social security law, to prove its universality in a historical aspect, and to demonstrate how the connection between labor and social security is implemented to different forms of social security.

The author judges by the necessity of securing the traditional approaches to the legal regulation of social security with respect to the individual's valuable labor activities and the results of his or her work. The specificities of employment, its type, and conditions might predetermine the differentiation of social security in different forms and supplemental (corporate) systems of social protection.

2. MATERIALS AND METHODS

The article selectively analyzes the historical aspect of the Russian social security laws evolvement from the standpoint of the dependence of social assistance and previous work history or other services beneficial to the community. The author gives special consideration to the Soviet period, as well as the transition to market economics in the early 90s. The author also researches the current state of the social security system with respect to the named aspect.

The article demonstrates the effect the Constitution of the Russian Federation has on the improvement of social security and protection. The author identifies the role that the Constitutional Court of the Russian Federation plays in the intensification of connection between social security and previous labor activities as part of mandatory social (pension) insurance and state social (pension) security. The Constitutional Court of the Russian Federation contributed to the development of criteria used to identify permissibility of the social security conditions differentiation depending on the type of the individual's employment.

The author analyses this aspect in the acts of the International Labor Organization. Special consideration is given to the Concept of decent work established by the acts of the International Labor Organization.

Consequently, the author applies the methods of analysis and synthesis of research and legal information, the historic (including the sampling method of historical research) and formally dogmatic methods, systematic approach in its structural, functional, and purpose-oriented aspects.

3. RESULTS

Labor may be defined as a purposeful and mindful activity of the individual focused on the fulfillment of the person's and society's needs. This definition, while being general in nature, contains the most critical characteristics of labor and allows us to identify its economic, sociologic, and psychological aspects to analyze its nature, valuable effects on the individual and society. This abstracting is necessary for the branch-wise research of the complicated and major phenomenon of labor. The choice of the researched aspects or spheres of labor's social value comes from the fact that the conclusions of this research might be later projected onto the social security relationship.

The processes of production, distribution, exchange, and consumption occur in the economical sphere. Primarily, the labor is valuable since it provides the individuals with the source of income that, therefore, allows them to fulfill the material, cultural, and other needs of themselves and their families. For the state, this income is the source of taxation that is later used to form public financial resources channeled to fulfill the collective needs of the citizens.

From a sociological standpoint, labor is the mean of the individual's socialization, his or her social integration. The labor minimizes the risks of marginalization, provides the individual's involvement in the social system, assists the person in his or her social adaptation, is learning basic social rules and values.

The psychological aspect of labor features the person's self-awareness as the actor in a variety of different elements of labor – body and mental health, cultural and social needs, active role in the process of work, interaction with society and learning the adopted practices, ability to cooperate, and motivation for labor, etc. The social value of labor for the individual, social groups, and society demonstrates itself accordingly with the named characteristic.

These features also lead to the negative consequence of the inability to work that might be caused by different reasons – diminished work capacity or disability due to the individual's age or health state, lack of job openings on the market, etc.

Several of these reasons are inherent to the individual's nature (illness, childbearing, ageing, death), the others are social; they are caused by the functioning of the society (for instance, unemployment, childcare). In the meantime, as the society evolved, every reason for the income loss was considered the ground for social assistance at the expense of others; the current terminology uses a specific term to identify the ground for social security as a social risk. Initially, this support came from the family and community, later the church, merchants, workshops, or trade associations provided social assistance. However, those in need did not have an absolute right on social assistance; the person providing support had discretion on whether to do that. The higher guarantees were provided to some categories of individuals: disabled veterans or landowning servicemen. In the meantime, the charity itself might be conditioned by the involvement of the individual

in work activities (for instance, in monasteries, convents, or later – in so-called workhouses). Consequently, we may conclude that social security in the initial stages of its evolution was class-related, and, even though it was conditioned by the previous work activities, social assistance was differentiated depending on the type of work performed by the individual (for instance, military or civil service).

When the economics transferred to the competitive model and industrial labor, the necessity to assist the employees who lost income has become critical. Majorly that was caused by the urbanization, changes in the type of employment, and distancing the employee from the results of his or her work. It took great efforts and search for compromises between the workers and employers before the first institutionally organized social security models appeared (sick-funds and pension funds) that later was followed by social insurance.

