

IMPLEMENTATION

OF THE EMPLOYER'S CONTROL FUNCTION IN LABOR RELATIONS AS A MEANS OF ENSURING PERSONNEL SECURITY

IMPLEMENTACIÓN DE LA FUNCIÓN DE CONTROL DEL EMPLEADOR EN LAS RELACIONES LABORALES COMO MEDIO PARA GARANTIZAR LA SEGURIDAD DEL PERSONAL

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ABSTRACT

The article aims to develop adaptive mechanisms of forced import substitution to ensure sustainable growth under systemic transformations and external restrictions. The study applies a systematic approach combining theoretical analysis of existing interpretations of import substitution with methodological tools for assessing macro- and meso-level dynamics. The research also integrates a review of sanctions-related risks, supply chain disruptions, and their implications for national economic security. The findings reveal that forced import substitution, when aligned with long-term planning horizons and technological development, contributes to strengthening economic resilience. Adaptive mechanisms, including diversification of supply chains, development of domestic production capacities, and promotion of technological sovereignty, are identified as key to mitigating external shocks. Forced import substitution, conceptualized as an adaptive policy instrument, supports sustainable growth by enhancing structural stability, reducing dependence on external markets, and providing a foundation for national competitiveness under conditions of global turbulence.

Keywords: Fairness, Disciplinary liability, Material liability, Incentive payments, Labor relations.

RESUMEN

El artículo busca desarrollar mecanismos adaptativos de sustitución forzada de importaciones para garantizar un crecimiento sostenible en condiciones de transformaciones sistémicas y restricciones externas. El estudio aplica un enfoque sistemático que combina el análisis teórico de las interpretaciones existentes sobre la sustitución de importaciones con herramientas metodológicas para evaluar la dinámica a nivel macro y meso. La investigación también integra una revisión de los riesgos relacionados con las sanciones, las interrupciones en la cadena de suministro y sus implicaciones para la seguridad económica nacional. Los hallazgos revelan que la sustitución forzada de importaciones, cuando se alinea con los horizontes de planificación a largo plazo y el desarrollo tecnológico, contribuye a fortalecer la resiliencia económica. Los mecanismos adaptativos, como la diversificación de las cadenas de suministro, el desarrollo de la capacidad productiva nacional y la promoción de la soberanía tecnológica, se identifican como clave para mitigar las perturbaciones externas. La sustitución forzada de importaciones, conceptualizada como un instrumento de política adaptativa, promueve el crecimiento sostenible al mejorar la estabilidad estructural, reducir la dependencia de los mercados externos y sentar las bases para la competitividad nacional en condiciones de turbulencia global.

Palabras clave: Equidad, Responsabilidad disciplinaria, Responsabilidad material, Pagos de incentivos, Relaciones laborales.

INTRODUCTION

The implementation of the employer's control function in labor relations has increasingly become a cornerstone in ensuring personnel security, organizational stability, and sustainable development in a rapidly transforming global environment. Personnel security is no longer confined to safeguarding workers against immediate risks but extends to protecting human capital from structural vulnerabilities that arise in contexts of economic turbulence, supply chain disruptions, and shifting labor market demands (Grossman et al., 2023). In this sense, the employer's control function must be understood not merely as a mechanism of oversight, but as a strategic tool that integrates compliance, risk management, and long-term workforce protection.

At the same time, systemic transformations in the global economy, particularly those shaped by sanctions, trade restrictions, and technological dependencies, highlight the relevance of adaptive policies such as forced import substitution (Akimkina & Khrustalev, 2023; Connolly & Hanson, 2016; Mustafin et al., 2022). These measures, while primarily economic in orientation, exert direct and indirect effects on the labor sphere, influencing job security, professional development, and the overall conditions under which employees perform their tasks. Therefore, the employer's responsibility to exercise control and ensure personnel security cannot be dissociated from broader economic and political dynamics that reshape the organizational environment.

This article adopts a systematic approach that links labor relations theory with macro- and meso-level analyses of economic resilience. By examining the existing interpretations of employer control and comparing them with methodological tools used to assess adaptive mechanisms of import substitution, the study develops an integrated framework for understanding how organizations can align internal control practices with external challenges. Within this framework, sanctions-related risks, disruptions in global supply chains, and the pursuit of technological sovereignty are not externalities but contextual factors that redefine the very logic of personnel security and employer oversight (Akimkina & Khrustalev, 2023; Connolly & Hanson, 2016; Grossman et al., 2023).

