

Employment law matters under Martial Law

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Our speaker today



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On 24 February 2022 Russia invaded Ukraine

In order to stabilise and rebuild its economy, which has been suffering great losses due to the unjustified military aggression of the Russian Federation, Ukraine is taking the following steps

Employment, emigration and mobilisation considerations

Special employment rules during martial law

Engagement and transfer:

- fixed-term employment agreements with new employees
- transfer to another job without employee's consent

Work time and vacation:

- maximum working hours extended to 60h per week
- public holidays and non-working days suspended
- unpaid leave may exceed 15 days
- vacation/leaves (save for maternity) for employees involved in work at critical infrastructure objects may be rejected by the employer

Remuneration:

- if the remuneration may not be paid, it may be suspended until the company resumes its business activity.

Termination and suspension:

- an employee may be dismissed during his or her temporary disability or leave (save for maternity or child care leave)
- all notification timelines related to termination/change of working conditions abolished both for employer and employees
- special war-time mechanism - temporary termination of employment agreement. In this case the unpaid remuneration to the employee shall be reimbursed by russia as the aggressor state.

Mobilisation issues

Conscription:

- an employer shall preserve the working place and continue paying salaries to all conscripted employees
- Employees must notify the employer about his/her conscription to army and present the relevant confirmation (conscription notice)
- An employer shall not request that a conscripted employee checks in in any company's location systems

Territorial defence:

- an employee may choose to join territorial defence units (TDU) (which is different from army)
- all people who joined TDUs have the same rights and benefits in terms of employment as conscripted employees
- an employee must confirm his/her joining a TDU by presenting a contract of a volunteer (контракт добровольца)
- in practice such contracts are rarely concluded, therefore an employer should advise its employees to take whatever could be issued by a TDU to confirm an employee's status of a TDU volunteer (records, cope of the list of volunteers, statement of a TDU leader, etc.)

Q&A



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