Even though every state has its own specificities of social security evolution and its current state, we may identify several universal characteristics of this phenomenon. Social security is always addressed to the individuals who are not able to fulfill their vital and socially significant needs at no fault of their own. Social assistance is provided to the individuals who face social risk, i.e. the person loses the ability to gain income due to objective reasons. This state might be temporary or permanent; consequently, the provisions (payments or services) compensating the social risk might be onetime, periodic, or life-long. The collective subject provides social security and funds it from the socialized financial resources. In the state system, the state provides social security on behalf of a society that demonstrates solidarity with those individuals who need support. The state social security system might be supplemented by the corporate social security models or charity. Social security is established by law and is guaranteed if the individual fulfills all the legal conditions and requirements. The level of social provision depends on the economic potential of the state but may not be lower than the minimally required.

The social security system allows differentiating its forms. Typically, social security forms are categorized depending on the source of social provisions funding – either partially from the federal budget or separated from the state's budget. In the first case, it is the social insurance that requires the payment of insurance premiums to provide the insured individuals with insurance pensions and allowances if they face a social risk situation.

The major characteristic of social insurance for the purpose of this research is that it covers only those individuals who work in one form of employment or another (employment contract or self-employment). This typical feature of the insured individuals points to the fact that they all face pretty much the same extent of social risk, i.e. the possibility of income loss due to the occurrence of socially significant events: illness, disability, ageing, pregnancy, and childbearing, child care. The employment income or any other income gained is the object imposed on insurance premiums. Consequently, the rates of social pensions and allowances provided through

social insurance are typically identified with respect to the income level and (or) the amount of premiums paid, as well as the length of pension insurance records.

Thus, the participation in the social insurance system (besides the health or medical insurance that has some specificities) is the guarantee to the provision of social security comparable to the lost income in a social risk situation. That is the example of how social value of labor, in its economic (compensation of the lost income), sociological (demonstrating social solidarity with the other insured individuals), and psychological (the feeling of protection against social risks materialization) aspects, appears in social insurance.

Moreover, in some types of mandatory social insurance, some insurance parameters (insurance premiums tariffs, conditions for insurance coverage provision, insurance payouts, etc.) may be differentiated depending on the extent of complexity, hazard, and social value of the specific work.

Social security funded from the state budget also might be differentiated by the categories of addressees, types of payments, and the method of benefits rate determination. In the federal states, including the Russian Federation, social security is financed not only out of the federal budget but from the regions' and republics' budgets as well. The social obligations are accordingly distributed between the levels of public authority.

In the Russian Federation, the budgets of different levels finance several types of social security. Primarily, we should name state social security that provides benefits to the military and law enforcement personnel, public civil servants, and some other categories of individuals. Also, state social assistance that is financed from the federal budget is addressed to the individuals having significant merits to the state and community, to those with disabilities or illnesses of several types, or those who suffered from radiation exposure or political repressions. The budgets of regions and republics of the Russian Federation provide finances for the state social assistance addressed to the low-income individuals who live below the poverty rate; these individuals are provided with allowances to increase their income to the poverty level.

As demonstrated above, state social security might be provided because of the exercise of certain occupation type (in particular, public or military service). Consequently, the conditions of this provision and its rates demonstrate the social value of the specific type of labor activities.

Social assistance is the supplemental form of social security; it is typically provided to the individuals who already receive payments or income that is enough to fulfill basic vital needs (employment income or pension). In the meantime, a significant number of social support measures is addressed to the individuals who have merits in work, public, or military service. These individuals are awarded the titles of combat operations or labor veterans, war veterans, or the home front worker. Thus, social support addressed to these workers proves the social value of their labor that is also associated with special working

conditions, including the work performed in wartime conjugated with hazards to life and health.

The state social assistance is regulated in a way to provide social integration and contribution to the individual's employment. In particular, social assistance might be provided under a social contract that obliges the person to invest his or her efforts to overcome hardship. The assistance might be targeted to promote the individual's employment or to grant financial aid for the initial period of entrepreneurship or private subsidiary farming. Consequently, the state social assistance also stimulates the individual to be proactive; that also might be considered as a demonstration of the social value of labor as the major mean of self-sufficiency.

