

# LABOUR LAW IN BELARUS

YARASLAU KRYVOI



Wolters Kluwer  
Law & Business

# **Labour Law in Belarus**

**Yaraslau Kryvoi**

This book was originally published as a monograph in the International Encyclopaedia of Laws/Labour Law and Industrial Relations.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci



**Wolters Kluwer**

Law & Business

*Published by:*

Kluwer Law International  
PO Box 316  
2400 AH Alphen aan den Rijn  
The Netherlands  
Website: [www.kluwerlaw.com](http://www.kluwerlaw.com)

*Sold and distributed in North, Central and South America by:*

Aspen Publishers, Inc.  
7201 McKinney Circle  
Frederick, MD 21704  
United States of America  
Email: [customer.service@aspenpublishers.com](mailto:customer.service@aspenpublishers.com)

*Sold and distributed in all other countries by:*

Turpin Distribution Services Ltd.  
Stratton Business Park  
Pegasus Drive, Biggleswade  
Bedfordshire SG18 8TQ  
United Kingdom  
Email: [kluwerlaw@turpin-distribution.com](mailto:kluwerlaw@turpin-distribution.com)

**DISCLAIMER:** The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

*Printed on acid-free paper.*

ISBN 978-90-411-3902-3

This title is available on [www.kluwerlawonline.com](http://www.kluwerlawonline.com)

© 2012, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Email: [permissions@kluwerlaw.com](mailto:permissions@kluwerlaw.com)

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

# **Labour Law in Belarus**

# Table of Contents

The Author	3
List of Abbreviations	11
Introduction	13
Chapter 1. The General Background	13
§1. GEOGRAPHY, LOCATION, SIZE AND BOUNDARIES	13
§2. HISTORY	13
I. Belarusian-Lithuanian State Grand Duchy of Lithuania (1230-1596)	13
II. Rzecz Pospolita – a Political Union of the Grand Duchy of Lithuania and the Polish Kingdom (1596-1795)	14
III. Belarus as a Part of the Russian Empire (1795-1919)	15
IV. Byelorussian Soviet Socialist Republic (1919-1991)	15
V. Independent Republic of Belarus (1991 to the present)	17
§3. VITAL STATISTICS	18
I. Employment	19
II. Data by Ethnic Origin, Gender and Age Groups	21
§4. THE POLITICAL AND CONSTITUTIONAL SYSTEM	22
I. The President of the Republic of Belarus	23
II. The Parliament of Belarus	24
III. The Council of Ministers of Belarus (Government)	25
IV. Legislative Process	26
Chapter 2. Sources of Labour Law	28
§1. INTERNATIONAL ACTS	28
§2. NATIONAL LEGISLATION	28
I. The Constitution	28
II. The Labour Code	29
III. Other Normative Acts	30
	5

## Table of Contents

§3. COLLECTIVE BARGAINING AGREEMENTS AND RULES OF WORK	32
§4. JUDICIAL PRACTICE	33
§5. THE HIERARCHY OF LABOUR LAW SOURCES	33
Chapter 3. Definitions and Notions	35
§1. DISTINCTION BETWEEN LABOUR LAW AND OTHER BRANCHES OF LAW	35
§2. DEFINITIONS OF LABOUR LAW AND OF MOST FREQUENTLY USED CONCEPTS	36
Selected Bibliography	39
Part I. The Individual Employment Relation	41
Chapter 1. The Individual Labour Contract	41
§1. DIFFERENT CATEGORIES OF LABOUR CONTRACT	41
I. Labour Contracts for an Indefinite Period	41
II. Labour Contracts for a Definite Period	42
III. Contract for Performance of Specified Work	43
IV. Labour Contract for Seasonal Types of Work	43
§2. FORM AND CONTENT OF THE INDIVIDUAL LABOUR CONTRACT	44
§3. ABILITY TO CONCLUDE A LABOUR CONTRACT	45
§4. MODIFICATION OF THE INDIVIDUAL LABOUR CONTRACT	46
I. Transfer of Employee	46
A. Transfer to Other Work	47
B. Transfer to Another Locality	48
C. Transfer to Another Employer	48
D. Transfer for Reasons of Health	48
E. Internal Transfer	49
II. Temporary Transfers	50
A. Temporary Transfer due to Industrial Necessity	50
B. Temporary Transfer in Case of Standstill	51
III. Modification of Significant Conditions of Labour	52
Chapter 2. Rights and Duties of Employees	54
Chapter 3. Remuneration and Benefits	56

