

THE REVIEW OF RUSSIAN ECONOMIC LEGISLATION IN MAY 2015¹

I.Tolmacheva, Yu.Grunina

The Review of Russian Economic Legislation in May 2015 In May, the following main amendments were introduced into the legislation: entities facilitating higher mobility of labor resources were attributed to socially oriented non-profit organizations; the rules for application of professional standards by employers were established and qualification requirements for foreign nationals sent for work to branches and subsidiaries situated in the Russian Federation of foreign commercial entities registered in the territory of WTO member-states were introduced.

I. Federal Laws of the Russian Federation

1. Federal Law No.115-FZ of 2 May 2015 on AMENDMENT OF ARTICLE 31.1 OF FEDERAL LAW ON NON-PROFIT ORGANIZATIONS

Article 31.1 of the Federal Law on Non-Profit Organizations was supplemented with a sub-clause that state authorities and local authorities may now render assistance to non-profit organizations facilitating higher mobility of labor resources like other socially-oriented non-profit organizations.

2. Federal Law No.122-FZ of 2 May 2015 on AMENDMENT OF THE LABOR CODE OF THE RUSSIAN FEDERATION AND ARTICLE 11 AND ARTICLE 73 OF THE FEDERAL LAW ON EDUCATION IN THE RUSSIAN FEDERATION

In accordance with amendments introduced, Section IX of the Labor Code of the Russian Federation was supplemented with two new articles: Article 195.2 and Article 195.3. The new articles read that the procedure for development and approval of professional standards, as well as establishment of identity of the name of job positions, occupations and specialties included in the single wage rate reference book of jobs and professions of workers and the single job evaluation catalog of job positions of managers, specialists and employees and the names of job positions, professions and specialties included in the professional standards are set by the Government of the Russian Federation with taking into account the opinion of the Russian tripartite commission on regulation of social and labor relations. The parameters of qualification which are included in occupational standards and which are not mandatory for application are used by employers as a base for determination of requirements to qualification of workers with taking into account the specifics of fulfilment by workers of labor functions justified by applied technologies and organization of production and labor .

Also, amendments were introduced into the Federal Law on Education in the Russian Federation. In particular, formation of the requirements of the federal public educational standards of vocational training as regards professional competence is carried on the basis of relevant professional standards (if any). The length of vocational training is determined by a specific program of vocational training determined and approved on the basis of professional standards (if any) or qualification requirements of the entity which carries out educational activities. Federal public educational standards of vocational training approved prior to the effective day of the federal law in question are to be brought in compliance with requirements set by Article 11 (7) of the Federal Law on Education in the Russian Federation within a year from the effective day of the Federal Law in question.

Also, it is determined that with taking into account the opinion of the tripartite commission on regulation of social and labor relations the Government of the Russian Federation may establish the specifics of application of professional standards as regards requirements which are mandatory for application by state extra-budgetary funds of the Russian Federation, public or municipal unitary enterprises, as well as state-owned corporations, state-run companies and business entities in whose charter capital over 50% of equities (interests) is in public or municipal ownership.

The Federal Law becomes effective from 1 July 2016.

II. Resolutions of the Government of the Russian Federation

1. Resolution No.424 of 30 April 2015 on THE REQUIREMENTS TO THE LEVEL OF QUALIFICATION OF FOREIGN NATIONALS SENT TO WORK AT BRANCHES AND SUBSIDIARIES IN THE TERRITORY OF THE RUSSIAN FEDERATION OF FOREIGN COMMERCIAL ENTITIES REGISTERED IN THE TERRITORY OF WTO MEMBER-STATES.

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According to the established requirements, a foreign national may carry out his/her labor activities at a foreign commercial institution situated in the territory of the Russian Federation provided that any two conditions from the list stated below are met:

1. Work experience of at least 4 years in the sphere of services provided by a foreign entity in the Russian Federation;
2. Academic degree which is recognized in the Russian Federation;
3. Reference letter from a foreign entity or professional organization and their association or union which send a foreign national;
4. Achievements in a certain line of activities certified by patents, copyright certificates, scientific publications and other documents including letters of reference from employers and institutions which professionally engage in recruitment of high-skilled personnel.

The high standard of skills of a foreign national is certified by documents issued in the territory of a foreign state or the Russian Federation. Documents executed in a foreign language are subject to translation into Russia. The accuracy of the translation or authenticity of the signature of the translator are to be notary certified. ●