

FORMATION AND DEVELOPMENT OF THE NATIONAL QUALIFICATION SYSTEM IN RUSSIA: LEGAL PERSPECTIVES

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ABSTRACT

Today, the main event in the social and labor sphere of Russia is, of course, the introduction of the National Qualifications System (abbreviated NSC), which comes to replace the old system of qualification characteristics. In general, the NSC in Russia is represented by four interrelated elements: professional standards, independent assessment of qualifications, professional and public accreditation of educational programs and a directory of the most popular professions. The professional standard at the legislative level states the requirements for the type of activity. Independent assessment of qualifications is a mechanism for personnel certification for compliance with professional standards, and professional public accreditation of educational programs is their assessment for compliance with the requirements of professional standards. In European countries, such systems have existed for a long time and accumulated some experience in this field. The purpose of this article is to consider the common and distinctive features of the European and Russian systems of national qualifications, as well as the experience of building such a system in Russia. In addition, the work will present the differences between the previously existing system of qualifications in Russia and the modern one. The article will show the difficulties of embedding the new system in Russian labor legislation. In addition, problems in the activities of society that were caused by the new system will be considered, its advantages and disadvantages will be considered. Particular attention will be paid to the analysis of the new qualification assessment system and its comparison with similar abroad. Today, Russia is trying, using the experience of European countries, to introduce a system of awarding qualifications outside educational institutions in special centers for the assessment of qualifications. The difference between the Russian model and the existing analogues abroad is that these centers are represented by commercial organizations, while education is carried out by state educational institutions. Such a docking of the state system of education and business has given rise to a number of problems, which will be discussed in the article. The main feature of the national qualifications system in Russia is a synthesis of the obligation (imperativeness) and the market fundamentals of the system itself.

Keywords: *National qualifications system, human capital, labor law, regulation, professional standards*

INTRODUCTION

There is no doubt that, the main event in the present day social and labor sphere of Russia is the introduction of the National qualification system (abbr. NSC), which replaces job description used previously. Russian NSC is represented by four interrelated elements: professional standards, independent assessment of qualifications, professional and public accreditation of educational programs and a guide to the most needed professions.

Let us define the legal descriptions of the above-mentioned elements. The professional standard is the characteristic of the qualification necessary for the employee to perform a certain type of professional activity [1]. The professional standard sets the requirements for the educational qualification of the employee, his or her knowledge and skills, a set of labor actions that he or she must perform. It should be noted that in Russia the professional standard outlines “an activity”. This implies that professional requirements are applicable to the employee regardless the conditions under which he or she performs his or her professional activity.

This suggests that regardless of the legal form of assignment of labor duties – the professional standard defines the requirements for the characteristics of the employee. In Russia, the employee may enter into the employment relationship (full-time or part-time employment) under an employment contract, civil law contract, or he or she may be assigned to perform additional responsibilities not related to the main ones (combination of responsibilities). It is believed that if the employment relationship is not based on an employment contract, the professional standard does not apply to the employee. However, that is not true. The initial premise to the obligation to comply with the requirements of professional standards is the fact of performing this type of activity, regardless of the legal form of relations between the employee and the employer.

In Russia, the professional activity is the sum of generalized labor functions that are close in nature, in the results and in working conditions, reflect the current division of labor in the industry, and ensure the implementation of the production process. For example, for an accountant – it is an activity in the field of accounting, for a human resources manager – the activity is the management of the organization’s personnel, etc.

METHODOLOGY AND THEORY

Thus, the professional standard is developed for the type of a job and it introduces a fundamentally new job list in the Russian Federation. At the same time, the professional standard in accordance with the main legal act in the labor sphere of the Russian Federation – the Labor Code, is now identified with the qualification of the employee (article 195.1 of the Labor Code).

Each activity can be performed at different skill levels. The levels depend on the degree of responsibility, extent of the competences, skills of system thinking and ability to make decisions. In accordance with this, the National Qualification System

was introduced in Russia. It was approved by the Order of the Ministry of Labour and Social Protection No. 148n [2]. This document is the basis for the entire National Qualification System in Russia. It is represented by nine levels of qualifications. And this distinguishes it from the European qualification framework, which is represented by 8 levels.

The construction of such a framework in Russia and in European countries is associated with lifelong learning in the field of a certain activity. The difference between the European and Russian qualifications frameworks is that in Russia the qualification levels are tied to the levels of education in accordance with the Russian law on education [3]; while in the European system the levels of education are achieved through descriptors for the cycles of education.

