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Check

Decent Work Check is the product of www.wageindicator.org and
www.mojazarplata.ru/main



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |

07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |

08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |

09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>

11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Russia scored 48 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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01/13 Work and Wages

Regulations on work and wages:

Constitution of the Russian Federation 1993

Labour Code 2001 (version 16.02.2018)

Federal law 'About minimum wage' 19.06.2000 № 82-ФЗ (version 01.05.2018)

Regional tripartite agreements about minimum wage

Criminal Code 1996 (version 03.07.2018)

Code of Administrative Offences 2001 (version 03.07.2018)

Minimum Wage

According to the Constitution of the Russian Federation, everyone has the right to get salary that will be higher than the federal minimum wage. There are two levels of the minimum wage in Russia: federal and regional. The federal minimum wage is governed under the Federal law 'About minimum wage' 19.06.2000 № 82-ФЗ. Regional minimum wages are established by Regional tripartite agreements between trade unions, employer associations and local authorities (for example, Agreement about minimum wage in Moscow Region 31.10.2015).

Minimum wages are determined as payable per month. Minimum wage is calculated for work in normal conditions with fulfilment of the set (monthly or hourly) work norm. Bonuses and other additional payments including those for overtime work, work under harmful, especially hazardous conditions, in special nature geographical conditions and with increased health risks, as well as bonuses to anniversaries, for inventions and rationalization proposals, other financial aid are not included in the minimum wage. Since May 2018, the rate of minimum wage was increased to the rate of the living wage for an employable person at the second quarter of 2017. From January 2019, the minimum wage will correspond to the level of the federal living wage for an employable person at the second quarter of the previous year.

Establishing the rate of salary below the minimum wage can lead to the notification or the administrative fine at the amount of from 10,000 to 20,000 RUB (for officials), from 1,000 to 5,000 RUB (for individual entrepreneurs), from 30,000 to 50,000 RUB (for legal entities). According to the Criminal Code, the payment of salary below the minimum wage more than two months (if the head of the organization is the interested party) will be punished by a fine of 100,000 to 500,000 rubles or in the amount of the salary (other income) of the convicted person for a period of up to 3 years, or forced labor for up to 3 years or imprisonment for up to 3 years with deprivation of the right to hold certain positions or engage in certain activities for up to 3 years or without it. The employee has the right to complain to the Labor Inspection or to sue (within one year from the date of payment).

Sources: §37 of the Constitution; §129, 133-133.1, 392 of the Labour Code; Federal law 'About minimum wage' 19.06.2000 № 82-ФЗ; Tripartite agreement in Moscow Region 31.10.2015 about minimum wage; § 145.1 of the Criminal Code; § 5.27 of the Code of Administrative Offences

For detailed minimum wage rates, please refer to the section on minimum wages.

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Regular Pay

Salary is the fixed remuneration for performance of work (for a calendar month) based on and appropriate to the professional skills, difficulty, quantity and quality of labour and working conditions and includes additional payments as compensations for working in conditions other than the normal ones and incentive payments. The relevant law on payment of wages is Labour Code.

According to the Labour Code, wage must be paid at least twice a month (on fortnightly basis) at the day established by internal labour regulations, collective agreement, labour/employment contract. In the case of the coincidence between the weekend or a non-working holiday and the day specified for payment of wages, wages must be paid on the previous working day.

Wages may be paid in cash at the workplace or transferred into worker's bank account nominated by the employee. Wages must not be paid to a third person. Wages must be paid in monetary form and in legal tender, i.e., the roubles. An employment contract or collective agreement may provide for in kind payment of wages which cannot exceed 20% of employee's monthly remuneration.

Delaying payment of wages to workers is an administrative offence (and may also lead to criminal offence) and the employer can be fined by the labour authorities. In accordance with the Labour Code, in the case of arrears in payment, employer must also pay compensation (higher than one hundred and fiftieth (0.0067) of the key rate of the Central Bank of the Russian Federation from unpaid amounts for each day of delay). Compensation is paid from the day following the payment date to the day of the final payment inclusive.

If a worker's wages are delayed for more than 15 days, he may stop working, after notifying the employer, until receiving the salary. If the employer informs the worker that he is ready to pay overdue sum, worker must report to the work. The right to suspend work is not available to members of armed forces, military personnel, firefighting, rescue services, civil servants, and for the employees in emergency services and vital public services (energy, water supply and communications).

Deductions from an employee's wages can be made only for cases specified by the Labour Code and other federal laws. Employers are allowed to deduct personal income tax from an employee's pay and pass that deducted amount to the tax authorities. Employers are further allowed to make deductions from a worker's wage to retrieve/recover the sum of money owed by the employee to the employer. This happens in the recovery of:

- advances of pay;
- amount given to an employee for travel or other expenses which was not spent and was not refunded instantly by the employee;
- sums that were overpaid to the employee (due to an accounting error or because of an illegal action as established by the Court);
- holiday/annual leave pay, if employment terminates and worker has already taken leave in excess of his accrued entitlement at the point of termination (however this recovery is not possible if termination was on the ground of worker's ill health, redundancy or employer's liquidation).

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The total amount of deductions at each payment of wages cannot exceed 20 percent, and in the cases where the worker is subject to more than one attachment order, the maximum total deduction is 50 percent of the wages. Where the employee's wages are attached for specified reasons, the deduction can rise to as high as 70% (in cases of correctional work, alimony for minor children, and redress of wrong, and restitution of injury causes to health of another person).

Labour Code requires that employees who perform heavy labour or work in harmful, dangerous and other special conditions must be paid at a higher rate than workers engaged in normal working conditions. The increased rate of pay (around 4% higher than normal wages) is set by the collective agreement, employment contract or by the employer while taking into account the opinion of trade unions or other employee representatives. Similarly, some localities in the Federation are designated as localities with special climatic conditions. Employees working in these areas are paid higher than the normal wage rate. The minimum premium is set by legislation and varies for areas.

Sources: §136-148 and 236 of the Labour Code

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02/13 Compensation

Regulations on Compensation:

Labour Code 2001 (version 16.02.2018)

Resolution of the Government of the Russian Federation 'About increase of the minimum wage for night work' 22.07.2008 № 554

Overtime Compensation

The normal working hours are 40 hours per week. A specific working time regime may be set by a company within the 40-hour per week limit. The working time is set out in the enterprise's internal working rules. The Russian Labour Code however provides exceptions and allows for reduced working hours (reduced work week option) for workers with disabilities (35 hours, the daily hours are established by medical certificate), workers engaged in harmful of the third or fourth degree and hazardous working conditions (36 hours), teachers (36 hours), medical workers (39 hours), children (24 hours/12 hours if combines work with school), and young persons (35 hours/17.5 hours if combines work with school).

The duration of daily work must not exceed for workers from 14 to 15 years old - 4 hours; from 15 to 16 years old - 5 hours; from 16 to 18 years old - 7 hours. For those who combine education and work during the academic year from 14 to 16 years old the daily work is 2.5 hours; from 16 to 18 years old - 4 hours.

Overtime is the work performed by an employee at the employer's request and is the work beyond a worker's normal working hours. A worker may not work more than 4 hours of overtime for two successive days. The yearly limit for overtime is 120 hours per year. As a rule, overtime work is allowed in the presence of worker's written consent and keeping in view the opinion of trade union. Nevertheless, according to the Labour Code, there are some exceptions. Involvement of the employee to work overtime is allowed with his written consent in the following cases:

1. Work which was not completed during the regular working hours due to some unforeseen technical problem and if the completion of work is necessary to avoid destruction of property or some hazardous situation;
2. Urgent maintenance and repair when non-fulfillment of work could lead to interruption of work affecting a significant number of workers;
3. Work in place of an absent employee if the work is strictly of continuous nature.

In connection with the following cases (mainly a state of emergency), no prior consent from employee is required:

1. Defence of the country;
2. Prevention of industrial accident(s) or removal of its consequences;
3. Removal of the consequences of a natural disaster;
4. Emergency works, maintenance of public utilities damaged as a result of unforeseeable circumstances.

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Overtime work is forbidden for pregnant women, minors (under 18), other categories by law (for example, workers, who made apprenticeship agreement). Overtime work is allowed for disabled people, women with children under 3 years in the presence of worker's written consent and medical report. The employer must also inform workers in writing of their right to refuse overtime work (according to the Labour Code, guarantees, afforded to women in connection with maternity, are extended to fathers bringing up children without a mother, as well as trustees of minors).

According to the Labour Code, overtime work is paid for the first two hours of not less than a half rate (150% of the normal rate), for the subsequent hours - at least at double rate (200% of the normal wage rate). Specific amounts of overtime compensation is determined by collective agreement, internal rules or employment contract. At the request of the employee, overtime work can be compensated by the additional rest time (not less than overtime) instead of premium payments.

Work in excess of working time on weekends and public holidays, that was additionally paid or compensated by another holiday, is not counted for determining the length of overtime work, that must be paid at a higher rate.

