# Regulatory Aspects and Problems of Personnel Certification Taking into Account the Requirements of Professional Standards

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Abstract--In the national system of professional qualifications now being created in Russia, the role of professional standards is quite large, both for training personnel and for assessing the competencies of graduates of educational organizations, and for independent assessment of the qualifications of employees. The relevance of the study of the problems of personnel certification taking into account the requirements of professional standards is determined by the need to improve the regulatory framework for improvement in order to expand the practice of applying professional standards. The aim of the article is to find ways to solve the problems of applying professional standards for the certification of personnel in the Russian Federation. As a result of the study, the authors of the article substantiated the main differences in the legislative regulation of personnel certification based on the use of professional standards in the Russian Federation, formulated the goals and objectives of personnel certification on the example of certain types of professional activity, identified and formulated the main problems of applying professional standards for the certain types of professional activity, identified and formulated the main problems of applying professional standards for the purposes of personnel certification. The results of this study can be useful in developing a set of measures to improve personnel potential, both at the level of individual enterprises and at the regional level.

*Keywords--*labor law, personnel certification and assessment, professional standards, national system of professional qualifications.

### I. INTRODUCTION

The growing globalization of markets, in particular the creation of a European domestic market, necessitated the elimination of trade barriers (Heinke & Jäger, 1999), which predetermined the search for universal approaches to assessing workers' qualifications. A recognized tool in world practice for the provision of independent evidence of an examination of the degree of professional competence of an employee is the certification procedure (Tastan & Davoudi, 2015; Ruggieri, 2006). In international practice, an independent assessment of employee qualifications is developing in the form of various personnel certification systems, as a

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result of which it is confirmed that a person is competent to perform certain tasks (Sendlhofer & Lernborg, 2018; Zaitseva et al., 2016). As emphasized in the work of N.S. Bakulina (2018), in recent years, the certification system has advanced far in many sectors of the economy, which, according to this author, is due to the presence of developed systems of professional standards.

It should be noted that in the Russian Federation personnel are certified in many areas on a voluntary basis, within the framework of existing voluntary personnel certification systems. This situation is due to the fact that the use of professional standards for commercial enterprises is not mandatory, but advisory, with the exception of cases provided for in Articles 57 and 195.3 of the Labor Code of the Russian Federation (The labor code of the Russian Federation, 2019). Therefore, in the traditional certification procedure of personnel, the employer independently determines the content and procedure for its implementation, which is reflected in the local regulatory acts of the organization.

The regulatory legal aspects of certification of personnel in the Russian Federation are of intersectoral nature (Yudina, 2014). An analysis of examples from judicial practice conducted by A.Yu. Kuchmin (2018) shows that the employer does not comply with the certification legislation and local legal acts during the certification of employees, which indicates the need to improve the regulatory regulation of the certification of personnel.

In order to increase the interest in using professional standards in Russian business during personnel certification, economic incentive measures are being developed: amendments to the Tax Code have been adopted to allow employers to include in other expenses related to production and (or) implementation the costs of assessing employees' qualifications, as well as giving the right to receive a tax deduction for an employee for passing an independent assessment of their qualifications for compliance with qualification requirements (Who pays for an independent assessment of qualifications, 2019).

At the same time, today there are a number of problems in the field of regulatory aspects of certification of personnel, taking into account the requirements of professional standards, which lead to labor disputes, conflicts in organizations. All this necessitates the study of this aspect to generalize such problems and their subsequent elimination in order to expand the practice of the application of professional standards by the management of Russian companies.

#### **II. METHODOLOGICAL FRAMEWORK**

In the process of researching the problem of applying professional standards for the certification of personnel in the Russian Federation, such research methods as studying and generalizing the certification experience on the example of certain types of professional activity, a comprehensive analysis, expert assessment, classification and structuring of regulatory documents, information, reference statistics, method of comparison and others were used.

### **III. RESULTS**

## **3.1.** Legislative Regulation of Personnel Certification Based on the Use of Professional Standards in the Russian Federation

When evaluating the legislative regulation of personnel certification based on the use of professional standards in the Russian Federation, it is, first of all, important to consider what national regulatory documents regulate certification, the development of professional standards and the assessment of personnel qualifications of enterprises in various sectors of the economy (table 1).