Each cycle descriptor provides the general statement of expectations for the results and abilities, usually associated with qualifications that represent the completion of a given cycle. The descriptor of the shorter cycle of higher education (within or related to the first cycle) corresponds to the results that must be obtained at the end of education and training to obtain level 5 of the European qualification framework.

In Russia, the analogue is secondary vocational education (SVE), this is the first level of vocational education in accordance with the law on education in the Russian Federation [4]. The descriptor of the first cycle in the Framework of qualifications for the European higher education corresponds to the results that must be obtained at the end of education and training to obtain level 6 of the European Qualification Framework [5], which is equivalent to the Russian “bachelor” degree, and that corresponds to the second level of professional education in accordance with the law on education in Russia.

The descriptor of the second cycle in the European Qualification Framework [5] in higher education corresponds to the results that must be obtained at the end of education and training to obtain the level 7 of the European Qualification Framework. In accordance with the law on education, this is equivalent to the third level of professional education in Russia, which is represented by master’s degree and, in some cases, a specialist’s degree. Magistracy is a generally accepted level of education, while specialization is an element of the “former” system of qualifications in Russia. Specialty – a one-level higher education, which is still present in Russia in some areas of the economy, while most higher education programs are represented by two levels – bachelor and master.

The descriptor of the third cycle in the Qualification Framework for the European higher education corresponds to the results that must be obtained at the end of education and training to obtain the level 8 of the European Qualification Framework [5]. In Russia, this is the fourth level of professional education, which is called in accordance with the law on education “training of highly qualified personnel”, which in our country involves training in graduate schools, residency, etc.

Let us define the structure of the Russian professional standard. As it has already been mentioned, the professional standard is developed for the type of an activity, and an employee can perform any number of them, of course, if the qualification characteristics allow. The professional standard is based on levels – from the lowest to the highest value. Each level of professional standard corresponds to one or more generalized job functions. A generalized labor function is a set of related labor functions, resulting from the division of labor in a particular production or (business) process.

Thus, the generalized labor function is a subspecies of activity within a certain type. Ideally, one employee should perform one generalized labor function, but in Russia, an employee can perform several generalized labor functions, since there is a great number of small organizations, where it is impossible to maintain a large staff. In addition, Russian business lacks clear regulation of duties and an employee can perform different labor functions not only within the professional standard, but also in several areas simultaneously. For example, a Human Resources Officer can perform the generalized job function of “HR outsourcing”, as well as deal with staffing – another general labor function, he or she can also do remuneration – this is the third general labor function, etc.

Each generalized labor function consists of several labor functions. A labor function is a system of labor actions within the framework of the generalized labor function, which is an integrated and relatively autonomous set of labor actions determined by the business process and assumes the availability of the necessary skills and knowledge to perform them.

A labor action is the process of interaction of an employee with the subject of labor, in which a certain task is achieved. Knowledge is a set of learned and mastered skills and competencies about the labor process. Skills are repertoires of coping with the knowledge gained in various production situations to conduct the labor process.

In Russia, the introduction of professional standards is mandatory. First, each professional standard is an Order of the Ministry of Labour and Social Protection of Russia. Secondly, for state organizations, there are separate instructions, which are mandatory. Since 01.01.2020, all state institutions must switch to professional standards in accordance with the Decree of the Government of the Russian Federation dated 27.06.2016 № 584 “On the peculiarities of the application of professional standards in terms of the requirements required for the application of state extra-budgetary funds of the Russian Federation, state or municipal institutions, state or municipal unitary enterprises, as well as state corporations, state companies and economic societies, more than fifty percent of shares in the authorized capital of which is in state ownership or municipal ownership” [6].

This legal act has given rise to a lot of speculation and caused a big commotion in Russia. As transition to professional standards means bringing the functions of employees to the requirements of professional standards – on the one hand, and the qualification characteristics of employees to the same qualification requirements specified in professional standards – on the other. However, in Russia, before this

date in accordance with the said legal act in organizations (state institutions, extra-budgetary funds, state enterprises, state corporations), a number of documents should be prepared:

- a) a list of professional standards to be applied;
- b) data should be collected on the need for professional education, vocational training and (or) additional professional education of employees obtained on the basis of the analysis of the qualification requirements contained in professional standards;
- c) stages of application of professional standards;
- d) the list of local regulations and other documents of the organizations, including those concerning certification, certification and other forms of the assessment of qualification of the workers which are subject to change in connection with provisions of the professional standards which are subject to application.