Sources: §92, 99, 152, 203, 264 of the Labour Code

Night Work Compensation

Work performed between 22:00 and 06:00 is considered night time work. Working time at night is reduced by one hour, except for those who make a special contract for night work or to whom the reduced working hours already apply. Every hour of night work is paid at a higher rate as compared with the work in normal conditions. The Government establishes the premium for night work. Nowadays there is the Resolution of the Government of the Russian Federation 'About increase of the minimum wage for night work' 22.07.2008 № 554, which fixes minimum increase at the level of 20 % of the hourly wage rate (salary) for each hour of night work (120% of the regular hourly rate).

Night work is prohibited for pregnant women and minors under 18 years. For women who have children under 3 years of age and all those who take care of sick or disabled family members, night work requires written consent of the workers, provided that they are not prohibited from such work due to health reasons. The employer must also inform workers in writing of their right to refuse night work.

Sources: §96 and 154 of the Labour Code; Resolution of the Government of the Russian Federation 'About increase of the minimum wage for night work' 22.07.2008 № 554

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Compensatory Holidays / Rest Days

As a rule, working on a weekly rest or public holidays is prohibited. But working on public holidays is allowed when suspension in work is not possible at continuous operations, public services, urgent repair and loading operations.

Engaging employees to work on rest days and public holidays is possible in the presence of their written consent in the case of unforeseen work, which is necessary for normal operation of the organization.

Involvement of the employee to work on rest days and public holidays is allowed without any consent in the following cases:

- to prevent a disaster, industrial accident or to eliminate its consequences;
- to prevent accidents, damage or destruction of property;
- in the state of emergency, military situation/martial law, or force majeure.

In other cases, working on rest days and public holidays is allowed in the presence of worker's written consent and in view of the opinion of trade union.

Working on rest days and public holidays is allowed for disabled people, women with children under 3 years in the presence of worker's written consent and medical report. The employer must also inform workers in writing of their right to refuse rest day or public holiday work.

Workers who are made to work on weekly rest or public holiday are entitled to receive at least double their normal wages (200% of the normal wage rate). A higher provision may be provided in the employment contract, collective agreement or internal rules of the organization while taking into account the opinion of workplace trade union or other employee representative body. An employee may like to receive normal pay for working on a rest day and compensatory rest day on another day.

Sources: §113, 153, 264 of the Labour Code

Weekend/Public Holiday Work Compensation

Working on a weekend or public holiday day is paid at least double the amount (200% of the normal wage rate). Specific amount of compensation working on a weekend or public holiday is set by collective agreement, local normative act in mind opinion of trade union, labor contract.

Higher payment is made for hours, that were actually worked on a weekend or public holiday. If a weekend or public holiday includes a part of the working day, the hours, that were actually worked on a weekend or non-working holiday (from 0 hours to 24 hours), are paid higher.

Sources: §153 of the Labour Code

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03/13 Annual Leave and Holidays

Regulation on Annual Leave and Holidays:

Labour Code 2001 (version 16.02.2018)

Federal law 'About freedom of conscience and religious associations' 26.09.1997 № 125-ФЗ (version 01.05.2018)

The laws of the regions of the Russian Federation about non-working holidays in the Russian regions

Resolution of the Government of the Russian Federation 'About annual basic elongated paid leave' 14.05.2015 № 466 (version 07.04.2017)

Resolution of the Government of the Russian Federation 'About the procedure of calculating the average wage' 24.12.2007 № 922 (version 10.12.2016)

Resolutions of the Government of the Russian Federation about transfers of public holidays for relevant year

Paid Vacation

The length of the annual basic paid leave is 28 calendar days. Collective agreement or employer's internal rules may provide for longer leave. Also, there are annual basic elongated paid leaves for some categories of professions, according to the Resolution of the Government of the Russian Federation 'About annual basic elongated paid leave' 14.05.2015 № 466. Annual basic paid leave to employees under the age of eighteen is 31 calendar days at a convenient time for them.

The right to get this leave connects with the length of service at the certain organisation. Employee may get the annual basic paid leave for the first year of operation after six months of continuous work for the employer. Parties of the labour contract may negotiate that paid leave will be granted until the end of this term.

Before the expiration of six months of continuous work annual basic paid leave at the request of the employee must be provided to:

- women - before the maternity leave or immediately after it;
- minors (under 18 years);
- employees who adopt a child (children) under the age of three months;
- others, according to the law.

Annual paid leave for the second and next years of working may be given at any time of the year in accordance with vacation schedule. Vacation schedule shall be approved no later than two weeks before start of the calendar year. Employee must be notified with putting his signature about the time of the leave no later than two weeks before its beginning.

The length of service, giving right to annual basic paid leave, includes:

- actual working time;
- time of saving job without actual working;
- period of the enforced idleness during illegal dismissal or the suspension from work and reinstatement in office;
- period of the suspension from work because of innocent non-passage of the medical inspection;
- non-paid leave less than 14 calendar days during a year.

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The length of service, giving right to annual additional paid leave for unhealthy trades, includes only actual working time.

The length of service, giving right to annual basic paid leave, does not include:

- period of the absence from work without a valid reason;
- period of the childcare leave.

It is prohibited not to grant annual paid leave for two years in a row. In exceptional cases where the granting of leave in the current working year may adversely affect the production process, it is allowed with the consent of the employee to transfer leave to the next working year. This leave must be used no later than 12 months after the end of the working year for which it is provided. Splitting of annual paid leave is provided under the law and such leave may be divided into parts by agreement between parties of the labour contract. One part of this leave should not be less than 14 calendar days. At the request of husband, his annual leave will be granted during the period of his wife's maternity leave.

Annual paid leave should be extended or postponed to another date, taking into account the wishes of the employee, in the following cases:

- temporary disability;
- public duties;
- delay in holiday payment;
- delay in notice of the start of holiday;
- other cases by law.

Employees are granted annual leave with retention of their job (position) and average earnings.

Part of the paid annual leave in excess of 28 calendar days upon written request of the employee can be replaced by monetary compensation. It is forbidden to replace by monetary compensation the basic annual paid leave and additional annual paid leave for pregnant women and minors, as well as the annual additional paid leave to employees engaged in work with harmful and (or) dangerous working conditions.

Sources: §114-115, 121-126, 267, 334 of the Labour Code; Resolution of the Government of the Russian Federation 'About annual basic elongated paid leave' 14.05.2015 № 466

Pay on Public Holidays

According to the Labour Code, following are the non-working holidays in the Russian Federation are:

January 1, 2, 3, 4, 5, 6 and 8 - New Year holidays (Seven days for New Year);

January 7 - (Orthodox) Christmas;

February 23 - Day of Defender of the Fatherland;

March 8 - International Women's Day;

May 1 - Holiday of Spring and Labor Day;

May 9 - Victory Day;

June 12 - Day of Russia;

November 4 - National Unity Day.

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There are non-working religious holidays declared by laws of the regions of the Russian Federation according to Federal law 'About freedom of conscience and religious associations' 26.09.1997 № 125-ФЗ.

There is an extra remuneration for working on public holidays which is set by collective agreement, employer's internal rules while considering the opinion of trade union, and employment contract. Working on a weekend or public holiday day is paid at least double the amount.

Sources: §112 and 153 of the Labour Code; §4 of the Federal law 'About freedom of conscience and religious associations' 26.09.1997 № 125-ФЗ

Weekly Rest Days

The weekly rest period must not be less than 42 hours. At the five-day working week, employees are provided two days a week while in a six-day working week, there is provision for one day off. A common holiday is Sunday. The second day of rest at five-day working week (can be either Saturday or Monday, though usually Saturday) is set by collective agreement or internal regulations. Usually two days off are provided in a row.

Weekends at organisations, where suspension of work is not possible, are available on different days of the week alternately to each group of employees.

Breaks

Lunch break lasts from 30 minutes to two hours. The internal regulations or the employment contract may stipulate that the lunch breaks are not provided to the employee, if the duration of his daily work does not exceed four hours. There are special breaks for heating and rest when working outdoors, in closed unheated rooms in winter, etc. The duration of daily rest must continue at least double duration of previous working day.

Sources: §110-111 of the Labour Code

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04/13 Employment Security

Regulations on Employment Conditions:

Constitution of the Russian Federation 1993

Labour Code 2001 (version 16.02.2018)

Law of the Russian Federation 'About employment of the population' 19.04.1991 № 1032-1 (version 03.07.2018)

Written Employment Particulars

Labour Code has provisions with regard to the written employment contracts. Employment contracts must be in writing and contain certain minimum information. An employment contract is considered to exist once a worker starts working even if no written contract was signed beforehand. In such cases, employer is required to sign a written contract within three days after the employee has started working. Law provides for both definite or fixed term and open-ended or indefinite contracts. Generally, the contracts are signed for an indefinite term as fixed term contracts are allowed in special circumstances.

As said above, employment contracts must be drawn up in writing and in duplicate, with one copy to the each party. Employees are required to confirm receipt of copy by signing the copy retained by the employer. In the case of foreign nationals, contracts are required to be drawn up in triplicate and the third copy is sent to the Federal Migration Office.