## Table of Contents

§1. WAGES	56
§2. TARIFFS OF REMUNERATION	56
§3. HOURLY AND MONTHLY RATES	57
§4. REMUNERATION FOR OVERTIME WORK, WORK ON DAYS OFF AND OFFICIAL HOLIDAYS	57
§5. TERMS AND PERIODICITY OF REMUNERATION PAYMENTS	58
§6. FORMS OF PAYMENT	58
§7. NORMS OF WORK AND PIECE-WORK PAYMENT	58
§8. GUARANTEES AND COMPENSATION	59
§9. BUSINESS TRIPS	59
§10. FREQUENT TRAVELLERS	60
§11. ELECTIVE POSITIONS	60
§12. IMPROVING PROFESSIONAL SKILLS AND TRAINING	61
§13. DEDUCTIONS FROM SALARY	61
Chapter 4. Working Time, Annual Vacations, Holidays	62
§1. WORKING TIME	62
I. Normal Duration of Working Hours	62
II. Reduced Length of Working Hours	62
III. Daily Working Hours	63
IV. Night Work	63
V. Part-time Work	64
VI. Overtime Work	64
VII. Limitation of Overtime Work	64
VIII. Regime of Working Time	65
IX. Five-day and Six-day Working Week	65
X. Regime of Working Week for Shift Work	66
XI. Continuous Work	66
XII. Summation Calculation of Working Hours	67
XIII. Partition of Working Day into Parts	67
XIV. Flexible Regime of Working Time	67

## Table of Contents

§2. DAILY BREAKS, OFFICIAL HOLIDAYS AND DAYS OFF	69
I. Break for Rest and Food	69
II. Additional Special Breaks	69
III. Days off	69
IV. Official Holidays and Other Holidays	70
V. Labour and Social Leave	70
 Chapter 5. Labour Discipline	 74
§1. ENCOURAGEMENT FOR LABOUR	74
§2. DISCIPLINARY SANCTIONS	75
 Chapter 6. Termination of Labour Contract	 77
§1. GENERAL GROUNDS	77
§2. TERMINATION OF LABOUR CONTRACT ON THE INITIATIVE OF THE EMPLOYER OR EMPLOYEE	78
§3. TERMINATION OF LABOUR RELATIONS IRRESPECTIVE OF THE PARTIES' WILL	80
 Chapter 7. Protection of Certain Categories of Workers	 82
§1. PECULIARITIES OF LEGAL REGULATION OF YOUNG WORKERS	82
§2. LABOUR STATUS OF WORKERS WITH DISABILITIES	83
§3. WORK OF PART-TIME EMPLOYEES	83
§4. WORK OF EMPLOYEES WITH SHORT-TERM CONTRACTS	84
 Chapter 8. Settlement of Individual Labour Disputes	 85
§1. CONSIDERATION OF LABOUR DISPUTES BY COMMISSIONS ON LABOUR DISPUTES	85
§2. CONSIDERATION OF LABOUR DISPUTES IN COURT	86
 Part II. Collective Labour Relations	 89
 Chapter 1. General Aspects of Collective Labour Relations	 89



## Table of Contents

Chapter 2. History of the Trade Union Movement in Belarus	92
§1. 1905–1944	92
§2. 1960–1985	92
§3. 1985–1990	93
§4. SINCE 1990	93
Chapter 3. Trade Union Freedom	95
§1. FREEDOM TO ESTABLISH AND JOIN TRADE UNIONS	95
§2. THE RIGHT OF TRADE UNIONS TO CONDUCT COLLECTIVE BARGAINING	96
§3. FORMAL GUARANTEES FOR ACTIVITIES OF TRADE UNIONS	97
§4. RELATIONSHIP OF TRADE UNIONS WITH GOVERNMENT	98
Chapter 4. Trade Unions and Employers' Associations	100
§1. TRADE UNION FEDERATIONS	100
§2. PROPERTY OF TRADE UNIONS	101
§3. EMPLOYERS' ASSOCIATIONS	102
Chapter 5. Collective Bargaining	103
§1. RIGHT TO CONDUCT COLLECTIVE BARGAINING	103
§2. PROCEDURE OF COLLECTIVE BARGAINING	103
§3. COLLECTIVE AGREEMENTS (ACCORDS): DEFINITION AND LEVELS	103
§4. CONTENT OF THE COLLECTIVE AGREEMENT	104
Chapter 6. Settlement of Collective Labour Disputes	107
§1. PROCEDURE FOR SETTLEMENT OF COLLECTIVE LABOUR DISPUTES	107
§2. CONCILIATION	107
§3. MEDIATION	108

## Table of Contents

§4. LABOUR ARBITRATION	108
§5. THE REPUBLICAN LABOUR ARBITRATION BODY	109
I. Competence and Composition	109
II. Examination of Collective Labour Disputes	110
Chapter 7. Strikes and Other Forms of Industrial Action	112
Index	117

# **Labour Law in Belarus**

**Yaraslau Kryvoi**

This book was originally published as a monograph in the International  
Encyclopaedia of Laws/Labour Law and Industrial Relations.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci



**Wolters Kluwer**  
Law & Business



## The Author



Dr Yaraslau Kryvoi is a senior lecturer at the University of West London. For several years he has been practising law with major international law firms in Washington and London. In 2004–2006 he was a lecturer at the Belarusian State University. He also served at the Economic Court of the Commonwealth of Independent States in Minsk, Belarus.

