

Russian employees can be granted leave during non-working days, says labour ministry

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In response to the proclamation of non-working days in Russia from 4 to 30 April, many employers subject to the President's [Executive Order](#)* dated 2 April 2020 (the "Executive Order") have asked if they can provide their employees with "leave" during this period.

In its updated [clarifications](#)*, the Russian Ministry of Labour confirmed it is possible to grant leave to employees during the period of non-working days. If an employee opts to go on leave during that time, the employer may allow it.

One issue remains unclear. The Ministry of Labour's clarifications do not specify the type of leave envisaged – paid or unpaid. The Ministry is expected to issue additional explanations on this matter in the coming days. In our opinion, however, paid leave would be the most appropriate option for employees of companies which are subject to the Executive Order. Granting leave without pay would be contrary to paragraph 1 of the Executive Order under which, during the period of non-working days, the employee's salary must be paid.

It should be noted that to grant leave to employees by their request during the period of non-working days, employers must receive applications from them and then issue orders on granting leave. Employers must also provide payment for this leave at least three days before it commences.

If you have any questions on this eAlert, do not hesitate to contact CMS Russia experts [Valeriy Fedoreev](#), [Christophe Huet](#), [Irina Skvortsova](#), [Ekaterina Elekchyan](#) or your regular contact at CMS Russia.

CMS has created a Coronavirus Hub dedicated to the issues raised by the COVID-19 pandemic, which is available [here](#). This hub gives you full and permanent access to content created by CMS Russia lawyers and CMS offices around the world in response to the crisis. The hub is updated regularly.

We are available at all times to address any requests or difficulties you may have on a one-to-one basis. You can be in immediate contact with our experts by emailing cmsrussia-coronavirus@cmslegal.ru.

*In Russian

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