An employment contract must contain full name of the worker and his/her identity number (passport number); full name of the employer and its tax registration details; place and date of the signature of contract; workplace information; date of commencement of work; job position, qualifications required and specific type of work to be performed; term of the contract and the reasons for having a fixed term contract; terms of remuneration and additional payments; working hours and rest time (if different from employer's general internal rules) and an indication of working conditions and additional payments (in cases where work involves hazardous working conditions). Missing or new information can be added to the contract through an agreement between the parties. Terms of an employment contract are amended by written agreement between the worker and employer however certain exceptions (like transfer to new workplace) are allowed under the law. An individual employer is required to give written notice to the employee of any change in the essential conditions of the employment contract at least 14 calendar days in advance.

Sources: §56-60 and 67 of the Labour Code

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Fixed Term Contracts

The Labour Code provides for both fixed term and indefinite contracts. If an employment contract does not clearly state that it is for fixed term, it is considered to be an indefinite term contract.

According to the Labour Code, the maximum length of a single fixed term contract is 60 months (5 years). Renewals of a single fixed term contract is forbidden. Hiring of fixed term contract workers for tasks of permanent nature is also prohibited. A fixed term contract should be used only in cases where hiring a worker on indefinite contract is not possible.

The fixed-term employment contract is concluded in the following cases:

- execution of the duties of the absent employee;
- temporary job (up to 2 month);
- seasonal work;
- working abroad;
- working beyond the ordinary course of business of the employer;
- obviously temporary (up to one year) expansion of production and the volume of services;
- if work completion cannot be determined by a specific date;
- on-the-job training;
- assignment to temporary or public work by the employment service;
- other cases specified by law.

The fixed-term employment contract may be concluded by agreement of the parties of the labour contract in cases:

- the number of employees of that organisation does not exceed 35 persons (in the retail trade and consumer services - 20 persons);
- age pensioners;
- working in the Far North and equivalent remote areas;
- prevention of a disaster, industrial accident or to eliminate the consequences of it or natural disaster;
- heads, deputy heads and chief accountants;
- students of full-time education;
- employees with multiple jobs;
- other cases specified by law.

Sources: §58-59 of the Labour Code

Probation Period

The maximum length of probation period is 3-month. For the heads of the organizations and their deputies, chief accountants and their deputies, heads of branches, representative offices and other structural units of organizations, the maximum length of probation period is six months. If parties enter into the employment contract for two to six months, the probation will not exceed two weeks. There is no probationary period for fixed term contracts with less than two months duration. The renewal of probation is not stipulated. The

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absence of probation term in an employment contract means that the employee is hired without it. An employment contract must clearly specify the probationary period.

The probation is prohibited in cases:

- pregnant women and women with children under the age of one and a half years;
- minors (under 18 years);
- persons, who graduated secondary professional education or higher education (state-accredited programs), and engaged for the first time to work of his /her speciality during one year from the graduation of the appropriate level of education;
- persons invited to work in order to transfer from another employer;
- workers, who met the conditions of apprenticeship agreement;
- workers engaged on an employment contract of less than two months;
- other cases specified by law.

Sources: §70-71, 207 of the Labour Code

Notice Requirement

In accordance with the Labour Code, grounds for termination of the employment contract are:

- the parties' agreement;
- expiration of the employment contract;
- employer's initiative:
 - liquidation of company;
 - closure of business activities of an individual entrepreneur;
 - downsizing;
 - mismatch of employee to job because of insufficient qualifications;
 - repeated non-performance of job duties in the presence of disciplinary penalty;
 - single serious violation of job duties:
 - absence from work without justifiable reasons for more than 4 hours or during the whole workday;
 - being at work in state of intoxication;
 - disclosure of confidential information;
 - theft, embezzlement or intentional damage and destruction of property;
 - violation of safety rules;
 - lack of trust to worker, who directly works with monetary or commodity values, because of his guilty actions;
 - employee's failure to take the necessary measures to prevent or resolve conflict of interest;
 - amoral offence of employee, who performs educational functions;
 - deliberate submission of false documents in connection with conclusion of employment contract;
- employee's initiative:
 - transfer of an employee at his request or with his consent to work for another employer or transfer to an elected job;

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- refusal of the employee to continue working due to changes of conditions of the employment contract;
- refusal of the employee for transfer to other work needed to him in accordance with the medical certificate;
- refusal of the employee for transfer because of the lack of relevant work;
- refusal of the employee to be transferred to work in another locality together with the employer;
- owing to circumstances beyond parties' control:
 - conscription into the military or alternative civil service;
 - where a former employee (earlier dismissed) has been reinstated by court's decision;
 - reversal of a court or administrative decision concerning reinstatement to a job;
 - death of employer (individual entrepreneur) or an employee;
 - administrative or criminal punishment which makes the continuation of work impossible;
 - force majeure conditions;
 - recognition of employee as completely unfit for work in accordance with a medical report.
- where the employment contract is concluded in violation of the law;
- other cases specified by law.

If the employee does not show up for work on the commencement date of employment, the employment contract will be annulled (declared invalid).

The required notice period for terminating the contract depends on type of the contract, reasons of termination, however it does not depend on the length of service. There are some special rules for different situation of termination the contract. For example, for termination of the employment contract due to expiry of its term, employee must be warned in writing not later than three calendar days before the dismissal. Similarly, an employment contract may be terminated during probationary period on three days' notice.

Employees must notify employer about discharge (plan to resign) at least two weeks before it. The head of the organization has the right to terminate the employment contract by notifying the employer in writing no later than a month. At the situation of impending dismissal in connection with the liquidation of the organization or staff reduction (redundancy), employees are warned by the employer personally and against signature no later than two months before the dismissal. The employment contract may be terminated at any time by agreement of the parties without special notice periods.

Dismissal without notice is a violation of labor law, the consequences of which can be reinstatement, payment of forced absence, however, may not be compensated in lieu of notice of dismissal legislation. However, according to the Labour Code, the employer with the written consent of the employee may terminate the contract in connection with the liquidation of the organization or staff reduction before the expiry of the two-month notice period by paying compensation in the amount of average earnings of the employee, calculated in proportion to the time remaining before the end of notice about dismissal.

Sources: §61, 77-80, 180, 269, 280, 292, 307, 348.12 of the Labour Code

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Severance Pay

According to the Labour Code, severance pay is admissible in cases:

- liquidation of the organization;
- staff reduction;
- refusal of the employee for transfer to other work needed to him in accordance with the medical certificate;
- refusal of the employee for transfer because of the lack of relevant work;
- conscription;
- dismissal in connection with the reinstatement of the previous employee;
- refusal of the employee to be transferred to work in another locality with the employer;
- inability to work in accordance with the medical report;
- refusal of the employee to continue working due to changes of conditions of the employment contract;
- other cases by collective bargaining and labor contracts.

At termination of the employment contract with the head of the organization, his deputies and the chief accountant in connection with the change of owner of the property of the company, the new owner is obliged to pay the specified employee compensation in the amount of not less than triple his average monthly wage.

The rates of the severance pay may vary. In cases of the liquidation of the organization or the staff reduction the sum of the severance pay is average earning. Also, employee retains the average monthly earnings for the period of employment, but not more than two months from the date of dismissal. In exceptional cases, the average monthly wage is reserved for laid-off worker in the third month from the dismissal by the decision of the employment service if within two weeks after the discharge employee applied to the employment service and was not employed. The rates of the severance pay is higher for working in the Far North and equivalent areas (from three to six months after discharge). The severance pay in the amount of two-week average earnings is paid in the cases determined by law including dismissal for medical reasons, dismissal of a worker on reinstatement of an unfairly dismissed worker, and dismissal of a seasonal worker on liquidation of a company or downsizing.

Employees are not provided for the severance pay in cases of dismissal on disciplinary reasons. Other payments may be established by collective bargaining and labor contracts.

Sources: §178, 180-181.1, 318, 327.7 of the Labour Code

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05/13 Family Responsibilities

Regulations on employment conditions for Parents:

Labour Code 2001 (version 16.02.2018)

Federal law 'About state benefits for citizens with children' 19.05.1995 № 81-ФЗ (version 07.03.2018)

Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-ФЗ (version 08.07.2018)

The laws of the regions of the Russian Federation about child care benefits

Resolutions of the Government of the Russian Federation 'On approval of the procedure for appointment and payment of monthly compensation to certain categories of citizens' 03.11.1994 № 1206 (version 24.12.2014)

Presidential Decree 'About the size of compensation payments to certain categories of citizens' 30.05.1994 № 1110 (version 01.07.2014)

Paternity Leave

Russian legislation does not provide for special paternity leave. Nevertheless, the Labour Code establishes certain guarantees to fathers on the birth of a child: leave for childcare may be used in whole or in part also by the child's father. In addition, the employer is obliged on the basis of a written application to provide an employee with leave without pay in case of birth of a child - up to five days.