Therefore, from the legal perspective, the transition to professional standards is the creation of the above documents, and from the economic perspective, it is a change in the personnel management system and adjustment of business processes. The binding nature of this system is possible only in the context of normative legal acts, therefore, most organizations falling under the scope of professional standards limit their transition to the new system only to the implementation of the requirements of the said Resolution.

However, even in this perception of the new system, there are problems. The legal act laid down a phased plan for the transition to professional standards. If one strictly complies with this algorithm, and other legal provisions are absent today in the Russian legislation, the quintessence of it is to bring the educational qualification of employees to the requirements of professional standards. That is, the organization must train employees (or teach) to the requirements of professional standards on a formal basis. This is costly, both for organizations and for the citizens themselves.

According to Russian legislation, the need for training to meet professional standards is determined by the employer (article 196 of the Labor Code). This is a very expensive procedure for company owners because of the fact that in Russia during a rather long period the employee's education was not identified with his or her competencies. Often employees received the necessary knowledge and skills on job. Education in Russia was often formal; it was a pass to the labor market, and not the equivalent of professionalism. These are, unfortunately, disadvantages of vocational training and education. Now in Russia, the goal is to improve the situation, and today the education system should deliver to the labor market a qualified worker who does not require additional training and is ready to perform a given type of activity [7]. The problem is in the staff who came to the labor market earlier and received the necessary skills on-job.

In addition, a modern graduate receives a diploma, in which the field of study is specified in accordance with the professional standard. The names of various areas of study in Russia are specified by the Russian Classification of Types of Education (abbr. – RCTE). Thus, educational institutions issue State-recognized diplomas and

certificates in which the field of study corresponds to the above-mentioned classifier. The Russian classifier was approved only in 2016. And those diplomas which were issued till this time, in most cases, do not correspond to the qualifier on education (RCTE) regarding the fields of study, and, therefore, from the formal legal point of view employees with the diplomas issued earlier do not meet the contemporary professional standards.

This leads to the fact that most employees of enterprises (or in public institutions) do not meet professional standards and require additional training. The financial burden on the employer becomes exorbitant and top management and business owners are simply lost and reject the new system of qualifications. This is perhaps the most important “brake” to the implementation of professional standards.

In contemporary Russia, a unified system of qualifications is being formed, the core of which will be a professional standard. Soon the training will be reoriented to professional standards. This is achieved through professional and public accreditation of educational programs – that is, their compliance with professional standards. Such accreditation in Russia is done by employers’ associations that give their opinion – whether or not the educational program meets the requirements of professional standards or the labor market. In some cases, when there are no professional standards yet, educational programs are evaluated for compliance with labor market requirements.

For example, if we consider legal profession, for example, it is unlikely that we can count on the rapid issue of professional standards, they do not yet exist. However, lawyers do not need them, since the requirements for their activities are established by procedural codes and Federal laws, and employers’ associations assess the compliance of educational programs in accordance with the real requirements of the professional activity. In any case, professional and public accreditation of educational programs is an assessment of the quality of an educational institution, which in some cases gives certain advantages to the organization (for example, additional budgetary places with state funding).

Thus, the new system of qualifications in Russia, by analogy with the European systems, suggests the need for continuous (life-long) learning and the influence of employers on the educational process. This makes it possible to visualize the entire career path of the employee from the lowest qualification to the top [8]. In addition, the assessment of knowledge and skills in the new system should also be carried out by employers. Thus, educational institutions teach, and employers check or evaluate knowledge. For this purpose, the independent qualification assessment (IQA) mechanism was introduced in Russia.

In general, an independent assessment of qualifications is carried out in the form of a professional examination by special qualification assessment centres in accordance with the procedure established by the Government of the Russian Federation.

The IQA procedure is open and accessible:

- by applicants on their own initiative;
- by employees on the initiative of the employer.

It should be noted that in order to pass such an assessment, the applicant must also meet the requirements for the field and level of study, as well as have some experience in this generalized job function. Note that the exam can be performed for a specific generalized labor function. Since in Russia an employee actually performs several generalized labor functions, the IQA procedure is quite time-consuming.

To conduct a professional examination, special centers of qualification assessment (CQA) are opened, created by employers' associations – Councils for professional qualifications (CPQ).

The Qualifications Assessment Centre (CQA) is a legal entity or its structural unit selected by the professional qualifications board and empowered to conduct an independent assessment of qualifications. Assessment centers qualifications are presented in Russia by commercial organizations with state accreditation.