**Table 1.** Normative acts governing the application of professional standards, qualifications and certification of personnel in the Russian Federation

Concept	A normative act that	A normative act that describes specific standards,			
	defines the concept	qualifications, etc., and the body approving it			
Professional	Labor Code of the	Professional standards are developed by employers or their			
standard	Russian Federation.	associations for a certain type of professional activity and			
	Section 195.1. Concepts				
	of employee				
	qualification,				
	professional standard				
	(2019)				
Qualification	Labor Code of the	Professional qualifications descriptions are developed by the			
	Russian Federation.	Professional Qualification Councils, which are subject to certain			
	Section 195.1. Concepts	professional standards. The descriptions of professional			
	of employee	qualifications are approved by the protocol of the meeting of the			
	qualification,	National Council under the President of the Russian Federation			
	professional standard	on professional qualifications			
	(2019)				
Personnel	There is a mention of	There are various regulations governing the certification process			
certification	certification in Articles	for different types of professional activities. For example, for			
	81 and 82 in Labor Code	pedagogical workers such documents is the Order of the Ministry			
	of the Russian	of Education and Science of the Russian Federation of March 30,			
	Federation, but there is	2015, 293 "On approval of the Regulation on the procedure for			
	no definition of this	certification of employees holding the posts of teachers related to			
	concept	the teaching staff" (2015)			

#### 3.2. Certification of Personnel as Object of Labor Law

Despite the absence of a normative act that defines the concept of "personnel certification" in the practice of personnel services, personnel certification is understood to mean periodic inspection of the professional level of an employee to establish whether his qualifications for his position or the work performed by him are consistent. In the general case, during the certification of personnel, the main task to be solved is to check the professional skills, business qualities or special theoretical knowledge of the employee, as well as his ability to apply them when performing the labor function specified in the labor contract.

At the level of certain types of professional activity, there are legislative acts regulating the certification. So, in the Order of the Ministry of Education and Science of the Russian Federation, already mentioned in Table 1, "On Approving the Regulation on the Certification Procedure for Employees Occupying

the Positions of Teachers Related to the Teaching Staff" (2015), the essence of the certification process for this category of workers and its purpose is reflected:

- certification is carried out on the basis of an assessment of the professional activities of employees;

- certification is carried out in order to confirm the compliance of the employee with his position;

 certification is designed to promote the rational use of the educational and creative potential of employees; improve their professional level; optimize the selection and placement of personnel.

As a basis for determining the standard requirements for personnel, the provisions of the Unified Qualification Guide for the positions of managers, specialists and employees, or other, including local acts of the organization, can be used.

Most often, the main evaluation criteria used in the certification of personnel are the following:

- the amount of work performed by employees, its quantitative and qualitative characteristics;
- fulfillment of employee labor discipline requirements;
- employee loyalty to the organization as a whole and to a specific structural unit.

The achievement of the above goals for the rational use and development of the potential of employees during the personnel certification largely depends on how this procedure is provided in the methodological plan - the certification procedure itself is described, the sequence of its stages, objectivity in assessing the professional qualities of employees, and also how the main provisions of the creation and work of the certification commission are fixed in the local regulatory acts of the organization.

## **3.3.** The Legislative Framework for the Creation and Development of a National System of Professional Qualifications

The legislative basis for the large-scale development of professional standards and the creation on their basis of a national system of professional qualifications in the Russian Federation was laid down in Decree of the President of the Russian Federation 597 dated 05.05.2012 "On measures for the implementation of state social policy" (Decree of the President of the Russian Federation, 2012) and Government Order 135 of the Russian Federation from July 21, 2012 No. DM-P8-4190 (The order of the Government, 2012), in the 14th paragraph of which it is stated: "when developing uniform requirements for the professional training of workers, provide for the formation of a national system of professional qualifications, including a mechanism for independent assessment of the president of the Russian Federation, 2014), a National Council for Professional Qualifications was established under the President of the Russian Federation, the competencies of which include consideration of issues related to the creation and development of a system of professional qualifications in the Russian Federation.

In the national system of professional qualifications currently being created in Russia (Decrees of the Government of the Russian Federation, 2016a; Decree of the Government of the Russian Federation, 2016b, Order of the Ministry of Labor and Social Development, 2016 and others), the role of professional standards is

quite large, both for training personnel and assessing the competencies of graduates of educational organizations, organizing an independent assessment of the qualifications of specialists and workers in the centers for assessing qualifications created throughout the country (Figure 1.)

