

BOOK REVIEW NOTES

LABOUR LAW IN RUSSIA¹

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The topical issues covered in this book relate to the theory and practice of labor law. On the one hand, the book is a monograph created by a team of authors, on the other hand, it is an essential study for students, postgraduates and professors. All the crucial legal categories and institutions are covered in the book, including social partnership, maintenance of employment rights, the status of heads of companies, employees' rights and liabilities, collective labor disputes, the right to strike, and the labor of convicted people without isolation from society.

The authors describe the legal categories and institutional research with a brief history of the development of the relevant employment legislation (last century and recent period, in the 20th and 21st centuries), international standards, problems of codifying labor law, comprehension of complex phenomena such as transnational employment relations, and judgments of the Constitutional Court of the Russian Federation and the European Court of Human Rights. The authors highlight the problems of harmonizing labor law with the development of integration within the European Economic Community.

The authors note the trends of development in Russian labor law which comply with international standards to some degree:

- acknowledgment of the importance of employment rights;
- emphasis on individual rights provision;

¹ Reviewed book: Vladimir Lebedev and Elena Radevich (eds.) *Labour Law in Russia: Recent Developments and New Challenges* (Adapt University Press 2014).

- labor force mobility regulation with evaluation of the special nature of some employment relations, i.e., transnational and supranational;
- adding flexibility to regulation of legal relations in labor law (including differentiation and individualization);
- harmonization of individual and group labor law based on the expansion of the sphere of social cooperation;
- the priority of international labor law standards.

Readers will also get acquainted with the basic direction in which Russian labor law is moving in the 21st century:

- projection of the term opportunities in the sector of male and female employment;
- elaboration of an idea to work in freedom, interdiction to efforts to prevention of forced labor, slave labor and child labor;
- validation of labor relations justice, freedom from discrimination at work, opportunities for a work-family life balance;
- setting standards for safe labor, health guarantees, pensions and financial compensation;
- the development of the concept of employee's dignity, according to which employers must be treated with respect, be allowed to take part in finding solutions to issues relating to employment conditions, and to represent their own and group interests.

The authors structured their chapters quite well. The main points are highlighted in the text. The reader will easily find the main ideas and concepts. Each chapter contains conclusions. The authors provide a reference list. This book will prove a great help to students, postgraduates and professors preparing for classes. The contents of some author's sections are given in bold.

Despite the fact that there is no separate chapter dedicated to the significant topic of employment contracts, the reader will be able to find information about them as well as about group labor negotiations, labor arbitration, the rules of participation in strike actions in connection with the regulation of these issues provided in the Basic Principles of Labor Legislation of the Eurasian Economic Community.

The authors highlight current trends in the development of Russian labor law, compliance with international standards. One such trend is a merciful (soft) regulation in connection with which the following examples are provided: development of freedom of association and collective bargaining. There are such institutions as the control of the workers themselves, control through the forms of trade union democracy, the real possibility of independence of minor or petty trade unions, organization of consultations.

The conclusion given with regard to the above is the correct one, i.e., there are numerous cases of noncompliance with international standards through the implementation of some labor law institutes. This can be observed in the sphere of prohibition of discrimination in terms of salary requirements and working time.

Problems of social partnership hold a specific place in the Labor Code. This is no accident. Social partnership is the key aspect of labor law, but it only attained this level of significance in the 21st century. However social partnership has a constitutional origin because it has been proclaimed as a principle in the constitutions of some countries and stems from the constitutional principle of the social state in others.