The findings reveal that when the employer's control function is strategically aligned with long-term planning horizons, investment in domestic capacities, and the diversification of resources, it contributes not only to the protection of employees but also to the strengthening of institutional and national resilience (Mustafin et al., 2022). Personnel security, supported by well-structured

oversight, fosters organizational cohesion, reduces vulnerability to external shocks, and provides a stable foundation for innovation and competitiveness. In this sense, employer control emerges as both a managerial responsibility and an adaptive policy instrument, capable of ensuring sustainable growth by linking micro-level labor relations with macro-level strategies of economic security (Akimkina & Khrustalev, 2023; Connolly & Hanson, 2016).

From a legal perspective, however, the employer's control function is also closely connected to the liability of subjects of labor relations, which arises in connection with the commission of an offense by either the employee or the employer (Krkli a & Macernyte, 2024; Yang & Liu, 2021). Violations of labor rights by the employer are recorded by supervisory authorities and courts; for such violations, the employer may be held criminally, administratively, materially, and possibly disciplinary liable. This aspect of employer liability is clearly regulated and, as a rule, protects the employee from the arbitrariness of the employer and, of course, from violations of mandatory labor requirements.

On the other hand, the state's delegation of the power to the employer to hold the employee accountable without resorting to state authorities represents a right granted to the employer by the state to control the employee, compelling them to fulfill their duties in the sphere of labor relations under the threat of punishment (Tal, 2006). From this perspective, endowing the employer with the right to hold the employee accountable allows us to speak of ensuring the employer's personnel security. If this right is exercised too frequently, however, the employer's personnel security is likely to weaken, possibly due to potential labor disputes with employees, abuse of coercive measures, and, as a result, violations of labor legislation.

Therefore, the study of ensuring the employer's personnel security through the element of control over the employee's performance of duties makes it possible not only to improve control mechanisms but also to strengthen the employer's position in this matter. The literature on this subject highlight two main perspectives. The first concerns research on labor law norms devoted to liability as an important element of the employee–employer labor relationship, as reflected in the works of Gusov & Poletaev (2008); and Syrovatskaya (1990). The second focuses on the application of labor law principles in practice, which may form a new direction for the lawful imposition of liability on employees for violating labor discipline. Moreover, the procedure for imposing liability, often neglected by employers, depends on adherence to the principles of fairness, humanism, and proportionality of punishment, issues repeatedly emphasized in the works of MacEachen

et al. (2022); Savin & Savin (2013); and Semeryanova et al. (2020).

MATERIALS AND METHODS

The study of the employer's personnel security through the element of control over the employee's performance of duties was carried out using a combination of complementary research methods. First, legal analysis was applied to examine regulatory legal acts and to identify the scope and limitations of the employer's control function within existing labor law frameworks. Second, the formal legal method was employed to develop new legal constructs and interpretative approaches capable of addressing emerging challenges in labor relations. Third, the analytical method was used to evaluate practical applications of these norms and to assess how control mechanisms operate in real employment contexts.

The integration of these methods allows not only for a critical examination of the technical aspects of labor law but also for substantive improvements that ensure greater consistency with the principles of liability. Since labor law primarily seeks to protect the rights of employees as the weaker party in the employment relationship, this study emphasizes how the content of legal norms reflects that protective function. At the same time, under contemporary conditions of digitalization and transformation of work processes, the traditional dichotomy of a "weak" employee versus a "strong" employer requires reassessment. From the standpoint of liability principles, both the substance of legal norms and the mechanisms safeguarding labor rights must be reinterpreted to ensure balance, fairness, and adaptability in modern labor relations.

RESULTS AND DISCUSSION

The study of the employer's control function demonstrates that it comprises two fundamental dimensions: the incentive aspect and the coercive aspect. Both operate as complementary mechanisms that balance motivation and accountability in labor relations, ensuring personnel security and compliance with labor law.

The incentive control function of the employer

The essence of the incentive function lies in rewarding employees for the quality performance of their duties. In contemporary labor markets, personnel shortages—traditionally viewed as the primary element of personnel risk—have increasingly evolved into an issue of labor quality. Employers now prioritize not merely retaining employees but ensuring high productivity and professional performance. To achieve this, organizations rely on a system

of benefits and rewards designed to both motivate and retain workers.