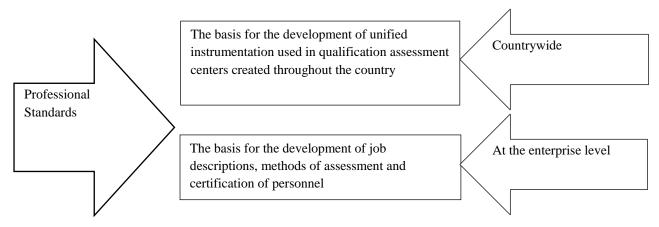


Figure 1. The role of professional standards in assessing staff qualifications in the Qualification Assessment Centers and at the individual enterprise level

In order for the development of professional standards and their application on the basis of the association of employers by type of professional activity, Councils for professional qualifications were created. At the end of 2019, 38 professional qualification boards were created. These Councils developed more than 1300 professional standards, described 1400 qualifications, created about a thousand Qualification Assessment Centers and examination sites, in which more than 50 thousand people underwent an independent assessment of qualifications (Prokopov, 2019).

Some of the Councils for Professional Qualifications are not only actively involved in the development of professional standards and their application, but also develop international cooperation. So, during the work of the Financial Market Council it was approved: 35 professional standards (19 are under development), 97 qualifications, 68 sets of evaluation tools (28 are under development). 47 qualification assessment centers and 134 examination centers have been created. In addition, this Professional Qualifications Council in London has signed two memorandums on the mutual recognition of a number of qualifications with one of the leading international organizations in the field of training and certification of accounting and auditing professionals - CIMA (The Chartered Institute of Management Accountants, United Kingdom of Great Britain and Northern Ireland)) and ICB Global (Institute of Certified Bookkeepers), in particular its Russian representative office represented by the Institute of Certified Financial Managers (Murychev, 2019).

## 3.4. Problems of Applying Professional Standards for the Certification of Personnel in the Russian Federation

Having conducted a study of the established practice of applying professional standards in the activities of Russian enterprises, the authors of the article substantiated several main problems of applying professional standards for the certification of personnel in the Russian Federation:

1. The requirements of professional standards do not comply with existing regulations governing job requirements.

Currently, in the Russian Federation, the requirements for qualifications of personnel in most existing professions are regulated by the following regulations:

- A single qualification directory of positions of managers, specialists and employees

- Unified tariff and qualification reference book of jobs and occupations of workers

In developing professional standards, it was assumed that they would gradually replace these two documents (Leibovich, 2014), but so far this has not happened. Therefore, most enterprises, when conducting personnel certification, still use the two above-mentioned normative acts, rather than professional standards.

2. The imperfection of the developed professional standards, which results in their unsuitability for the purposes of certification of personnel.

Particularly large claims of employers to professional standards developed among the first in 2014-2015, when the practice of their development and examination had not yet developed. As a result, these standards turned out to be unsuitable for practical application. Some of them have already passed the update procedure and improved professional standards have become more consistent with the actual practice of existing enterprises than the original options.

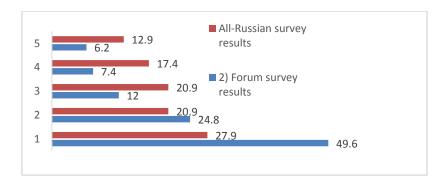
In addition, there are professional standards that are adopted relatively recently, but nonetheless are constantly criticized. These standards include, first of all, the professional standard "Teacher of vocational training, vocational education and additional professional education", which contains requirements for 10 types of professional activity (positions) - from a college teacher to a university professor.

So at one of the last meetings of the National Council of the President of the Russian Federation for Professional Qualifications under the head of the Working Group on the Development of Vocational Education and Training in the National Qualifications System Ya.I. Kuzminov (rector of the Higher School of Economics) raised the question of the advisability of abolishing this professional standard and preparing a number of more specialized professional standards. This proposal was supported by members of the National Council and it was decided to prepare a list of necessary professional standards in the field of professional education and organize the development of relevant professional standards (Results of the meeting of the National Council under the President of the Russian Federation on Professional Qualifications, 2019)

2. Due to the lack of legislative consolidation of the need to ensure compliance of workers with the requirements of professional standards for commercial enterprises, these enterprises are not interested in using professional standards in the certification of personnel.

The National Agency for the Development of Qualifications is constantly conducting research on the opinions of employers about their attitude to an independent assessment of qualifications, the possibility of replacing it with the certification procedure at enterprises. The results of one of the latest studies are presented in Figure 2.