If the social assistance is supplemental to social security, and the social support is subsidiary, social insurance, and state social security, the forms conditioned by the previous employment, are established to guarantee the higher compensation of the income lost due to the materialization of social risks.

The Constitution of the Russian Federation establishes the creation of supplemental forms of social security including voluntary social insurance and charity (subsection 3 of Article 39). Typically, the supplemental forms of social security are corporate; thus, engagement to the corporate social security is conditioned by the employment at specific spheres of economics, corporations, or companies. In the charity sphere, today, the volunteer work (giving the person's time and efforts for the benefit of others) is actively developing. Consequently, the supplemental forms of social security also demonstrate the social value of labor as the factor not only affecting the right to social support but also form the basis of social security.

This analysis shows that both the origin and evolution of social security, as well as its current state, allow us to prove its essential conjunction with labor and, consequently, to demonstrate the social value of labor.

From this standpoint, the phenomenon of social security may be considered a result of social evolution, and one of the most significant mankind's achievements. When social security is legally formalized, it becomes the mean of social solidarity and collective responsibilities; it identifies the major characteristics of solidarity, including those corresponding to the conjunction between labor and social security.

In the meantime, the characteristics of social solidarity formalized in the national social security systems are not permanent; they are drastically affected by economics. With the ongoing digitalization that changes the nature and forms of labor, and as the remote and temporary agency work emerge, the question of solidarity evolution has become essential. In the long term, multiple widespread professions might become non-demanded; most people will face the risk of losing their jobs. The options for social security modernization necessary to fight these challenges are not found even by the states with advanced economies and strong social security traditions.

Today, the necessity of securing a traditional approach to social security regulations is obvious; the individual's employment history and the results of his or her work must

still affect social security. However, this does not mean that the state may avoid global changes, it just provides some time for the preparatory work.

The scientists and politics offer some innovative approaches to neutralize social conflicts and contradictions, such as the universal basic income [16]. The universal basic income is provided to every resident of the state or municipal district; this income is not conditioned by any cross-obligation on the part of the individual. The basic income supports effective economic demand, reduces criminal-related risks, and meets several other social and economic objectives. In many countries, the individuals have created the social movements supporting the universal basic income; several experiments on implementing basic income have been performed [17]. It would be premature to evaluate this phenomenon, but the nature of the universal basic income is a controversial issue. Being an element of the income policy and being financed at the social expenses, the basic income is not conditioned by any social risk materialization; the state provides this type of income along with salaries or pension. May we consider universal basic income as a social security system element? Probably, the answer to this question should be negative, at least, if we rely on the traditional understanding of social security. The changes in social solidarity caused by the universal basic income implementation might be as massive as substantial the distance between the social security system and labor is.

4. DISCUSSION

In the Russian Federation, the social value of labor has a constitutional basis that has an extensive history of evolution.

The Constitutions of the Russian Soviet Federative Socialist Republic, dated 1918, contained the Article 18, that obliged every citizen of the Republic to work and stated the manifestation “He who does not work neither shall he eat!” A similar regulation was adopted by the Article 12 of the Constitution of the USSR, dated 1936: “Labor in the USSR is the responsibility and the matter of honor of every individual who can work under the principle “he who does not work neither shall he eat.” The USSR followed the socialism principle “from each according to his ability, to each according to his work.” With the minor amendment, this principle was adopted by the Article 14 of the Constitution of the USSR, dated 1977: “The source of the growth of social wealth and the well-being of the people, and each individual, is the labor, free from exploitation, of Soviet people. ... Socially useful work and its results determine a person's status in society.” Consequently, social security was conditioned by the previous work history and its results. In the meantime, at certain points, when social security was class-specific, the legislation established, besides the specificities of the social security provided to the collective farmers, significant limitations to the social assistance addressed to the former propertied classes – industrialists, public civil servants, etc. The Statutory order of the People’s

Commissars Council of the RSFSR, dated April 26, 1919, revoked pensions funded out of the Treasury, pension funds, old-age insurance savings banks, other saving banks, provided under the laws legislated before the October Socialist Revolution. These pensions were reconsidered to be brought to compliance with the Statute on social security of the workers, established by the Statutory order of the People’s Commissars Council of the RSFSR, dated October 31, 1918. In the meantime, this act provided the right to social security only to those individuals whose source of income was their own labor, not the worker exploitation.