Article 191 of the *Labor Code of the Russian Federation* enumerates the types of incentives available to employers, including expressions of gratitude, bonuses, valuable gifts, certificates of honor, and honorary titles such as "best in profession." Among these, bonuses remain the most widespread and practical form of incentive.

The procedure for awarding bonuses is defined in local regulatory acts approved by the employer, which must take into account the opinion of the employees' representative body, where such exists. In its absence, employers typically record this fact in the preamble of the regulatory act to demonstrate compliance with the legal adoption procedure.

Labor legislation distinguishes between two types of bonuses: those included in the employee's average earnings and those excluded. Bonuses not included in average earnings are rare, as they must be financed from profit expenses and are generally linked to anniversaries or professional holidays. Since these payments are unrelated to labor achievements, they cannot be reduced, and once established in a collective or employment contract, they are legally binding on the employer. By contrast, bonuses included in average earnings represent the primary form of incentive, directly tied to the quality of an employee's work. Their amount is determined by the employer, subject to statutory principles and proportionality.

While the *Labor Code* does not explicitly define the permissible ratio between salary and incentive payments (Articles 129, 135.1), sectoral agreements often fill this gap. For instance, the Sectoral Agreement on the Agro-Industrial Complex (2024–2026) limits the incentive part of wages to 35% of total remuneration (Ministry of Labour of the Russian Federation, 2024a), while the Agreement on Construction and Building Materials (2024–2026) sets a cap of 30% (Ministry of Labour of the Russian Federation, 2024b). Judicial practice, including the *Ruling of the Civil Chamber of the Supreme Court of the Russian Federation No. 32-KGPR23-4-K1* (Supreme Court of the Russian Federation, 2023), supports the enforceability of such agreements.

Bonuses included in average earnings are considered part of wages and cannot be arbitrarily withheld. Nevertheless, Article 135.1 of the *Labor Code* (effective from September 1, 2025) permits employers to reduce such bonuses by up to 20% of monthly wages in cases where disciplinary sanctions have been imposed. Importantly, reductions must respect the principle of proportionality: only the portion of the bonus corresponding to the period after the

sanction was applied may be withheld. Although no official calculation methodology exists, employers may formalize proportionality rules in their internal acts.

The coercive control function of the employer

The coercive dimension of employer control is exercised through the imposition of disciplinary or material liability on employees. This function operates in two key areas: ensuring compliance with the procedure for imposing liability and adhering to fundamental legal principles such as fairness, proportionality, equality, legality, culpability, and humanism (Avdyukov, 1970; Sergeiko, 1974).

Disciplinary liability requires employers to follow a strict procedure: requesting written explanations, issuing a sanction order, and ensuring that the employee is duly acquainted with it (Supreme Court of the Russian Federation, 2004). Beyond procedure, employers must respect substantive principles. Courts have consistently invalidated sanctions imposed in a discriminatory manner, for example when two employees commit the same infraction but receive unequal treatment. Conversely, differentiating between sanctions (e.g., reprimand vs. remark) is lawful if justified by the gravity of the misconduct and its consequences for the employer.

The principle of fairness plays a pivotal role. Courts have, for example, considered whether severe weather may justify absences. Although current law does not explicitly recognize this circumstance, draft amendments submitted to the State Duma of the Russian Federation (2024), aim to codify it as a valid excuse. Until such reforms are enacted, the issue remains subject to judicial discretion.

Material liability follows a more rigorous procedure, including audits, damage assessments, and written explanations from the employee. The scope of liability depends on the employee's position and contractual terms: limited liability requires the employer to prove fault, while full liability presumes fault unless the employee proves otherwise (Semeryanova et al., 2020). Courts may also reduce compensation amounts in light of an employee's financial circumstances, reflecting the principles of proportionality and fairness.

Balancing incentive and coercion

The employer's control function must operate within the dual framework of incentives and sanctions, with both guided by fairness and proportionality. These principles not only prevent abuse of employer authority but also protect organizational interests from unjustified limitations. Employees remain the weaker party in labor relations; however, fairness cannot be interpreted in a way that disproportionately undermines the rights of employers. Thus,

both employees and employers are equally bound by principles of fairness and proportionality, with the additional caveat that the exercise of rights must always respect the prohibition of abuse.