Upon successful completion of the professional examination, the applicant is awarded with a Certificate of professional qualification, which can be presented when he or she is employed.

Thus, on the one hand, the IQA will allow the employee to assess his or her strong points and understand whether he or she meets the requirements of the labor market, and if not, it will help to determine in which direction it is necessary to move to achieve the goal. On the other hand – it will enable the employer to clearly and specifically set the requirements for the employee and check whether the employee meets them, has the necessary knowledge and skills. If there is no such correspondence, or the correspondence is not full, the results of the IQA will allow this to be established; and the employer, in turn, will understand what skills and where an employee needs to be trained in order to be able to perform the functions as efficiently as possible.

As a result, the IQA will allow the applicants to confirm their qualifications by obtaining a certificate, and the employer will be sure of the competent staff that meets the modern requirements of the labor market.

For students of educational institutions (while at the level of secondary vocational education) assessment of knowledge and skills in the centers of qualification assessment is also becoming mandatory. This is achieved when a student graduates from an institution by combining the state final certification of the graduate and independent assessment of qualifications (in Russia it is called SFC-IQA: State Final Certification – independent assessment of qualifications).

But the most important thing is that since July 2019, Russia abolishes all other forms of certification of personnel, except for an independent assessment of qualifications. This is a serious step towards the implementation of the IQA system.

This is regulated by the Federal law № 238 “On independent assessment of qualifications” (article 11) [9].

CONCLUSION

However, there are some problems with the implementation of the national qualifications system.

First, passing the exam by independent assessment of qualifications, although it has certain advantages, is quite expensive (from 100 to 1000 dollars depending on the specific qualification). In accordance with Russian legislation, if an employer sends an employee to this exam, he or she pays for it (this is defined in article 187 of the Russian Labour Code), in this case, it is difficult for an unemployed citizen to pass such an exam.

Secondly, the country has a lot of senior citizens who have no education other than basic or, as it is called in accordance with the law on education of the Russian Federation, the Basic General Education. Such education in Russia includes 8 or 9 classes out of 11 possible. In 2015, the share of such citizens in the country according to the National Research University “Higher School of Economics”, was 5.8 % of the total number of citizens aged 25-64 years [10]. Especially large number of citizens with basic General education is in rural areas. It is difficult for them to meet professional standards, so our idea is that federal bodies should recognize a certain experience for each activity as an equivalent of educational qualification while implementing the National system of qualifications.

Independent assessment of qualifications in Russia, regulated by the relevant Federal law No. 238 “On independent assessment of qualifications”, is aimed to assign the employee the necessary qualifications. Today, to pass this exam, as a rule, it is necessary to have a certain education (in the part of the main professional and additional professional), excluding generalized labor functions relating to 1 and 2 levels of qualification. Unfortunately, many citizens considering their age or distance from metropolitan areas will not be able to receive the appropriate education. Moreover, we are talking about obtaining of education of different levels, which in Russia is possible only through training in educational institutions in accordance with the law on education of the Russian Federation.

Based on the above, we consider it appropriate to consider the issue of equating the presence of a certain length of service for this type of activity and a certificate of successful completion of an independent assessment of qualifications to a certain type of education in compliance with all other requirements of professional standards. In other words, we are talking about equating the educational level required by the professional standard to a certain length of service (for example, more than 15 years for this type of activity). But this equalization is considered acceptable only if the procedure of independent assessment of qualifications is successfully completed.

Thus, educational organizations will teach employees according to professional standards, and qualifications will now be assigned to them by qualification assessment centers with the assignment of appropriate certificates of qualification.

It should be noted that the independent assessment of qualifications by analogy with professional standards is gradually acquiring mandatory elements. For example, for some areas of activity, especially related to safety, it is a mandatory element for entering the profession, for example, for the Elevator Industry. In some cases, social partnership agreements require an independent assessment of qualifications. Such agreements in Russia can be concluded at all levels of social partnership and are binding.

As a result, the national system of qualifications in Russia, together with all its elements, introduces significant changes to the system of training and evaluation of personnel.

Briefly, the main differences are as follows: the new system of qualifications shows how to achieve certain levels of qualification; it provides clearly defined levels, which are achieved only through the levels of vocational education; for each activity a professional standard is drawn up. In contrast to the qualification guides, which were known to be advisory in nature, professional standards are approved by the orders of the Ministry of Labour and Social Protection, which emphasizes their obligation in principle. And most importantly, in Russia it is now necessary to confirm the qualification through a system of independent assessment of qualifications in specially established centers.

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