Sources: §128 and 256 of the Labour Code

Parental Leave

The parental leave is available for parents including adoptive parents (as well as carers) until a child reaches the age of three years. The parental leave is provided at the request of the employee. During this leave, parents are eligible for allowances and compensation. The parental leave is a family entitlement, thus either parent may take all the leave or they may divide the leave in parts.

The first child allowance is paid (by the Social Insurance Fund) until the child attains the age of one and a half years (18 months). It is 40% of the average earnings of the insured person. In the case of caring for two or more children until they attain the age of one and a half years (18 months), the monthly insurance allowances are summarized. This summarized amount of the allowances must not exceed 100% of the average earnings. Minimum rates are established by the federal law 'About state benefits for citizens with children' (in mind adjustment for inflation).

For those, who have not right to get insurance child allowance, there is state child benefit. It is also paid until the child attains the age of one and a half years (18 months). The federal law 'About state benefits for citizens with children' establishes rates of this benefit: for one group it is fixed (since February 2018 - 3142.33 rubles for first child and 6284.65 rubles for next children), for other it is connected with a percentage of previous average earnings (40% of average pay). Since January 2018, the maximum amount of the child allowance for those, who

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takes part in compulsory social insurance is 24,536.57 rubles. From May 2018, the monthly child allowance, that is calculated from the minimum wage, is 4,465.20 rubles.

As for leave in respect of children (aged 18 months to 36 months), no benefit is payable through Social Insurance Fund rather the employer is required to pay a monthly sum of 50 roubles. Also, it is necessary to take into account the regional coefficients for calculating the rate of the child allowance. This allowance is available for parents, other relatives, guardians, actually caring for a child.

Other types of child allowance are established by regional legislation.

Employment of a worker is secure during parental leave and workers have the right to return to their employment after taking parental leave. Employees having a child with disability are entitled to four days of paid leave every month to care for the child. This leave may be taken by one parent or shared between them. Collective agreements may provide for unpaid leave of up to 14 calendar days per year for employees with two or more children under the age of 14 years; employees with a disabled child under the age of 18 years; and single parent(s) raising a child under 14 years. This leave is granted at the request of employee and can be combined with annual leave however it cannot be carried over to next year.

Sources: §256 of the Labour Code; §13-15 of the Federal law 'About state benefits for citizens with children' 19.05.1995 № 81-ФЗ; §11 of the Resolutions of the Government of the Russian Federation 'On approval of the procedure for appointment and payment of monthly compensation to certain categories of citizens' 03.11.1994 № 1206, § 11.1-11.2 of the Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-ФЗ

Flexible Work Option for Parents / Work-Life Balance

The employer is obliged to establish a part-time job at the request of following workers:

- A. Parents (guardian, trustee) with a child under the age of fourteen (under the age of 18 if child has a disability)
- B. Pregnant women;
- C. Employee taking care of sick family members (in cases where sickness is medically certified)
- D. Employer is also required to establish a part-time work schedule at the request of a child's father, grandparents, other relative or guardian of the child who is actually caring for the child while on parental leave to take care for the child. Wages of part-time workers are paid in proportion to their working hours (on pro rata basis) however these workers have the right to fully paid annual leave and all other rights as applicable to full time workers.

Part-time job should be convenient for the employee, but must not be more than period of the circumstances that were the basis for establishing such a regime. The duration of daily work, the time of the beginning and the end of work, the time of breaks are established in accordance with the employee's consent (taking into account working conditions).

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Women with children under three years old, the mothers and fathers (guardians), bringing up without a husband (wife) children under the age of five, can be involved in night work only with their written consent (if is not prohibited for them by the medical opinion).

Overtime work is allowed for women with children under three years in the presence of worker's written consent and medical report. At the same time, employer is required to inform these workers about their right to refuse night work as well as overtime work. Similarly, part into business trips, working at weekends and public holidays for woman with three years old children is allowed only with worker's written consent (if is not prohibited them by the medical opinion). Guarantees connected with business trips, working at weekends and public holidays, overtime and night work are also available for mothers and fathers bringing up without a husband (wife), children under the age of five, workers with disabled children.

One of the parents (guardians) for the care of disabled children by his written statement is provided four extra paid days off per month. Moreover, one of the parents (guardians, adopting parents) bringing up disabled child under the age of eighteen years, may get paid annual leave by his request at any time convenient for him. Employee with two or more children under the age of fourteen years or with a disabled child under the age of eighteen years old, a single mother with a child under the age of fourteen, father bringing up child under fourteen years of age without a mother may be provided by a collective agreement additional annual unpaid leave at convenient time for them for up to 14 calendar days.

Paid leave until six months of continuous work must be granted to employee, who adopted a child (children) under the age of three months, by request.

Sources: §93, 96, 99, 122, 258, 259, 262-264 of the Labour Code

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06/13 Maternity at Work

Regulations on maternity and work:

Labour Code 2001 (version 16.02.2018)

Federal law 'About principles of the health of citizens in the Russian Federation' 21.11.2011 № 323-Ф3 (version 07.03.2018)

Law of the Russian Federation 'About social protection of citizens exposed to radiation as a result of the Chernobyl disaster' 15.05.1991 № 1244-1 (version 15.06.2018)

Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-Ф3 (version 08.07.2018)

Federal law 'About state benefits for citizens with children' 19.05.1995 № 81-Ф3 (version 07.03.2018)

Resolution of the Government of the Russian Federation 'About the program of state guarantees of free medical care to citizens for 2018 and for the planning period 2019 and 2020' 08.12.2017 № 1492

Resolutions of the Government of the Russian Federation 'About approval of the list of heavy works and with harmful or dangerous working conditions where the employment of women is prohibited' 25.02.2000 № 162

Free Medical Care

Every woman during pregnancy and childbirth is provided medical aid under the program for the provision of state guarantees of free medical care to citizens. The right to medical care is applicable to all citizens, irrespective of their employment status. The program of state guarantees medical care for 2018 - 2020 is set by Resolutions of the Government of the Russian Federation. According to this program, primary health care (pre-medical primary, primary medical and specialized primary), specialized (high-tech) medical care, ambulance (specialized ambulance) medical aid; palliative medical care are provided free of charge.

Sources: §34-35 and 52 of the Federal law 'About principles of the health of citizens in the Russian Federation' 21.11.2011 № 323-Ф3; Resolution of the Government of the Russian Federation 'About the program of state guarantees of free medical care to citizens for 2018 and for the planning period 2019 and 2020' 08.12.2017 № 1492

No Harmful Work

Law prohibits the employment of pregnant and nursing women in work injurious to their health. That is why, business trips, working at weekends and public holidays, overtime and night work, shift work are prohibited for pregnant workers. Recalls and replacements of annual paid leave with compensation are also forbidden for pregnant women.

It is prohibited to employ women for jobs with harmful and (or) dangerous working conditions and underground work, with the exception of non-physical work or work on sanitary and domestic services. It is forbidden to hire women for work involving the lifting and moving manually loads exceeding the maximum limits specified by Resolutions of the Government of the Russian Federation.

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Working hours for pregnant women must be reduced according to a medical report and workers' application. Also, pregnant women may be transferred to another job without the unfavorable factors with saving previous average earnings. Before getting new safe workplace, pregnant woman must be released from work with saving of last average earnings.

Sources: § 96, 99, 125-126, 253-254, 259, 298 of the Labour Code; Resolutions of the Government of the Russian Federation 'About approval of the list of heavy works and with harmful or dangerous working conditions where the employment of women is prohibited'

Maternity Leave

The maternity leave is granted by application of worker and medical certificate (70 calendar days antenatal and 70 calendar days postnatal). Nevertheless, there are some exceptions: the antenatal leave increases to 84 calendar days in the event of multiple births while the post-natal leave increases to 110 calendar days on the birth of two or more children. The post-natal leave is increased to 86 calendar days if there are complications in birth. According to the Law of the Russian Federation 'About social protection of citizens exposed to radiation as a result of the Chernobyl disaster', the antenatal maternity leave is 90 calendar days.

Maternity leave (post-natal part only) is also provided to women adopting a child (70 days after birth of a child and 110 days after birth of children in the case of adoption of two or more children).

Sources: §255 and 257 of the Labour Code; §18 of the Law of the Russian Federation 'About social protection of citizens exposed to radiation as a result of the Chernobyl disaster'

Income

The maternity allowance is paid during maternity leave. During maternity leave, workers receive a state benefit from Social Insurance Fund which is set at 100% of the employee's previous average pay (up to a ceiling). Employer pays the benefit to the worker and later reclaims the amount from the Social Insurance Fund.

Sources: §2.1-2.2, 10-11 of the Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-ФЗ

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Protection from Dismissals

The termination of the employment contract with pregnant woman by employer's initiative is not allowed, except in the case of liquidation of the organization (or where an individual employer's activities are terminated). In the case of the expiry of the fixed term employment contract during the maternity leave, the contract is extended until the end of such leave by worker's application. At the same time, a woman worker is obligated to provide employer a medical certificate confirming pregnancy status (on-request, but no more often than once in three months). It is allowed to dismiss pregnant women due to the expiration of the employment contract, unless the employment contract was concluded for the performance of the duties of the absent employee and the transferring her to the end of pregnancy to another job is impossible.

