

## Employment protection in the Russian Federation – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<p><b>Personal reasons:</b> the employer must give the employee notice personally. Dismissal of employees who are members of a trade union is possible only with consideration of the opinion of the elected trade union authorities</p> <p><b>Redundancy:</b> The employer must give the employee notice personally and must inform the elected trade union authority about dismissals in writing no later than two months prior to dismissals taking effect. Dismissal of employees who are members of a trade union is possible only with consideration of the opinion of the elected trade union authorities.</p>
Item 2 Delay involved before notice can start	If the employee is a trade union member, the employer must notify the trade union in writing of the intention to dismiss the worker. The union has seven days to present the employer with their written opinion on the dismissal. If the trade union does not agree with the proposed dismissal of the employer, there are three days of consultation between the union and the employer. If agreement is not reached, the employer has the right to the final decision. The union can appeal to the State Labour Inspection, which must process the case of dismissal within 10 days of obtaining the claim. The employer can hand notice directly to the employee.
Item 3 Length of notice period at different tenure durations	The employer must give the employee two months' notice. The employer can cancel the labour contract without notice by paying two months' average wages (in addition to severance pay) with the employee's written consent.
Item 4 Severance pay at different tenure durations	In the case of dismissal in connection with liquidation of the organisation or reducing the number of permanent staff, the employee to be dismissed is paid a dismissal allowance of an one-month average salary and in addition is entitled up to 2 average monthly wages. In exceptional cases the average monthly wages are preserved for the employee during the third month from the date of dismissal on the base of the decision made by the employment agency providing that the employee applied to this employment agency within two weeks after dismissal but was not placed in a job.
Item 5 Definition of unfair dismissal	<p><b>Fair:</b> An employer can terminate a labour agreement on grounds of serious misconduct, repeated non-fulfilment of job functions without reasonable excuse, if the employee is not fit for the occupied position or performed job functions because of ill health or insufficient qualifications, in case of dissolving of an organisation or termination of activities of an employer, or in case of reduction of number of employees in an organisation. Dismissal on grounds of reduction of number of employees in an organisation or if the employee is not fit for the occupied position or performed job functions is only allowed if transition of an employee to a different job position with consent of an employee is impossible.</p> <p><b>Unfair:</b> Dismissal of an employee on employer's initiative is not allowed during the period of temporary incapacity of employee for work and during the period of leave of an employee (except cases of dissolving of an organisation or termination employer's activities if an employer is a physical entity).</p>
Item 6 Length of trial period	One party to a labour agreement may request a probationary period to test skills and abilities of an employee to determine whether an employee fits the occupied position. If no probationary period condition is stated in a labour agreement, then the employee is accepted without probationary period. An employer may terminate the employment of an employee during the probationary period by giving three days written notice. A probationary period cannot exceed three months (six months for some categories of managerial workers).
Item 7 Compensation following unfair dismissal	In the case of unfair dismissal, the court shall rule on average wage payable to employee for his forced absence, or wage difference while him being hired at a lower paid job. The court may also, upon employee's claim, decide on indemnification for moral damage caused to employee by such actions. The court shall determine the amount of a compensation.
Item 8 Reinstatement option for the employee following unfair dismissal	In case of unfair dismissal, the employee shall be reinstated by the court.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	An employee must submit an appeal to court within 1 month.
Item 10 Valid cases for use of fixed term contracts	A fixed term contract can be concluded on the initiative of the employer or the employee for a large number of reasons including replacing a temporarily absent employee, performing temporary, urgent or seasonal work, in small businesses or in organisations established for predetermined term, for employees engaging in training, working part time or in specified industries and occupations, or for managers or old-aged pensioners.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No limit.
Item 12 Maximum cumulated duration of successive FTCs	Five years.

Item 13 Types of work for which temporary work agency (TWA) employment is legal	Temporary agency work is not subject to specific legislation but such relationships are covered by civil and commercial law.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No restrictions.
Item 15 Maximum cumulated duration of TWA contracts	No limit.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	No requirement for authorisation or reporting obligations.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	No requirement for equal treatment.
Item 18 Definition of collective dismissal	Criteria of mass dismissal is defined in industrial and (or) territorial agreements. Additional regulations typically apply from 50 dismissals upwards.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	In case of redundancy, the employer has to inform the labour administration about any expected staff reductions 3 months for mass dismissals.
Item 20 Additional delays involved (compared to Item 2)	In the case of collective dismissals, the employer must inform the trade union and labour administration in writing three months prior to the dismissals taking effect (compared with two months in case of individual dismissal).
Item 21 Other special costs to employers in case of collective dismissals	No additional requirements.

*This summary was produced by the OECD using national labour legislation, secondary legal sources and advice from legal experts at the ILO. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*