

February 4, 2015

**Legislative amendments related to administrative liability for violation of employment legislation and state labour safety requirements**

Dear Sirs,

We would like to inform you of changes related to administrative liability for violations of employment legislation and state labour safety requirements, which came into force on 1 January 2015. These changes were introduced to the Code of Administrative Offences of the Russian Federation (hereinafter referred to as the "**Code of Administrative Offences**").

Below you can find a brief overview of the amendments in question.

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**New types of offences entailing administrative liability**

Administrative liability for violation of employment legislation and state labour safety requirements has been significantly diversified. Earlier, the Code of Administrative Offices contained only one offense related to the employment relations, namely the violation of employment and labour safety laws. Pursuant to the amendments in question, this general offence has been supplemented with more specific types of offences. Please find below the relevant table.

CLAUSE IN THE CODE OF ADMINISTRATIVE OFFENCES	TYPE OF OFFENCE	PENALTIES
<b>Article 5.27.</b> Violation of employment legislation and other normative acts containing employment law provisions	1. Violation of employment legislation (if special administrative offences listed below are not applicable)	1. A warning or an administrative fine on officials of the entity in the amount of 1 000 - 5 000 roubles; on the entity – in the amount of 30 000 - 50 000 roubles
	2. The actual admittance of an individual to work by a person who was not authorized for this by an employer, if employer or his authorized representative refuses to recognize relations between an individual actually admitted to work and this employer as employment relationship (does not conclude an employment agreement with an individual who was actually admitted to work).	2. An administrative fine on officials of the entity in the amount of 10 000 - 20 000 roubles
	3. Avoidance of execution or improper execution of the employment agreement or conclusion of civil law contract which actually regulates the	3. Administrative fine on officials of the entity in the amount of 10 000 -

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	employment relations between an employee and an employer	20 000 roubles; on the entity - in the amount of 50 000 - 100 000 roubles
<b>Article 5.27.1.</b> Violation of state labour safety requirements specified in the federal laws and other regulatory legal acts	1. Violation of state labour safety requirements (if special administrative offences listed below are not applicable)	1. A warning or an administrative fine on officials of the entity in the amount of 2 000 - 5 000 roubles; on the entity – in the amount of 50 000 - 80 000 roubles
	2. Violation of the established procedure of special assessment of working conditions at the workplace or failure to perform it at all	2. A warning or an administrative fine on officials of the entity in the amount of 5 000 - 10 000 roubles; on the entity – in the amount of 60 000 - 80 000 roubles
	3. Admittance of an employee to work without preliminary training and examination on labour safety requirements, as well as without mandatory preliminary and periodic (during employment) medical examinations, mandatory medical examinations at the beginning of the working day (shift), mandatory psychiatric examinations or admittance of an employee to work if he/she has medical contraindications to such type of work	3. An administrative fine on officials of the entity in the amount of 15 000 - 25 000 roubles; on the entity – in the amount of 110 000 to 130 000 roubles
	4. Failure to provide employees with the means of individual protection	4. An administrative fine on officials of the entity in the amount of 20 000 - 30 000 roubles; on the entity – in the amount of 130 000 - 150 000 roubles

Please note that the Code of Administrative Offences provides for increased penalties in case of repeated violations. In such case the entities may face an administrative fine in the amount of up to 200 000 roubles (or may be subject to administrative suspension of activity for a period up to 90 days in certain circumstances), and their officials may face an administrative fine in the amount up to 40 000 roubles or disqualification for a period up to 3 years.

#### **Changing of limitation period for bringing to administrative liability**

In accordance with the changes, the companies and their officials can be brought to administrative liability for the outlined offences within 1 year from the date on which the violation was committed (or from the date of detection of violation if such violation is a continuing one). Previously this period was 2 months.

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For more information please visit our web-site or contact directly **Irina Anyukhina (ianyukhina@alrud.com)**, Partner, **Labour and Employment Practice**.

Kind regards,

**ALRUD Law firm**

*Note: All information was obtained from publicly available sources. The author of this information letter assumes no liability for the consequences of decision-making based on such information.*