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## **EUROPEAN SOCIAL CHARTER**

Addendum to the 7<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF THE RUSSIAN FEDERATION**

Article 29

for the period 01/01/2013 - 31/12/2016

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## **Article 29 - The right to information and consultation in collective redundancy procedures**

The employer informs workers' representatives and consults with them in accordance with articles 82, 180 of the LC RF:

if the decision on the redundancy or staff cuts may result in large-scale dismissal of workers the employer must inform the elective body of the primary trade union organization of this in writing no later than three months in advance of the beginning of the appropriate measures;

During a threat of mass discharges, an employer shall, taking into account the opinion of the elected body of the primary trade union organization, take necessary steps stipulated by the Labor Code, other federal laws, a collective contract, and an agreement .

It should be noted that mass discharges are associated with the liquidation of the organization and can also occur due to changes in organizational or technological working conditions, redundancy or staff cuts.

Measures taken:

If, reasons relating to a change in organizational or technological working conditions (changes in production machinery and technologies, structural re-organization of production facilities and other reasons) could cause a mass dismissal of workers the employer is entitled for job preservation purposes to establish a regime with an incomplete working day (shift) and/or incomplete working week for a term of up to six months (art. 74 LC RF) with account being taken of the opinion of the elected body of the primary trade union organization and in the procedure established by Article 372 of the present Code for the purpose of adopting local normative acts;

during the annulment of a labor contract in connection with the liquidation of an organization or a reduction of the numbers or staff of an organization, an worker being discharged shall be paid a severance allowance in the amount of the average monthly earnings; also, he shall retain the average monthly earnings for a period of job placement but not more than two months from the day of discharge. In exceptional cases, the average monthly earnings shall, by a decision of a public employment service agency, be retained by an worker for three months from the day of a discharge, provided that the worker applied to

that agency within a two-week period of the discharge and had not been placed in a job by it (art.178 LC RF);

When performing measures to reduce the numbers of workers or jobs of an organization, an employer shall be obligated to offer an worker other available work (a vacant position), in addition, with the consent in writing of an worker an employer is entitled to rescind the labor contract concluded with the worker before the expiry of the term (two months) having paid thereto an additional compensation in the amount of the worker's average earnings calculated pro rata to the time remaining until the expiry of the dismissal notification term (art. 180 LC RF);

An worker who is dismissed from an organization located in an Far Northern area or in an area qualifying as such, in connection with the winding up of an organization or a reduction of the staff of an organization is entitled to receive a severance payment, and also to retain the average monthly earning for the period of looking for a job but not exceeding three months after the dismissal (with the severance pay setting off this amount). In exceptional cases the average monthly payment shall be retained by the said worker during the fourth, fifth and sixth months after the date of dismissal by a decision of a body of the public employment service on the condition that the worker applied to that body and no job was found for him within one month after his dismissal (art. 318 LC RF).

In addition, when making a decision to liquidate an organization or cease operations by an individual entrepreneur, reduce the numbers of workers or jobs of an organization, an individual entrepreneur and possible termination of employment contracts, the employer-organization no later than two months and the employer-individual entrepreneur not later than two weeks before the relevant measures taken shall notify the body of employment services in writing, indicating the position, occupation and the necessary qualification requirements, terms of payment for each individual worker, and if the decision on the redundancy or staff cuts may result in large-scale dismissal of workers - no later than three months in advance of the beginning of the appropriate measures (pa. 2 Article 25 of the Law No. 1032-1 of 19.04.1991 "On employment in the Russian Federation").