The limitations conditioned by the specificity of previous work history were later applied to the social rights following major political rights (voting rights). In particular, the individuals whose electoral rights were revoked due to their class position, employment activities on the positions with the tsarist regime or white governments, white armies, or counter-revolutionary groups, or religious cult, did not have the rights to pension or unemployment benefits (Subsection 51 of the Statute on pensions and social insurance allowances, approved by the Statutory act of the General executive committee of the USSR and People’s commissars Council, dated February 13, 1930). The named types of social security also were not provided to the individuals prohibited from securing positions in the soviet and cooperative authorities, as well as the non-governmental organizations due to the purge of governmental apparatus and red tape cutting.

Moreover, the Criminal Code of the RSFSR of 1926 stated that the limitations in political and some civil rights might be considered as criminal punishments (referred as social security judicial correctional means); in particular, these limitations included the revocation of the individual’s right to pension provided under the social insurance and state social security programs and the right to unemployment benefits funded out of the social insurance system (articles 20, 31).

Nevertheless, the social security system of the Soviet Russia developed sequentially and actively to strengthen the conjunction between social security and previous work activities. Besides the limitations applied to those not engaged in labor, the state also positively promoted labor, in particular – through the social security privileges. Back then, the regulations of social security were differentiated depending on the type of labor performed and its results. The institution of personal pensions provided to the individuals who have merits to the revolution or state originated. In the meantime, along with the revolution activists who performed forced labor for decades and war-time veterans, the personal pensions were provided to the workers of science; the rate of such pensions were significantly higher than the average rate of pension (140 rubles compared to 55) [18].

Multiple rules and mechanisms that demonstrated strong conjunction between social provisions and labor prevailed in the Soviet social security system. One such example is the length of continuous, uninterrupted employment applied to identify the rate of temporary disability benefits. The state stimulated the workers who were employed by

one employer for a significant amount of time and, even if these individuals discharged, they must get employed within the prescribed time limit depending on the reason for dismissal. As a general rule, this time limit did not exceed one month; if the discharge was voluntary and was not caused by a legitimate excuse that fit in the categories stated by law, the time limit for employment decreased to three weeks. In the meantime, this benefit compensates 100% of average wages if the length of continuous employment was 8 years or more; if the period of uninterrupted unemployment was less than 5 years, the benefit compensated only 60% of the salary.

The length of continuous employment also counts towards pension coverage. So, the state provided the additional 10% to the basic pension rate, if the individual had a period of continuous employment exceeding the period required by law. If the man was continuously employed by one employer for over 25 years or the female who has children has 20 years of an uninterrupted period of employment, they received the increase of pension rate by 20%, while 10% of this increase was provided in excess of the maximum pension rate (subsection "a" of Article 14 of the USSR Statute "On the state pensions," dated July 14, 1956). This regulation applied even if the person already was eligible for the increased pension due to the total length of employment.

Consequently, the Soviet law on social security formalized the social value of labor by stating that the period of employment and other activities legally equivalent to labor was the condition for social security; the rates of social provisions and benefits depended on the individual's average salary. Moreover, the specific types of social benefits might be provided to the workers employed in certain spheres.

The Russian legislation on social security is successive to the Soviet one. On one hand, this is critical to the creation of conditions to exercise previously acquired rights. On the other hand, this approach meets the traditions of Russian society, constitutional principles, and international standards.

The Constitution of the Russian Federation of 1993 states that the Russian Federation is a social state whose policy is aimed at conditions for a worthy life and free development of an individual. The list of the social state policies contains the rules promoting workplace safety, health protection, minimum wage determination as the basic social standard. The Constitution also states the general principles of the labor sphere: the freedom of labor, the proscription of forced labor, safety of labor, an individual's right to rest, to labor remuneration without any discrimination whatsoever and not lower than minimum wages, protection against unemployment, a right to initiate individual and collective labor disputes. From the perspective of the named Articles 7 and 37 of the Constitution of the Russian Federation, the strive to ensure the well-being and prosperity of Russia has to be interpreted in terms of the freely chosen and decent work.