Dr Kryvoi holds an LLM degree from Harvard Law School where he was an editor of *Harvard International Law Journal*. He also received a master's degree with honours in European and International Law from Utrecht University, which he attended as a Huygens Scholar. He obtained his LLB with distinction from St Petersburg State University and a PhD from Moscow State Law Academy. His personal web site is <http://kryvoi.net>.

## The Author

# Table of Contents

The Author	3
List of Abbreviations	11
Introduction	13
Chapter 1. The General Background	13
§1. GEOGRAPHY, LOCATION, SIZE AND BOUNDARIES	13
§2. HISTORY	13
I. Belarusian-Lithuanian State Grand Duchy of Lithuania (1230-1596)	13
II. Rzecz Pospolita – a Political Union of the Grand Duchy of Lithuania and the Polish Kingdom (1596-1795)	14
III. Belarus as a Part of the Russian Empire (1795-1919)	15
IV. Byelorussian Soviet Socialist Republic (1919-1991)	15
V. Independent Republic of Belarus (1991 to the present)	17
§3. VITAL STATISTICS	18
I. Employment	19
II. Data by Ethnic Origin, Gender and Age Groups	21
§4. THE POLITICAL AND CONSTITUTIONAL SYSTEM	22
I. The President of the Republic of Belarus	23
II. The Parliament of Belarus	24
III. The Council of Ministers of Belarus (Government)	25
IV. Legislative Process	26
Chapter 2. Sources of Labour Law	28
§1. INTERNATIONAL ACTS	28
§2. NATIONAL LEGISLATION	28
I. The Constitution	28
II. The Labour Code	29
III. Other Normative Acts	30

## Table of Contents

§3. COLLECTIVE BARGAINING AGREEMENTS AND RULES OF WORK	32
§4. JUDICIAL PRACTICE	33
§5. THE HIERARCHY OF LABOUR LAW SOURCES	33
Chapter 3. Definitions and Notions	35
§1. DISTINCTION BETWEEN LABOUR LAW AND OTHER BRANCHES OF LAW	35
§2. DEFINITIONS OF LABOUR LAW AND OF MOST FREQUENTLY USED CONCEPTS	36
Selected Bibliography	39
Part I. The Individual Employment Relation	41
Chapter 1. The Individual Labour Contract	41
§1. DIFFERENT CATEGORIES OF LABOUR CONTRACT	41
I. Labour Contracts for an Indefinite Period	41
II. Labour Contracts for a Definite Period	42
III. Contract for Performance of Specified Work	43
IV. Labour Contract for Seasonal Types of Work	43
§2. FORM AND CONTENT OF THE INDIVIDUAL LABOUR CONTRACT	44
§3. ABILITY TO CONCLUDE A LABOUR CONTRACT	45
§4. MODIFICATION OF THE INDIVIDUAL LABOUR CONTRACT	46
I. Transfer of Employee	46
A. Transfer to Other Work	47
B. Transfer to Another Locality	48
C. Transfer to Another Employer	48
D. Transfer for Reasons of Health	48
E. Internal Transfer	49
II. Temporary Transfers	50
A. Temporary Transfer due to Industrial Necessity	50
B. Temporary Transfer in Case of Standstill	51
III. Modification of Significant Conditions of Labour	52
Chapter 2. Rights and Duties of Employees	54
Chapter 3. Remuneration and Benefits	56



## Table of Contents

§1. WAGES	56
§2. TARIFFS OF REMUNERATION	56
§3. HOURLY AND MONTHLY RATES	57
§4. REMUNERATION FOR OVERTIME WORK, WORK ON DAYS OFF AND OFFICIAL HOLIDAYS	57
§5. TERMS AND PERIODICITY OF REMUNERATION PAYMENTS	58
§6. FORMS OF PAYMENT	58
§7. NORMS OF WORK AND PIECE-WORK PAYMENT	58
§8. GUARANTEES AND COMPENSATION	59
§9. BUSINESS TRIPS	59
§10. FREQUENT TRAVELLERS	60
§11. ELECTIVE POSITIONS	60
§12. IMPROVING PROFESSIONAL SKILLS AND TRAINING	61
§13. DEDUCTIONS FROM SALARY	61
<b>Chapter 4. Working Time, Annual Vacations, Holidays</b>	<b>62</b>
§1. WORKING TIME	62
I. Normal Duration of Working Hours	62
II. Reduced Length of Working Hours	62
III. Daily Working Hours	63
IV. Night Work	63
V. Part-time Work	64
VI. Overtime Work	64
VII. Limitation of Overtime Work	64
VIII. Regime of Working Time	65
IX. Five-day and Six-day Working Week	65
X. Regime of Working Week for Shift Work	66
XI. Continuous Work	66
XII. Summation Calculation of Working Hours	67
XIII. Partition of Working Day into Parts	67
XIV. Flexible Regime of Working Time	67