Sources: §261 of the Labour Code

Right to Return to Same Position

Worker has a right to return to the same position after availing maternity leave.

Women with children under the age of 18 months, in case of difficulty to carry out their previous work are transferred at their request to another job with wages not lower than average earnings on previous work until the child is one and a half years.

Sources: §254 and 256 of the Labour Code

Breastfeeding

Employed women with children under the age of 18 months are provided with additional nursing breaks of at least 30 minutes for each child (60 minutes for two or more children) after every three hours of work. These nursing breaks are paid breaks and count as working time. A woman worker may choose to join nursing breaks with rest or meal breaks or may decide to combine nursing breaks in one period at the beginning or end of the working day.

Sources: §258 of the Labour Code

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07/13 Health and Safety at Work

Regulations on health and work:

Labour Code 2001 (version 16.02.2018)

Federal law 'About the special assessment of working conditions' 28.12.2013 № 426-ФЗ (version 01.05.2016)

Order of the Public Health Ministry 'About approval of the Inter-industry regulations providing employees with special clothing, special footwear and other personal protective equipment' 01.06.2009 № 290H (version 12.01.2015)

Resolution of the Ministry of Labor, the Ministry of Education 'About approval of the instruction on labor protection and examination of knowledge of labor protection requirements of workers' 13.01.2003 № 1/29 (version 30.11.2016)

Regulations of the Federal Service for Labour and Employment, approved by the Resolutions of the Government of the Russian Federation 30.06.2004 № 324 (version 21.02.2018)

Employer Cares

Every individual has the constitutional right to work in safe and hygienic working conditions. The statutory provisions on health and safety are found in Labour Code. The employer is obligated to ensure protection to workers' health and safety. Labour Code has special provisions regarding health and safety of women workers and workers under the age of 18 years by limiting the types of work they can be engaged. Similarly, for other workers (engaged in hazardous work), the working time is reduced. In accordance with the Labour Code, employers' main duties include:

- establishment and functioning of OSH management system;
- acquisition and issuance of special clothing, footwear and other personal protective equipment, washing and neutralizing agents, etc (at employer's expense);
- training in safe methods and techniques of work and first aid, briefing on labor protection and checking of knowledge of labor protection requirements;
- exclusion from work of persons, who are not trained in occupational safety and health;
- special assessment of working conditions;
- carrying their own funds for obligatory medical inspections;
- inform workers about OSH;
- investigation and registration of accidents and occupational diseases at work;
- compulsory social insurance of workers against of accidents at work and occupational diseases;
- other cases by the Labour Code.

Sources: §37 of the Constitution; §212 of the Labour Code

Free Protection

In working at harmful or dangerous working conditions, as well as work carried out in special temperature conditions or pollution-related conditions, employees are given free special clothes, special footwear and other

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personal protective equipment, and wash-off and the neutralizing agent. Storage, washing, drying, repair and replacement of special clothing is provided free of charge to workers.

Sources: §221 of the Labour Code; Order of the Public Health Ministry 'About approval of the Inter-industry regulations providing employees with special clothing, special footwear and other personal protective equipment' 01.06.2009 № 290H

Training

The employer must conduct briefings/trainings on occupational safety and organize training in safe methods and techniques of work and provisions of first aid to victims of accidents (for all newly hired workers and workers who were transferred from one job to another). Employers are further required to instruct employees about health and safety requirements and fire safety rules and familiarise them with such requirements and test their knowledge of these issues. Employers have the right to prohibit employees from working who have not undergone training and their knowledge to work is yet to be verified. The employer is required to provide instruction and training to persons, hired to work in harmful or hazardous working conditions, about safe working methods and techniques. Such persons must be trained about labour protections and their knowledge of labour protection must be checked regularly. The Ministry of labour has developed a draft procedure for training, which establishes that certificate of training is valid for five years.

Sources: §225 of the Labour Code; Resolution of the Ministry of Labor, the Ministry of Education 'About approval of the instruction on labor protection and examination of knowledge of labor protection requirements of workers' 13.01.2003 № 1/29

Labour Inspection System

Federal Labour Inspectorate is a centralized system consisting of a federal agency and its territorial bodies (State Labour Inspectorate). It comes under the Ministry of Labor. The main task of the Federal Labour Inspectorate is state supervision over the observance of labor legislation. State labor inspectors must comply with legislation, rights and legitimate interests of employers, keep a secret about information protected by law (state, official, commercial or other) and source of complaint during the monitoring. State labor inspectors are also authorised to:

- give an obligatory order to the employer for elimination of violations of the labour law;
- consider cases on administrative offenses;
- investigate industrial accident;
- check the observance of labor legislation at the organization.

Russian labour law establishes the principle of central and independent labour inspection system in line with the requirements of Labour Inspection Convention, 1947 (No. 81).

Sources: §354, 357-359 of the Labour Code; Regulations of the Federal Service for Labour and Employment

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08/13

Sick Leave

Regulations on Work and Sickness:

Labour Code 2001 (version 16.02.2018)

Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-Ф3 (version 08.07.2018)

Federal law 'About principles of the health of citizens in the Russian Federation' 21.11.2011 № 323-Ф3 (version 07.03.2018)

Federal law 'About compulsory social insurance against industrial accidents and professional diseases' 24.07.1998 № 125-Ф3 (version 07.03.2018)

Federal law 'About state pensions in the Russian Federation' 15.12.2001 166-Ф3 (version 07.03.2018)

Federal law 'About social protection of disabled persons in the Russian Federation' 24.11.1995 № 181-Ф3 (version 18.03.2018)

Federal law 'About insurance pensions' 28.12.2013 № 400-Ф3 (version 29.12.2015)

Resolution of the Government of the Russian Federation 'About the program of state guarantees of free medical care to citizens for 2018 and for the planning period 2019 and 2020' 08.12.2017 № 1492

Income/Paid Sick Leave

Dismissal of the employee by the employer's initiative (except liquidation of the organization) during the period of temporary disability is not allowed. The rates of temporary disability allowance (income replacement during sick leave) depend on the length of insurance:

- 100% of the average earnings for more than 8 years of coverage;
- 80% of the average earnings for 5-8 years of coverage;
- 60% of the average earnings for up to five years of coverage.

Temporary disability allowance is also paid at the amount of 60% of average earnings in the event of illness or injury, occurring within 30 days after dismissal. Also temporary disability allowance is paid in cases of care for a sick family member or child.

Temporary disability allowance is paid to the insured person for the whole period of temporary disability until the day of rehabilitation (or the establishment of permanent disability).

Sources: §81 and 183 of the Labour Code; §6-7 of the Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-Ф3

Free Medical Care

Everyone is entitled to free medical care in the guaranteed amount by the program of state guarantees of free medical care to citizens for appropriate year. According to this program, primary health care (pre-medical primary, primary medical and specialized primary), specialized (high-tech) medical care, ambulance (specialized ambulance) medical aid; palliative medical care is provided free of charge.

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Medical assistance is provided in the following forms:

- urgent;
- emergency;
- planned.

Temporary disability allowance is paid to the insured person for the whole period of temporary disability until the day of rehabilitation (or the establishment of permanent disability). In the case of follow-up care of the insured person in the sanatorium organizations, temporary disability allowance is paid for the period of stay in the sanatorium organizations, but no more than 24 calendar days (except for tuberculosis). Disabled person is paid temporary disability allowance for no more than four consecutive months or five months in a calendar year. When the disease is tuberculosis, the temporary disability is paid to the vocational rehabilitation or changing of the group of disability. In the case of occurrence of temporary disability during a fixed-term contract of up to six months, temporary disability allowance is paid for not more than 75 calendar days.

Sources: §19 and 52 of the Federal law 'About principles of the health of citizens in the Russian Federation' 21.11.2011 № 323-ФЗ; Resolution of the Government of the Russian Federation 'About the program of state guarantees of free medical care to citizens for 2018 and for the planning period 2019 and 2020' 08.12.2017 № 1492; §6 of the Federal law 'About compulsory social insurance against temporary disability and maternity' 29.12.2006 № 255-ФЗ

Job Security

Dismissal by the employer's initiative (except the liquidation of the organisation) during the period of the temporary disability is forbidden.

Sources: §81 of the Labour Code

Disability/Work Injury Benefit

Disabled people have the right to the disability pension. The amount of disability pension is determined by the formula with the individual pension rates. There are provision of insurance:

- temporary disability allowance;
- lump insurance payment;
- monthly insurance payments;
- additional costs associated with medical, social and professional rehabilitation.