In 2020, Russia reached a new level of constitutionalization of the labor social value. The amended Constitution provides for the respect of the

individuals' labor and protection of their rights, including the guaranteeing that the minimum wage rate is not less than the poverty threshold established in the Russian Federation for the individuals capable of working (subsection 5-7 of article 75, article 75.1 as amended by the Law of the Russian Federation № 1-FKZ, dated March 14, 2020). The guarantees of protection of dignity and respect of labor, established as the constitutionally significant values, are simultaneously included into the system of objectives of creating the conditions for the stable economic development of the state and improvement of the individuals' well-being, for the mutual respect between the state and society, securing the balance between the citizens' rights and responsibilities, development of social partnership, economic, political, and social solidarity.

For the first time in Russian recent history, the Constitution represents the general principles of the formation and functioning of the national social security system. The forms of social security, including mandatory social insurance and targeted social assistance, were implemented to the Constitution. The indexing of social allowances and benefits has become constitutionally significant. These characteristics have been specifically regulated in the context of the pension provision system that relies on the principles of universality, fairness, and solidarity of generations. The state is committed to supporting the effective functioning of this system and to increasing the pension rates at least once a year under the current statutory procedure.

Analyzing the named amendments for their compliance with the Articles 1, 2, and 9 of the Russian Federation Constitution, the Constitutional Court concluded that these changes legitimate and specify the constitutional authorities and functions of the state; the Court also stated that the amendments formalize the additional guarantees of the enforcement of constitutional rights that fully correspond with the principles of fairness, legal equality, and social state targeted to establish the balance between the individual freedom and social solidarity.

For the purpose of our research, we should emphasize the essential and textual conjunction of the alterations in the spheres of labor and social security. Besides the declaration of respect to the individual's labor, they enhance the guarantees of social security, primarily, in social insurance, which is the major form of social security, and in the regulation of pension, the type of provisions critical for millions of Russian residents. This fact not only proves the correlation between labor and social security but also increase the constitutional significance of this conjunction.

We should notice that the Constitutional Court of the Russian Federation has previously identified this connection when passed judgement on social security issues. In the meantime, the Constitutional Court has used the following wordings: "social value of the work activity," "work activity significance," and other equivalent formulations. The definitions of these wordings were provided in relation to the pension security of the specific categories of individuals. The Judgement of the

Constitutional Court of the Russian Federation № 11-P, dated June 3, 2004, concluded on the issue of the exemption conditions of pensions provided to the healthcare, teaching, and creative workers who are employed by the privately-owned agencies. The length of such employment was not included in the length of service necessary to become eligible for the early retirement pension. That regulation violated the principle of fairness; unreasonable differentiation depending on the employer's form of incorporation was formalized, even though the nature of the work of these categories of employees was similar. All these workers are involved in the activities associated with emotional and psychological stresses, extensive physical loads, and high extent of responsibility for the work results. Besides the specificity of social risks that result in the loss of the employees' professional capacity well before reaching the general retirement age due to the ongoing negative impact of different factors caused by the specificities of their professional activities, the Constitutional Court identified the special social significance of such work and used this argument to substantiate its finding.

The Constitutional Court of the Russian Federation highlighted the conjunction between labor and pension provisions in the Judgement № 9-P, dated July 10, 2007. The court examined the pension law rule that conditioned the inclusion of the employment period to the length of the pensionable service by the employer's insurance premium payments made on behalf of the employee; that might result in the unreasonably decreased rate of pension provided to the employees. The court stated that the obligation to pay insurance premiums is the essential principle of the pension insurance system and focused on the specialties of the employee's legal status as the insured individuals. Their pension rights are acquired through the insurance premiums payments made by their employers. Consequently, if the employer fails to execute this duty in a specific period of time, the employee's pension rights do not accrue, even if the employee properly executes his or her employment responsibilities. This results in the diminished social value of the work performed by this individual and damage to the credibility to the law and state authority; this brings the question on the previously acquired pension rights that must be recognized, enforced, and protected by the state.

We should emphasize that later when the similar rules were challenged regarding the pension rights of the other categories of insured individuals, for instance, self-employed, the Constitutional Court dismissed these petitions.