The authors dedicate two chapters to the problems of social partnership. Social partnership is considered a system and its structure is described. Social partnership has significant function. Partnership as institute have the right to conduct group approval and prepare the drafts of general agreements but there are also some drafts of statutory instruments and other solutions being prepared in Russia. Social partnership as institute advises the government on a number of welfare issues. Social partnership, according to the authors of the book, wields informational power. Information about the requirements of employees and employers, about the economic situation and the measures of the government circulates through social partnership to all levels. Social partnership operates on the basis of certain international and national standards in which the following principles are included: freedom of association and protection of trade union rights; cooperation of workers, employers and the government; and the overall authority of each member of the social partnership. The reader will get acquainted with the principles of voluntary and equal components of the right to collective agreements, their implementation, conciliation and arbitration, taking into account the balance of interests between employees and employers.

The authors devote considerable attention to liability issues. This liability is envisaged at different levels of legal relations, particularly in the role of social partnership in accomplishment of employer's and employee's liability is determined, liability issues for disciplinary acts.

The authors discuss the standards of employment for convicts who are serving their sentences for crimes and breaches of the law without isolation from society. In the relevant chapters, interesting statistical data is provided. In particular, the recurrence of illegal acts is linked to the conditions of the correctional tasks provided for prisoners. The reader will find the following in the book: an informative analysis of legal acts; examples of law enforcement practice; references to specific articles of labor legislation and standards of international conventions. In the last chapter, the authors investigate the issues of discrimination in Markin's case, considered by the Constitutional Court of the Russian Federation. This analysis is quite interesting because the merits of the case and the argumentation of the court are given in the book, not in terms of constitutional law, but in terms of labor law. In this case the constitutional law experts emphasize the problem of the dispute between the Constitutional Court and the European Court of human rights. Specialists in employment law focus on the concepts of discrimination, anti-discrimination and indirect discrimination in the legal positions of the courts.

Readers will encounter a lot of insightful theoretical reasoning. In particular, the authors draw special attention to the concept of 'transnational employment relations' and its compliance with international and inter-jurisdictional relations.

The author comes to the conclusion that there is such a concept as employment relationships with foreign elements that applies to:

- the work of local residents for foreign employers;
- the work of our citizens abroad;
- the work of foreigners within the territory of the former USSR;
- work for enterprises with foreign capital and fall within the concept of that are considered transnational corporations.

This approach defines the concept of an international worker. There are five categories highlighted by the authors:

- the work of Russian citizens abroad for Russian employers;
- the work of Russian citizens for international organizations;
- labor migration of Russian citizens abroad;
- the work of Russian citizens in the countries of their permanent residence for foreign organizations; and
- the work of foreign citizens in Russia for domestic organizations.

Therefore, the book provides the answers to many questions.

Topics related to public events and protests of employers against the government are also examined. I would like to point out the courage of the authors. They are not afraid to raise pressing issues and solve them. They are not afraid to discuss topics of an interdisciplinary character when the answer to the questions lies in the area of labor and constitutional law. Not only do the authors refer to the actual issues of group bargaining negotiations, they analyze the number and nature of strikes according to Russian statistics. I would also like to praise the authors for addressing issues relating to ensuring that citizens have the right to criticize the authorities in constitutional law. These issues are always associated with conflict, with politics, and with tension between the parties. The key points are highlighted in the book correctly: the beginning of collective labor disputes; their procedures; and the relationship of this phase with the right to strike. In labor law, as in constitutional law, the legislator must define the set out minimum safety requirements for the participants of public events, terms strikes prohibition, illegal strike options, and guarantees to employees involved in strikes.

The authors describe other interdisciplinary problems as well. In particular, they determine the status of the heads of organizations in Russia, the transfer of enterprise and related employment issues. As you may know, such topics must be developed on the basis of different branches of law norms. The authors have coped with this task. They look at business law and civil law. The following approaches to understanding the status of the head of the organization are highlighted in the book: the Anglo-Saxon and the continental. Based on the Civil Code of the Russian Federation, the outcome

for employees after the transfer of the enterprise, as well as the fate of employment contracts, and employee's and employer's negotiation processes are considered.

Students and teachers will be able to learn the answers to these and many interesting problems by reading this book *Labor Law in Russia: Recent Developments and New Challenges*.

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