The implementation of the employer's control function in labor relations inevitably raises questions of balance between managerial authority and the preservation of fundamental labor rights. As demonstrated in the study, encouragement and coercion, as tools of control, must always be exercised within the framework of universally recognized legal principles such as humanism, fairness, equality, proportionality, legality, and culpability. These principles are not abstract; rather, they operate as substantive guarantees ensuring that the exercise of employer control does not turn into abuse of power or structural discrimination against employees. However, one of the paradoxes of contemporary labor law lies in the fact that these principles are systematically and consistently applied to protect the employee, whereas the employer does not always benefit from their reciprocal application.

This asymmetry reflects a structural trend characteristic of modern labor law. Historically, labor law has developed as a mechanism for correcting the unequal bargaining power between employer and employee, seeking to safeguard the dignity, rights, and minimum protections of the worker as the weaker party in the labor relationship. In practice, this translates into a legal environment where the employee's position, though formally described as weaker, is often privileged in litigation contexts. A conscientious employer entering into labor disputes must always take into account that courts tend to interpret ambiguities in favor of employees. Consequently, the employee, when filing a claim, generally does not need to provide extensive proof of alleged violations, while the employer bears the burden of furnishing substantial, detailed, and often complex evidence to demonstrate the worker's culpability or breach of contractual obligations.

This dynamic reveals the practical application of the principle of fairness in labor law. While intended to protect vulnerable employees, fairness in this context can become burdensome for employers, especially in environments characterized by increasing legal formalism and digitalized oversight. The imbalance generates risks for personnel security, as the employer's ability to maintain discipline, ensure compliance with job duties, and protect organizational interests depends heavily on the robustness of their legal defense mechanisms. In other words, personnel security from the employer's perspective is not solely about safeguarding employees from risks but also about shielding the organization from undue liabilities that

may arise due to the structural privileging of the worker's position in disputes.

CONCLUSIONS

The findings of this study therefore highlight the urgent need to reconceptualize the employer–employee relationship under contemporary conditions. Digitalization, remote work, and automated monitoring systems have blurred the boundaries of control, supervision, and personal autonomy. Within this context, the traditional dichotomy of “weak employee” versus “strong employer” becomes insufficient for capturing the new realities of labor relations.

Employees now often benefit from legal and institutional protections that may, in practice, make them the stronger party in judicial proceedings. Employers, on the other hand, are increasingly vulnerable to reputational, financial, and operational risks arising from even minor conflicts, especially when they cannot demonstrate with precision and proportionality the fault or misconduct of their employees.

From a legal-technical perspective, the study demonstrates that the employer's control function must evolve beyond mere disciplinary enforcement to include preventive, educational, and participatory mechanisms. By embedding the principles of humanism and equality into everyday organizational practices, employers can reduce the likelihood of litigation and reinforce a culture of fairness within their institutions. At the same time, proportionality and culpability remain crucial legal standards: disciplinary measures must correspond directly to the seriousness of employee misconduct, and the employer must show evidence not only of the infraction itself but also of the equitable application of sanctions compared to similar cases.

Ultimately, personnel security in labor relations emerges as a multidimensional construct. It involves protecting employees from exploitation, ensuring employers against unfounded claims, and promoting a balanced environment where both sides' rights and obligations are safeguarded. A comprehensive approach to personnel security requires employers to invest in compliance mechanisms, legal risk management, and continuous training of managerial staff in the correct application of labor law principles. Such investments are not merely defensive; they enhance institutional resilience by creating transparent systems of accountability that reduce the room for conflict escalation.

In conclusion, the principle of fairness must not only guide the protection of employees but also serve as a standard for evaluating the employer's right to defend legitimate organizational interests. Only by achieving a genuine equilibrium—where encouragement and coercion are

applied consistently with respect to both parties—can the employer's control function fulfill its role as a mechanism for personnel security rather than as a source of vulnerability.

This balance is particularly important in modern conditions of systemic transformation, technological change, and legal complexity. The study underscores that ensuring this equilibrium is not only a matter of legal compliance but also a strategic imperative for sustainable labor relations and organizational stability. The research is carried out by a grant of the Russian Science Foundation № 24-28-20205, <https://rscf.ru/project/24-28-20205/>.

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