Nevertheless, the Constitutional Court of the Russian Federation passed several decisions regarding the specificities of the mandatory pension insurance provided to the self-employed individuals, covering, among others, the issues of the social value of their labor. In the Judgement № 18-P, dated December 29, 1999, the Constitutional Court analyzed the conditions of pension insurance of the attorneys and public notaries (as well as for the other categories of self-employed individuals) for whom in 1997 the rates of insurance premiums paid to the

Pension Fund were significantly increased (from 5% to 28% of wages or other income). Imposing the prohibition of such a heavy increase of financial burden, the Constitutional Court stated that the work performed by the named individuals is not the form of entrepreneurship, it is not targeted to the generation of profit, and differs from the other types of self-employment in the public functions performed, for instance, by the attorneys who work pro-bono for the benefit of unprivileged categories of people. Performing the functions in the public interests demonstrates the social value of their work and causes the necessity to provide the guarantees of their pension rights enforcement.

The Constitutional Court of the Russian Federation mentioned the public and even constitutional significance of certain types of labor in relation to the state service, including military and law enforcement service, as well as the functions performed by judges. The responsibilities of the state towards these individuals arise from the specificities of the work they perform. These responsibilities include the obligations in the pension provision sphere, compensation of damage caused by work-related personal injuries or death, etc. (Judgements, dated February 19, 2002, №5-P; dated March 18, 2004, №6-P; dated March 19, 2014, № 15-P; dated July 19, 2016, №16-P; dated March 29, 2019, №16-P).

The Constitutional Courts' legal reasonings regarding the social value of labor and its formalization is the social security laws were concentrated in the Judgement, dated January 28, 2020, № 5-P. The Court researched the issue of eligibility for the mandatory pension insurance of the military retirees who, after being admitted to the military pension, started working as practicing attorneys. The Court stated that the individual is free to change the sphere of employment throughout his or her life; the Court concluded that pension might be provided via different forms. This allows the legislator to consider the specificities of different individuals' legal status and to guarantee the acquisition of pension rights amid employment, public service, entrepreneurship, or other similar activities, as well as the possibility to exercise these rights.

Consequently, the Constitutional Court of the Russian Federation, relying on the constitutional principles and rules, identified the specificities of different types of labor activities and their working conditions that immediately affect the forms of social security the individuals are eligible for. The named factors determine the choice of the social security form (mandatory social insurance, including pension insurance, or state social security) and the rules applied to calculate both the length of employment or pensionable service and the rates of pension payments. Consequently, the formalization of labor's social value was constitutionally stated.

The priority of self-sufficiency accomplished by work and employment and subsidiary, compensating nature of the social support provided under the law, not the discretion, may be observed in the international statutes and laws. Article 25 of the Universal Declaration of Human Rights (proclaimed by the United Nations General Assembly on

December 10, 1948) states that everyone has a right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. In the meantime, Article 23 of the named act prescribes that the means of social protection only supplement the employment wages. Thus, the social value of labor is represented here in its economic aspect; the labor is understood as the source of income necessary to secure the well-being of the individual and his or her family. The objective of social security is to supplement the loss of income that occurred due to the illness, ageing, or other similar reason.

The Declaration of Social Progress and Development, proclaimed by the United Nations General Assembly on December 11, 1969, had a similar approach to the issue. Social progress and development require the participation of all members of society in productive and socially useful labor; social security must be provided to those who, because of illness, disability or old age, are temporarily or permanently unable to earn a living, to ensure a proper standard of living for such persons, their families, and dependents.

The close conjunction between labor and social security is emphasized in the International Labor Organization acts. Starting from the International Labor Organization Constitution, labor and social security were considered the two spheres where social justice is critical for humanity. The Declaration concerning the aims and purposes of the International Labor Organization, which is the Annex to the Organization Constitution, prioritizes the full employment as the mean of providing rise in living standards and only later mentions the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care.

The priority of employment as the measure to fulfill life necessities for the individual is proved by the significance of the major rights guarantees in the labor sphere emphasized in the International Labor Organization practice: work and rest hours, rate of compensation, workplace safety, work-related disputes, the authority of labor inspection, social partnership, etc.