Temporary disability allowance due to an accident at work or occupational disease is paid in amount of 100% of the average earnings. The lump insurance payment amount is determined in accordance with the degree of occupational disability based on the maximum amount set by the federal law of the Russian Federation, the Social Insurance Fund budget for the next fiscal year. The monthly insurance payment is determined as a percentage of the average monthly earnings, calculated in accordance with the degree of loss of employability. In the case of death of the insured person, the lump sum insurance payment is 1 million rubles and the monthly insurance payment is calculated on the basis of his average monthly earnings.

Sources: §184 of the Labour Code; §9 and 15 of the Federal law 'About insurance pensions' 28.12.2013 № 400-ФЗ; § 8-9, 11-12 of the Federal law 'About compulsory social insurance against industrial accidents and professional diseases' 24.07.1998 № 125-ФЗ

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09/13 Social Security

Regulations on social security:

Federal law 'About state pensions in the Russian Federation' 15.12.2001 № 166-ФЗ (version 07.03.2018)

Federal law 'About social protection of disabled persons in the Russian Federation' 24.11.1995 № 181-ФЗ (version 18.03.2018)

Federal law 'About insurance pensions' 28.12.2013 № 400-ФЗ (version 08.07.2018)

Federal law 'About compulsory pension insurance in the Russian Federation' 15.12.2001 № 167-ФЗ (version 08.07.2018)

Law of the Russian Federation 'About employment of the population' 19.04.1991 № 1032-1 (version 03.07.2018)

Federal law 'About Funded Pensions' 28.12.2013 № 424-ФЗ (version 07.03.2018)

Federal law 'About labor pensions in the Russian Federation' 17.12.2001 № 173-ФЗ (version 19.11.2015)

Federal law 'About guarantees of pensions for certain categories of citizens' 04.06.2011 №126-ФЗ (version 02.07.2013)

Federal law 'About amending several legislative acts of the Russian Federation in terms of increase of the retirement age of certain categories of citizens' 23.05.2016 № 143-ФЗ (version 01.01.2017)

Federal law 'About the suspension of certain provisions of the legislation of the Russian Federation, amendments to some legislative acts of the Russian Federation and especially the increase of pension, fixed payments to pension insurance and social pension' 29.12.2015 № 385-ФЗ (version 22.11.2016)

Resolution of the Government of the Russian Federation 'About the size of the minimum and maximum values of unemployment benefits for 2018' 24.11.2017 № 1423

Resolution of the Government of the Russian Federation 'About the list of works, industries, professions, positions, specialties and institutions (organizations), taking into account that the insurance old age pension is assigned in advance, and the rules of calculation of periods of work (activity), which gives the right to early pension' 16.07.2014 № 665.

Federal law 'About a lump sum payment for pensioners' 22.11.2016 № 385-ФЗ

Federal law 'About the suspension of certain provisions of the Federal Law "About insurance pensions", the introduction of amendments to certain legislative acts of the Russian Federation and the features of increasing the insurance pension and a fixed payment to an insurance pension' 28.12.2017 № 420-ФЗ

Pension Rights

In 2015 system of insurance old age pension took place of labour retirement pension system. In fact, nowadays the actual rate of pension for periods before 01.01.2002 is determined by one rule, for time from 01.01.2002 to 31.12.2014 by a different mechanism, and starting from 01.01.2015 - according to a new order. Also, in 2015 legislation established new type of old age pension: funded pension, based on the individual account balance.

Currently, the retirement pension is calculated through a complex formula and consists of 3 parts: fixed payment (flat rate element), the notional account, and a benefit based on the individual account balance. Each of those parts has its own way of counting.

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The old age insurance pension is provided under the law is payable to workers on reaching the age of 60 years (55 years for women workers). Pensions are calculated using complex formula involving following factors: length of service, salary amount and retirement age. In the whole, it depends on individual retirement coefficient. In 2016, insurance old age pension is assigned with at least 7 years of insurance length and the value of individual pension coefficient not less than 9. For the next years these numbers will increase. By 2025 the retirement pension will be granted if the value of individual retirement coefficient is not of not less than 30. In the period from 2015 to 2020 the maximum value of individual retirement coefficient for the relevant calendar year is established by the Federal law 'About insurance pensions'. By 2024 the length of insurance for right to get retirement pension will be 15 years. Since 01.01.2017 retirement age of civil servants will be progressively increased counting in month. By 2032 it will be as a general rule for men 65, for women - 63.

In 2018, the Government offered to raise the retirement age for men up to 65, for women up to 63 years. Since 2019, the retirement age will rise step by step by one year in two years. Thus, the transition period will end in 2034, when the retirement age for women will reach a new level.

Since 01.01.2018 fixed payment is paid in amount of 4982.9 rubles.

In 2013 during the preparation of the state budget it was announced that in 2014 the transfer of money to the funded part of pension will be frozen, and all the money will go to the insurance part of pension. Freezing of pension savings was again extended in 2015.

In 2017, the indexation of the insurance pension and a fixed payment was suspended until 01.01.2019. In 2018, pensions were indexed only on 1 January. At the same time, the cost of one pension coefficient was increased by a coefficient (1,037), that means 81.49 rubles.

In 2017 there was the lump sum payment (5,000 rubles) for pensioners instead of indexation of pensions.

The law also provides for early pension for persons who have worked in the far-north region or in hazardous or dangerous work, for mothers who have five or more children or children with disabilities, and for some specified professional categories. There is also provisions for state social pension (fixed sum) which is available to men at the age of 65 years and women at the age of 60 years.

Sources: §8, 15-16, 30-32, 35 and appendix 3 - 5 of the Federal law 'About insurance pensions' 28.12.2013 № 400-Ф3; §11 of the Federal law 'About state pensions in the Russian Federation' 15.12.2001 № 166-Ф3, §5 of the Federal law 'About amending several legislative acts of the Russian Federation in terms of increase of the retirement age of certain categories of citizens' 23.05.2016 № 143-Ф3, §3 of the Federal law 'About funded pension' 28.12.2013 № 424-Ф3, Federal law 'About a lump sum payment for pensioners' 22.11.2016 № 385-Ф3, Federal law 'About the suspension of certain provisions of the legislation of the Russian Federation, amendments to some legislative acts of the Russian Federation and especially the increase of pension, fixed payments to pension insurance and social pension' 29.12.2015 № 385-Ф3, Federal law 'About the suspension of certain provisions of the Federal Law "About insurance pensions", the introduction of amendments to certain legislative acts of the Russian Federation and the features of increasing the insurance pension and a fixed payment to an insurance pension' 28.12.2017 № 420-Ф3

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Dependents' / Survivors' Benefit

Simultaneously disabled and dependent family members of the deceased breadwinner have a right to get insurance survivors' benefit. Children under the age of 18 of the deceased breadwinners are recognized as disabled members of the family. The members of the deceased breadwinner of the family are recognized his dependents, if they were on its full maintenance, or recipients of its assistance, which was for them a permanent and main source of livelihood. The list of dependents is established by Federal law 'About insurance pensions'. Disabled parents and spouses of the deceased breadwinner (who were not his dependents) will be entitled to the survivors' benefit, if regardless of the time elapsed since his death they lost the source of livelihood. The survivor's benefit for spouse is saved in case of remarriage.

The survivors' benefit is calculated through a complex formula, included individual pension coefficient of the breadwinner. The survivors' benefit is set regardless of the length of insurance of the breadwinner as well as the cause and time of his death. That is, there are no restrictions on the number of children, as well as the size of the old-age pension of the breadwinner.

Also, there is a social survivors' benefit for certain categories of workers, which have no right to the insurance survivors' benefit. The rates of the social survivors' benefit are established by the Federal law 'About state pensions in the Russian Federation'.

Sources: §10 and 15 of the Federal law 'About insurance pensions' 28.12.2013 № 400-ФЗ; §11 of the Federal law 'About state pensions in the Russian Federation' 15.12.2001 № 166-ФЗ

Unemployment Benefits

Unemployment benefit is paid to citizens recognized as unemployed. In order to qualify for unemployment benefits, a person must be registered at an employment office, have 26 weeks of full time employment in the last 12 months (or 26-week equivalent for part-time workers) and must be able and willing to work.

The following groups of citizens cannot be recognized as unemployed:

- under 16 years old;
- retirees;
- those who refused two variants of proper work within 10 days from the date of their registration with the employment services;
- no appear without a valid reason within 10 days from the date of registration in order to find suitable work in employment services;
- convicted to obligatory work or imprisonment;
- submitted false documents to the recognition of being unemployed;
- full-time students;
- others as specified by law.

The unemployment benefit are paid to citizens dismissed from service for any reason. It is set as a percentage of average earnings, calculated over the past three months at the last place of work, if they had a paid full-time job for at least 26 weeks during 12 months before unemployment. The unemployment benefit in all other cases is established at the minimum rate of unemployment benefits by Resolutions of the Government of the Russian

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Federation for appropriate year with taking into account regional coefficients. Also, it set the maximum of the unemployment benefit.

The rates of the unemployment benefit depend on month of the payment, percentage of former salary and maximum/minimum values. Unemployed citizens, who was not employed after the first of the unemployment benefit period, are entitled to repeated unemployment benefit.

