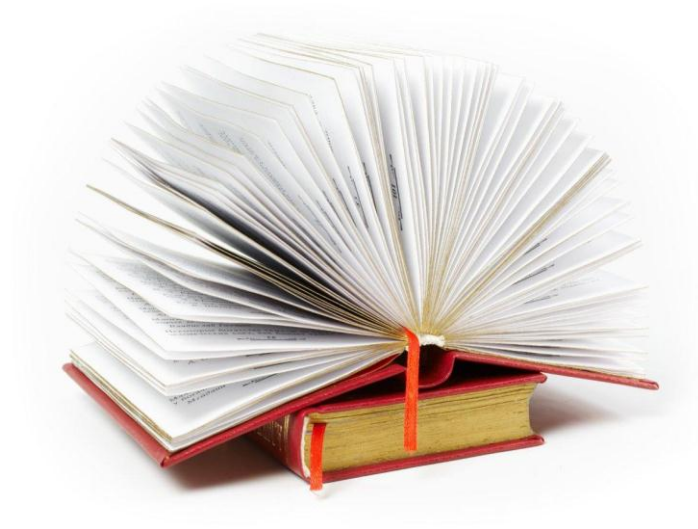


## Webcast

Secondment – draft amendments to the legislation



## **Secondment – draft amendments to the legislation**

Draft Federal Law No. 451173-5 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation” (hereinafter – Draft Law).

On 26 April 2013, the RF State Duma (the lower house of the Federal Assembly of Russia) passed a Bill on second reading on Draft Law.

It is planned that the changes will take effect from 1 July 2014 after its third reading in the State Duma, approval by the upper house of the Assembly (the Federation Counsel), and having been signed by the President.

## Secondment – draft amendments to the legislation

The Draft Law amends the following laws:

- the Federal Law “On Employment in the Russian Federation”;
- the Federal Law “On compulsory social insurance against industrial accidents and occupational diseases”;
- the Labour Code of the Russian Federation;
- the Russian Federation Code of Administrative Violations;
- the Federal Law “On the Legal Status of Foreign citizens in the Russian Federation.”

## Secondment – draft amendments to the legislation

According to the Draft Law secondment will be generally prohibited with the following exceptions:

- the activity of accredited private employment agencies;
- the provision of personnel by employers that send their employees to work at related companies (if one of these entities exercises direct or indirect control over the other).

## Secondment – draft amendments to the legislation

The Draft Law also states that:

- An employee is sent to work for another company under an agreement on the provision of personnel, a supplementary agreement to the employment contract (with details of the receiving company) must be concluded.
- The payment conditions of the secondee should be no worse than those of employees of the receiving company performing the same work functions. It is also prohibited to send personnel to replace workers who are striking due to a delay in salary payment for more than 15 days, and so on.

## Secondment – draft amendments to the legislation

**IMPORTANT:** the Draft Law does not specifically cover work of foreign citizens in Russia

Outstanding questions:

- Issues on implementation of the Draft Law: sick leave certificate, work day duration, work on holidays, etc.;
- Risk of requalification of secondment into employment agreement or dual employment occurrence;
- Risk of requalification of secondment into business trip.

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