The guarantees in the social security sphere are at a certain degree secondary to the employment ones since they are used to compensate the income lost due to the social risk materialization. Consequently, the documents of the International Labor Organization primarily put emphasis on the social insurance models typically associated with the traditional forms of employment. The International Labor Organization Convention № 102 “Social Security (Minimum Standards) (proclaimed on June 28, 1952, and ratified in Russia by the Federal Law, dated October 3, 2018, № 349-FZ) states its scope of effect in the countries for which the named Convention is in force to be determined to cover the prescribed classes of employees, constituting not less than 50 percent of all employees, and also their wives and children; or the prescribed classes of the economically active population, constituting not less than 20 percent of all residents, and also their wives and children; or the prescribed classes of residents, constituting not less than 50 percent of all residents. The Convention

establishes the list of social risks that are covered for the employees only (for instance, employment injuries), as well as the risks compensated for every individual; these risks, under the Convention, are universal in nature (e.g., maintenance of children). Social security provided in case of illness, maternity, or unemployment is caused by the suspension of earnings; consequently, these types of social provisions are addressed to the employees. Moreover, majorly, the support is conditioned by meeting the requirement of a qualifying period which is defined as a period of contribution, or a period of employment, or a period of residence, or any combination thereof. The rates of the periodical payments are calculated from either the previous earnings of the employee him- or herself or the earnings of the skilled male employee. These facts prove that the international standards of social security primarily cover the employees, generally speaking – the economically active individuals. The extent and content of these standards correspond to its’ coverage. Every state for which the Convention № 102 is in force has the objective to implement these social security standards and, if the positive developments occur, to further develop its national social security system relying on modern approaches and principles.

One of these principles is the concept of decent work that was offered by the International Labor Organization at the turn of XX – XXI centuries. Decent work involves the opportunities for work that is productive and delivers a fair income, workplace security, better prospects for personal development and social integration, freedom for people to participate in decisions affecting their lives, and gender equality. The list of the decent work characteristics also includes social security due to the unemployment, maternity and children maintenance, temporary disability, and pension provisions [19].

The concept of decent work today provides the guidance of how to form social policy in the majority of states, including Russia [20]. Moreover, it has a high potential for further development through international integration associations, as this concept involves both the objectives and the means of reaching the objectives [21].

This concept becomes fundamental for the cooperation between social partnership actors on the national level, as well as for the collaboration of the states and the International Labor Organization. So, the Program of Cooperation for 2017-2020 between Russian Federation and International Labor Organization (signed into law on November 21, 2017, in Moscow) names the cooperation objectives, in particular – further development of the social and labor relations in the Russian Federation to achieve and fulfill the principle of decent work by concentrating the efforts in the following spheres: increase in employment, social protection, social security, working conditions improvement, occupational safety, international labor laws and fundamental principles in the sphere of labor, and strengthening the social dialogue.

Consequently, the international legal documents establishing the fundamental rights of the individual formalize the social value of labor, in particular through the guarantees of social security. The International Labor

Organization provides the institutional support for international cooperation and promotes the standards in the labor and social security spheres, as well as in the integration of these spheres.

5. CONCLUSION

Thus, the history of creation and evolvement of social security demonstrates that on all stages of its development in the state-organized society it was addressed to those individuals who were incapable of working and gaining income necessary to fulfill the basic, vital needs. The priority of employment over social support as the mean to provide life necessities is universal. This approach that received centuries-long approval in multiple states was formalized in the international human rights standards, as well as the constitutions of modern nation-states.

The changes originating in the sphere of labor caused either by science and technology progress or social reformations predetermined the changes in the social security system. If social support was conditioned by the previous employment activities, the length of employment and its results (that take the form of the employment wages and gained employment income) had to be recognized and carefully calculated. The necessity to consider the specificities of certain types of work (military or public service, work in healthcare, etc.) initially caused the differentiation in social security.

Today, humanity is facing critical, unprecedented changes in the sphere of labor. In the meantime, while the biological and social nature of human remains unchanged, and the individual might find him- or herself in a social risk situation, social security must correspond with the social value of labor. Still, the search for mechanisms that would allow compensating the negative social and economic consequences of the changes affecting the sphere of labor (decline in widespread professions, critical increase in the unemployment rate, etc.) should be intensified.

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