

## Changes in Labour Law

### Introduction

After long discussions, the Belarusian parliament adopted amendments to the Labour Code of the Republic of Belarus (the "**Amendments**") on 18 July 2019. The new version of the Labour Code will come into force on 28 January 2020. The Amendments incorporate a number of labour regulations, which were previously adopted by the decrees and edicts of the President of the Republic of Belarus, and also reflect some modern trends in the Belarusian labour market.

### Key novelties

#### **Remote employment**

The Amendments introduce the possibility of remote employment. This is a response to the demands of IT companies. Remote employment implies communication between an employer and employee by means of IT technologies. The main formal difference between remote employment and outwork, which is possible under the current version of the Labour Code, is that outworkers may perform their work at home only. By contrast, remote workers may work at any place at their discretion (e.g. at a co-working office).

Besides the standard terms, employment agreements with remote workers must envisage the procedure for the giving of assignments by an employer and delivery of work products by an employee via electronic means of communication, the methods and frequency of working contacts between an employer and an employee, the procedure of reporting by an employee, the software and hardware to be used by an em-

ployee, the ways of providing such software and hardware by an employer, etc.

#### **Rent of employees**

The Amendments introduce the possibility of the temporary transfer of employees to another employer. It is possible with the consent of an employee and for a term of up to six months. Relations between two employers must be regulated by a civil contract.

#### **Prolongation of labour contracts**

The Amendments also introduce an obligation on an employer for the mandatory extension of the limited-term employment contract up to the maximum 5-year term provided that during the initial term of an employment contract an employee complies with the internal regulations on labour discipline. Upon the expiry of a 5-year term, an employer will have to conclude a new contract for a 3-year minimum term. Entering into an employment contract for a shorter term will only be permissible with the written consent of an employee.

Formerly, it was possible to dismiss any employee upon the expiry of the limited-term contract. Many employers took advantage of this situation to put pressure on employees if required. The Amendments improve the legal standing of employees acting in good faith, granting them more employment stability.

### Summary

The Amendments significantly update employment regulations. In fact, they satisfy some long-felt needs of both employers and employees. Nevertheless, in the business community and trade unions there is no uniform approach to the novelties. There is as much positive feedback as there is criticism.



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