International Journal of Psychosocial Rehabilitation, Vol. 24, Issue 03, 2020 ISSN: 1475-7192



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	The need to	The need to	The need to use the	Availability of affordable	Reduced cost
	ensure that	obtain an	results of an	and sufficient	of independent
	workers	employee's	independent	infrastructure for	assessment of
	meet	admission to	assessment of	independent assessment of	qualifications
	professional	certain types	qualifications in the	qualifications (centers for	
	standards	of work	certification of	assessment of	
			employees	qualifications)	
Forum	49,6	24,8	12	7,4	6,2
survey					
results					
Russian	27,9	20,9	20,9	17,4	12,9
survey					
results					

**Figure2.** Distribution of employers' answers to the question: "What, in your opinion, can motivate employers to decide on sending employees to an independent assessment of qualifications (V All-Russian Forum "National Qualifications System of Russia", 2019).

According to Figure 2, it can be seen that the main constraining factor for the widespread dissemination of an independent assessment of qualifications in Russia is the fact that many enterprises do not have to ensure that employees meet the requirements of professional standards. If only 49.6% of the participants of the V All - Russian Forum "National System of Qualifications of Russia" and 27.9% of all those surveyed by the National Agency for Qualifications Development would make a decision to send employees to an independent assessment of qualifications, completely or partially replacing certification of personnel. At least 20.9 respondents who participated in the All-Russian survey of employers answered that they would use the results of an independent assessment of qualifications in the certification of employees, if this was legislated.

3. There is no integration between the new system of independent assessment of qualifications with existing systems (certification system for public sector personnel, systems of professional admission to professional activities, professional-industry and departmental systems for assessing personnel qualifications, etc.)

As was already presented above as an example, in the Order of the Ministry of Education and Science of Russia "On the Approval of the Regulation on the Certification Procedure for Employees Occupying Pedagogical Workers Related to the Teaching Staff" there is absolutely no mention of taking into account the requirements of professional standards when conducting certification of teachers (Order of the Ministry of Education and Science, 2015).

4. There is no mechanism for the recognition of professional qualifications of foreign citizens, as well as instruments for the international recognition of qualifications. As mentioned above, there are already certain positive shifts in certain types of professional activity (an example with memorandums of mutual recognition of a number of qualifications with international organizations for the training and certification of specialists in accounting and auditing). However, at the level of all countries, such mechanisms are not built. This negatively affects the system of personnel assessment and certification in international companies, organizations created with the participation of foreign investors, as well as companies with foreign citizens on staff.

Thus, it can be concluded that the solution to the above problems is possible only within the framework of a unified state program to improve the mechanism of independent assessment of qualifications of employees of Russian companies. As a result of the implementation of such a program, a mechanism will gradually be created for the transition from personnel certification at the level of individual enterprises, conducted by different methods, to an external assessment of personnel qualifications by type of professional activity based on the requirements of relevant professional standards.

#### **IV. DISCUSSION**

Currently, there is a significant number of works by scientists from different countries devoted to the study of the procedures for the assessment, certification and certification of personnel. As M.L. Lengnick-Hall and H. Aguinis (2012) emphasizes, globally, staff certification has evolved into a million dollar industry.

A.S. Garza and F.P. Morgeson (2012) suggest that key organizational values will influence how the organization and its members understand the importance and value of staff certification. Study by S. LesterandD. Fertig (2011) expands previous studies, summarizing the beliefs of top management of organizations regarding the benefits of having certified personnel in the field of personnel management.

A comparative study of changes in labor law by C. Wilco et al. (2014) substantiates the importance of effective strategic human resources management in modern conditions by promoting collective responsibility and creating an improved industry culture of employment.

At the same time, there are certain gaps in this area related to the specifics of labor law in individual countries and different understandings of the significance of staff assessment and certification. The authors of the article have already repeatedly studied this issue (Rodinova et al., 2017; Zaitseva et al., 2017), as applied to the service sector and other sectors of the economy.

In this study, the authors of the article took another step in substantiating the state and prospects of developing an independent assessment of qualifications based on the requirements of professional standards, which in the future can replace the certification procedure for personnel in organizations.

#### **V. CONCLUSION**

The research results presented by us complement the existing approaches to substantiating the main regulatory aspects and the problems of certification of personnel, taking into account the requirements of professional standards. As a result of a study of the work of scientists and practitioners on this topic, the authors of the article formulated the main differences in the legislative regulation of personnel certification based on the use of professional standards in the Russian Federation, clarified the essence of certification as a procedure for

assessing personnel qualifications, and generalized the main problems of applying professional standards for certification of personnel.

The results of this study can be useful in developing a set of measures to improve personnel potential, both at the level of individual enterprises and at the regional level.

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