During the first 12 months of unemployment, the following payment method is followed for those, who had a paid full-time job for at least 26 weeks during 12 months before unemployment:

- The unemployment benefits during the first three months is 75% of the average earnings;
- The unemployment benefit during the next four months is 60% of the average earnings;
- The unemployment benefit during the remaining period (5 months) is 45% of the average earnings while taking into account the maximum/minimum values of the benefit.

At the second 12-month period of payment: in borders of minimum values of the benefit (taking into account regional coefficients). Those rates are established annually by the Government of the Russian Federation. In 2016 maximum sum of the unemployment benefit is 4900 roubles, minimum sum is 850 roubles.

For other categories of unemployed persons, the unemployment benefit is paid during two 6-months periods at the rate of minimum value (taking into account regional coefficients).

Sources: § 2-3, 30-34 of the Law of the Russian Federation 'About employment of the population' 19.04.1991 № 1032-1; Resolution of the Government of the Russian Federation 'About the size of the minimum and maximum values of unemployment benefits for 2016' 12.11.2015 № 1223

Invalidity Benefit

The invalidity benefit is paid to citizens recognized as disabled of I, II or III disability group. The recognition of a disabled citizen and establishment of disability is produced by federal agencies on medical and social expertise. The invalidity benefit is set regardless of the cause of disability, insurance length, employment or other activities.

Also, there is a social invalidity benefit for certain categories of workers that have no right to the insurance invalidity benefit. The rates of the social invalidity benefit are established by the Federal law 'About state pensions in the Russian Federation'.

The invalidity benefit is calculated through a complex formula, included individual pension coefficient of disabled person. Other measures of social protection of disabled people are established by the Federal law 'About social protection of disabled persons in the Russian Federation': rehabilitation, medical care, social amenities, etc.

Sources: §9 and 15 of the Federal law 'About insurance pensions' 28.12.2013 № 400-ФЗ; Federal law 'About social protection of disabled persons in the Russian Federation' 24.11.1995 № 181-ФЗ; §11 of the Federal law 'About state pensions in the Russian Federation' 15.12.2001 № 166-ФЗ

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10/13 Fair Treatment

Regulations on fair treatment at work:

Constitution of the Russian Federation 1993

Labour Code 2001 (version 16.02.2018)

Federal law 'About social protection of disabled persons in the Russian Federation' 24.11.1995 № 181-ФЗ (version 18.03.2018)

Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-ФЗ (version 01.01.2017)

Criminal Code 1996 (version 03.07.2018)

Code of Administrative Offences 2001 (version 03.07.2018)

Resolutions of the Government of the Russian Federation 'About approval of the list of heavy works and with harmful or dangerous working conditions where the employment of women is prohibited' 25.02.2000 № 162

Equal Pay

According to the Constitution, everyone has the right to receive the remuneration for work without any discrimination. The Labour Code also prohibits discrimination and requires employer to follow the principle of equality of rights and opportunities. Employers are accountable for violation of that rule and are criminally and administratively liable on such violation. Equal pay for work of equal value is guaranteed under article 132 of the Labour Code which requires that every employee's wages depend on his or her qualifications, complexity of work executed, the amount and quality of the labour input. Any discrimination when establishing and changing the amount of wages and other terms of remuneration of employment is prohibited.

Sources: §37 of the Constitution; §2-3, 132, 419 of the Labour Code

Sexual Harassment

According to the Constitution, everyone has the right to liberty and security. Individual dignity is protected by the state. Nothing can be a reason for its derogation. The Labour Code establishes prohibition of discrimination, including on grounds of gender.

Russian legislation does not contain a definition of sexual harassment. Though the Criminal Code's section on 'crimes against sexual freedom and inviolability' contains articles on rape and on violent and illicit sexual relations, however there is no reference to sexual harassment. The only article in Criminal Code which can be used in cases of sexual harassment in the workplace is the 'compulsion to perform sexual actions'. In accordance with the Criminal Code, the compulsion of a person to enter into illicit relation or commissions of sexual actions by blackmail, threat of destruction, damage, or taking of property, or with the use of material or any other dependence of the victim, is punishable by a fine in the amount of up to one hundred and twenty thousand (120,000) roubles or in the amount of a wage/salary or other income of the convicted person for a period of up to one year, or by obligatory labour for a term of up to four hundred and eighty (480) hours, or by corrective labour for a term of up to two years, or by compulsory labour for a term of up to one year, or by deprivation of liberty (imprisonment) for the same term.

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Russian legislation establishes criminal liability for offenses against sexual inviolability by the Criminal Code, however, does not focus on sexual harassment in the workplace. Also, there are no employer's liability for failure to prevent sexual harassment in the workplace. However, the Government discusses the possibility of prohibiting sexual harassment at work at the draft law about protection of women's labour rights.

Sources: §21-22 of the Constitution; §3 of the Labour Code; §133 of the Criminal Code

Non-Discrimination

According to the Constitution, everyone has the right to receive the remuneration for work without any discrimination. The Labour Code has the prohibition of the discrimination. This rule is specified for members of trade unions and disabled people by special laws.

Discrimination is the restriction of labor rights and freedoms or receiving any advantages based on gender, race, skin color, nationality, language, origin, property, family, social and professional status, age, place of residence, language, attitude to religion, beliefs, membership of associations or any social groups, as well as other circumstances not related to professional qualities. There will be no discrimination if exclusions are determined by characteristic of this type of work, special group of people for care about them or measures of state security.

Persons who consider that they have been discriminated at the workplace, may apply to the court for redress, compensation for material and moral damages.

Discrimination can lead to administrative fine at the amount of RUB 1000.00 – 3000.00 (for citizens) and RUB 50000.00 – 100000.00 (for legal entities). According to article 136 of the Criminal Code, this deed committed by a person through his official position shall be punishable with a fine in the amount of from 100 thousand to 300 thousand roubles, or in the amount of the wage or salary or any other income of the convicted person for a period of from one to two years, or by deprivation of the right to hold specified offices or to engage in specified activities for a term of up to five years, or by compulsory works for a term of 480 hours, or by corrective labour of up to two years, or by compulsory labor of up to five years or by deprivation of liberty (imprisonment) for a term of up to five years.

Sources: §37 of the Constitution; §3 of the Labour Code; §9 of the Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-Ф3; §3.1 of the Federal law 'About social protection of disabled persons in the Russian Federation' 24.11.1995 № 181-Ф3, §136 of the Criminal Code, §5.62 of the Code of Administrative Offences

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Equal Choice of Profession

According to the Constitution, men and women have equal rights and freedoms and equal opportunities for realization of these rights. Article 37 of the Constitution further indicates that 'Labour shall be free. Everyone shall have the right freely to use his (her) labour skills and to choose the type of activity and occupation'.

But there are some exceptions because of health protection of women. It is prohibited to employ women for jobs with harmful and (or) dangerous working conditions and underground work, with the exception of non-physical work or work on sanitary and domestic services. It is forbidden to hire women for work involving the lifting and moving manually the loads exceeding the maximum limits set by Resolutions of the Government of the Russian Federation 'About approval of the list of heavy works and with harmful or dangerous working conditions where the employment of women is prohibited'.

In 2018, the Ministry of labour proposes a new list of harmful factors and certain types of work with dangerous working conditions. A draft law about protection of women's labor rights is also discussed by the Government.

Sources: §19 of the Constitution; §3 and 253 of the Labour Code; Resolutions of the Government of the Russian Federation 'About approval of the list of heavy works and with harmful or dangerous working conditions where the employment of women is prohibited' 25.02.2000 № 162

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11/13 Minors and Youth

Regulations on children at work:

Labour Code 2001 (version 16.02.2018)

Resolutions of the Government of the Russian Federation 'About approval of the list of heavy jobs and jobs with harmful or dangerous working conditions under which prohibits the employment of persons under eighteen years of age' 25.02.2000 № 163 (version 20.06.2011)

Resolution of the Ministry of Labour and Social development of the Russian Federation 'About approval of limits of loads for persons under eighteen years of age for lifting and moving heavy objects by hand' 07.04.1999 № 7

Order of the Ministry of Education 'About approval of the federal state educational standard of general education' 17.05.2012 № 413

Minimum Age for Employment

As a rule, the minimum age to enter into employment is 16 years. The school leaving age is 17 years in Russia, because the duration of the general education is 11 years.

Nevertheless, there are some exceptions. Persons, who have received a general education a general education and have reached the age of fifteen years, may enter into an employment contract for light work, which is not harmful to their health. Persons, who have reached the age of fifteen years and left or were sent down from school but try to receive general education in a different form of training, may enter into an employment contract for light work, which is not harmful to their health and education.

With the written agreement of a parent (guardian) and the Guardianship authority, employment contract may be concluded with a person receiving a general education and have reached the age of fourteen years light work during his free time, but this work must be not harmful to his health education. Such contract may be concluded for doing creative work (cinema, theatres, etc.).

Sources: §20 and 63 of the Labour Code; Order of the Ministry of Education 'About approval of the federal state educational standard of general education' 17.05.2012 № 413

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Minimum Age for Hazardous Work

Law prohibits the employment of minors to work injurious for health. That is why, business trips, working at weekends and public holidays, overtime and night, underground work are prohibited for persons under age of 18. The work which may be detrimental to the moral development of minors is also prohibited (gambling, work in nightclubs and cabarets, production, transportation and sale of alcohol, tobacco, drugs and other toxic substances, erotic content). Moreover, it is not allowed for workers under the age of eighteen years to carry or move weights over the limits laid down by the Ministry of Labour and Social Development of the Russian Federation. The list of heavy jobs and jobs with harmful or dangerous working conditions (where employment of persons under eighteen years of age is prohibited) is confirmed by Resolutions of the Government of the Russian Federation.

Sources: §96, 99, 265, 268 of the Labour Code; Resolutions of the Government of the Russian Federation 25.02.2000 № 163; Resolution of the Ministry of Labour and Social development of the Russian Federation 07.04.1999 № 7

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12/13 Forced Labour

Regulations on forced labour:

Constitution of the Russian Federation 1993

Labour Code 2001 (version 16.02.2018)

Criminal Code 1996 (version 03.07.2018)

Prohibition on Forced and Compulsory Labour

Forced labor is prohibited, according to the Constitution, Labour Code and Criminal Code.

The forced labor is work under the threat of any penalty (violent impact), including:

- for maintaining labor discipline;
- as retribution for workers participation in a strike;
- as a measure of mobilizing and using labor for purposes of economic development;
- as a punishment for holding or expressing political views or ideological convictions;
- as a measure of discrimination according to racial, social, national or religious affiliation;
- working under the threat of any penalty in the situation of threat to the life and health of the worker as a result of violations of labor protection requirements;
- working under the threat of any penalty in the situation of violation of the terms or sum of payment of wages.

According to the Labour Code, the forced labor does not include:

- military service;
- work executed under conditions of state of emergency, military situation, force majeure;
- work executed under court's judgement.

In accordance with the Criminal Code, using of the forced labor is punished by obligatory work or imprisonment up to 5 years. The same offense will be penalized by obligatory work up to 5 years or imprisonment from 3 to 10 years with disqualification up to 15 years, if it is committed to several people, minor or with using official status, blackmail, threat or violence, destruction or concealment of passports. If the forced labour causes imprudence death, serious harm to the victim's health, other heavy consequences or if use of compulsory labour is committed by an organized group, the penalty will increase: imprisonment from 8 to 15 years with limit of liberty up to 1 year.

Sources: §37 of the Constitution; §4 of the Labour Code; §127.2 of the Criminal Code

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Freedom to Change Jobs and Right to Quit

According to the Constitution, labour is free. Everyone has the right to freely dispose of their abilities to work, choose the type of activity and profession.

Employees must notify employer about discharge not later than two weeks before it. At the end of the notice period, employee is entitled to stop working. On the last working day, employer must give the employee work record and other documents related to the work (upon written request of the employee) and make him the final payment.

The employment contract may be terminated at any time by agreement of the parties without special notice periods.

Sources: §37 of the Constitution; §80 of the Labour Code

Inhumane Working Conditions

Normal working hours does not exceed 40 hours per week. The duration of overtime does not exceed for each employee to 4 hours for two consecutive days and 120 hours per year. Thus, in a six-day work-week, the maximum working hours inclusive of overtime work are 52 hours (40 hours + 12 hours overtime).

Sources: §91 and 99 of the Labour Code

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13/13 Trade Union

Regulations on trade unions:

Constitution of the Russian Federation 1993

Labour Code 2001 (version 16.02.2018)

Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-Ф3 (version 04.07.2016)

Resolutions of the Government of the Russian Federation 'About approval of the list of minimum necessary work (services) sector (sub-sector) of the economy, provided at the time of the strikes in organizations, branches and representative offices' 17.12.2002 № 901

Departmental acts on lists of minimum necessary work (services) for the period of the strikes

Federal laws containing restrictions of the strikes (for example, Federal law 'About state civil service of the Russian Federation' 27.07.2004 № 79-Ф3)

Freedom to Join and Form a Union

Freedom to join and form unions is established by the Constitution. The freedom of public associations is also guaranteed. Limited exclusions for state civil service, army, internal affairs, fire department, Federal security service, customs, service of drug control, Investigative committee, courts, prosecutors are determined by special laws.

Every person (employee, temporarily unemployed or retired), who reached the age of 14 and who performs labour (professional) activity has the right to establish trade unions of his own choice to protect his interests, to join them, to engage in trade union activities and to leave trade unions.

Russian citizens living outside its territory may be members of Russian trade unions. Foreign citizens and stateless persons residing in the territory of the Russian Federation may be members of Russian trade unions. Trade union organization, just like any other public association, is created on the initiative of at least three individuals - thus the minimum membership requirement is three persons.

Trade unions are accorded many statutory rights, some of which include:

1. Right to represent and protect workers' rights and interests in individual and collective employment relations;
2. Right to engage in collective bargaining and conclude collective agreements;
3. Right to take part in regulation of labour disputes;
4. Right to receive information on all relevant social and labour issues without any obstruction from employers;
5. Monitor the implementation of employment legislation in organizations where their members work;
6. Monitor the implementation of collective agreements.

Sources: §30 of the Constitution; §2 and 4 of the Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-Ф3; federal laws containing restrictions of the strikes (for example, Federal law 'About state civil service of the Russian Federation' 27.07.2004 № 79-Ф3)

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Freedom of Collective Bargaining

Representatives of workers and employers have rights to involve in collective bargaining in preparation, conclusion or modification of collective bargaining agreements and take the initiative for such negotiations. Representatives of parties, who have received an offer in writing of the beginning of collective bargaining, are obliged to enter into negotiations within seven calendar days of receipt of the proposal. Also, they must send to initiator of the collective bargaining response indicating the representatives from their side to participate in the Commission on collective bargaining. The general length of collective agreements is three years however these can be extended by the parties for a further period of three years. Representatives of the parties involved in collective bargaining, are free to choose the issues of regulation of social and labor relations. The Labour Code suggests the approximate list of questions for collective bargaining, for example:

- wages;
- allowances and compensations;
- employment;
- training;
- rehabilitation and recreation of employees and their families;
- working time and rest time;
- refusal to strike, when conditions of the collective agreement are discharged.

Sources: §13 of the Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-ФЗ; §36-37 and 41 of the Labour Code

Right to Strike

Constitution recognizes the right of workers to strike as a means of resolving a collective labor dispute. If conciliation does not lead to the resolution of a collective labor dispute, the workers (representatives) will have the right to start a strike. Decision about strike is adopted by the meeting (conference) of employees at the suggestion of the representative body of employees. Meeting of workers has a quorum if it is attended by more than half of the total number of employees (for conference – at least two thirds of the delegates). At least half of the workers presented at the meeting (conference) should vote for a strike for make a decision. The employer shall be warned in writing not later than five working days about the beginning of the upcoming strike. During consideration of the collective labor dispute by the conciliation commission, employees may hold one-hour warning strike. Also, the minimum essential work (services) must be performed during the strike at the organisations whose activities are linked to the security of people, ensuring their health and vital interests of society. The order of approval of the list of minimum necessary work (services) is established by the Federal Government.

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Strikes are forbidden:

- during state of emergency, military situation, force majeure;
- organizations directly connected with the provision of vital functions (power supply, heating, water, gas, air, rail and water transport, communications, hospitals), if the strike can be dangerous for state and people;
- army, internal affairs, fire department, emergency rescue service, organizations directly serving particularly dangerous types of production and equipment, ambulance;
- other cases specified by legislation.

Legislation does not set the order of replacement for workers taking part in strike. Lockout is forbidden.

Sources: §37 of the Constitution; §14 of the Federal law 'About trade unions, their rights and guarantees' 12.01.1996 № 10-Ф3; §409-413 of the Labour Code

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01/13 Work & Wages**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Russian Federation has ratified the Convention 95 only.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Russian Federation has not ratified the Conventions 01 & 171.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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03/13 Annual Leave & Holidays**ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14(1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Russian Federation has ratified all of the above mentioned Conventions.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security**ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

Russian Federation has not ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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05/13 Family Responsibilities**ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Russian Federation has ratified the Convention 156 only.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work**ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Russian Federation has ratified the Convention 103 only.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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07/13 Health & Safety**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Russian Federation has ratified both Conventions 81 & 155.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Russian Federation has not ratified the Conventions 102, 121 & 130.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security

ILO Conventions on Social Security

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Russian Federation has not ratified the Convention 102, 121, 128, 130 & 168.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment

ILO Conventions on Fair Treatment

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Russian Federation has ratified both Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Russian Federation has ratified both Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Russian Federation has ratified both Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

13/13 Trade Union**ILO Conventions on Trade Union Rights**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Russian Federation has ratified both Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Russian Federation. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

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08 August, 2018.