**SHORT SUMMARY OF LECTURES**

**BY ACADEMIC DISCIPLINE**

**«LEGAL REGULATION OF LABOR**

**CERTAIN CATEGORIES OF EMPLOYEES»**

**Topic 1. General provisions on differentiation**

**legal regulation**

 **labor of certain categories of employees**

**1. The concept, grounds and methods of differentiation in labor law. The concept and criteria of differentiation of legal regulation of labor of certain categories of employees.**

One of the main principles of labor law is the principle of unity and differentiation, which implies, on the one hand, the binding (unity) of labor legislation norms for all employers and employees, and the need, on the other hand, for a differentiated approach to the legal regulation of labor and related relations due to the presence of a number of features of their participants.

Accordingly, the legal norms governing labor and related relations can be divided into two groups:

1) general norms of labor legislation that apply equally and to the same extent to all participants in labor and related relations;

2) special rules of labor legislation that apply only to individual participants in labor and related relations.

*Differentiation of labor legal regulation* is differences in labor law norms that arise from the industry specifics of the subject and method of legal regulation, due to stable grounds (objective and subjective), which in turn are caused by certain factors (economic, environmental, etc.).

*The method of differentiating the legal regulation of labor is* the establishment by the legislator, social partners or the employer himself, along with general legal norms that apply equally and equally to all participants in labor and related relations, of special legal norms that apply to their individual categories.

*The grounds of differentiation* are traditionally divided into two groups:

* due to objective circumstances (differentiation by industry; differentiation depending on specific working conditions; territorial differentiation; the nature of the labor relationship between the employee and the employer);
* due to subjective (in the terminology of a number of sources – subjective) circumstances (for example, gender and age, physiological characteristics of the employee, social interests of certain categories of employees, etc.).

Objective differentiation of labor legal regulation, in turn, can be represented by two groups of grounds:

a) general (territory, branch of employment);

b) optional (form of ownership, organizational and legal form of the employer-legal entity; features of the employer-individual).

*Differentiations in the legal regulation of labor of certain categories of employees* are differences in the norms of labor law due to stable subjective grounds that arise from family, gender, age, social and other characteristics of employees.

*The main criteria for differentiating the legal regulation of labor of certain categories of employees*, taking into account the above, are:

- specifics of the employee's personality.

- the nature of work;

- the nature of the employment relationship.

Based on such criteria as the specifics of the employee's personality, the legislation establishes the specifics of regulating labor relations with women and persons with family responsibilities; with persons under the age of 18; with persons with disabilities; foreign citizens and stateless persons; etc.

Based on such criteria as the nature of labor activity, special features of the legal regulation of labor of teachers, medical workers, researchers, athletes and coaches, transport workers, etc. are distinguished.

This criterion, such as the nature of labor relations, allows you to identify the specifics of regulating work with the heads of the organization; with part-timers; with temporary workers; with seasonal workers; with domestic workers; with home workers; and others.

**2. Types of special rules. Grounds and procedure for determining the specifics of labor regulation of certain categories of employees.**

Taking into account the need to observe the principle of unity and differentiation in labor law, it is customary to divide the legal norms governing labor and related relations, depending on their scope, into general, i.e. norms that apply to all employees and employers, and special, i.e. norms that apply to certain categories of employees or employers.

Special norms, in turn, are divided into norms-exceptions, norms-additions, norms-adaptations, norms-alternatives.

Exemption rules are rules that provide for exceptions to the rules established by general rules (for example, for temporary, seasonal workers, homeworkers, etc.).

Supplement rules include rules that establish additional guarantees and benefits. This is the most common way of differentiating the legal regulation of labor. These norms establish additional benefits and guarantees for employees (for example, for minor and disabled people-basic leave of 30 calendar days, prohibition of establishing a preliminary test when applying for a job, etc.).

Norms-adaptations are norms that adapt general norms to the specific working conditions of certain categories of employees (for example, features of the working regime, safety techniques). They include options for applying the general rule (i.e. adapting them) to specific working conditions and other circumstances. For example, the norms, the devices include rules on the summarized recording of working time in relation to the total norm 40-hour work week; the rules on the possibility of the introduction of shift work, division work day apart, flexible working time (article 125, 127-131 Labor Code); the possibility of establishing a part-time work in part-time work and (or) part-time (118 Labor Code), etc.

Some sources also identify alternative norms, i.e. norms that give the parties the right to choose a model of behavior under certain conditions.

Special rules cancel the general rule in relation to the relevant subjects and retain their legal force when the general rule is changed.

*Features of labor regulation of certain categories of employees are established* The Labor Code of the Republic of Belarus, other acts of labor legislation, regulatory legal acts containing labor law norms, collective agreements, agreements, and local regulatory legal acts. At the same time, the main requirement for determining the specifics of regulating the work of certain categories of employees is expressed in the fact that collective agreements, agreements, and local regulatory legal acts should not contain conditions that worsen the situation of employees in comparison with labor legislation.

In addition, the rule of Article 5 of the Labor Code applies to certain categories of employees, according to which the Labor Code applies to labor and related relations of certain categories of employees in cases and within the limits provided for by special legislative acts defining their legal status.

**3. International and national regulatory legal acts that establish the specifics of regulating the work of certain categories of employees.**

International legal acts in the field of regulating the work of certain categories of citizens began to appear at the beginning of the 20th century, and by now we can talk about a whole system of international acts that establish the specifics of regulating the work of certain categories of employees.

Formal legal expression of international legal regulation of labour (including the features of labour regulation of certain categories of workers) is a system of norms for the regulation of labour and associated relations enshrined in the acts adopted by the United Nations (hereinafter UN), the International Labour Organization (hereinafter ILO), the acts of the regional unions of States as well as in bilateral agreements States. This system of norms is called International labor Norms.

UN and ILO acts are of particular importance for consolidating international labor norms, since these acts summarize the world experience in regulating labor and related relations, are universal in nature, and indicate the necessary minimum of social and labor rights that must be ensured at the national level.

At the same time, a special role in the formation of a system of international acts that enshrine the specifics of regulating the work of certain categories of workers belongs to the ILO, which is attended not only by representatives of member States, but also by representatives of workers and entrepreneurs of these countries on an equal basis.

As an example, we can cite the following ILO acts that establish the specifics of regulating the work of certain categories of employees:

* The ConventionILO №. 124 on the medical examination of young people to determine their suitability for underground work in mines and mines;
* The ConventionILO №. 123 on the minimum age of admission to underground work in mines and mines;
* The ConventionILO №. 112 on the minimum age for employment of fishermen;
* The ConventionILO №. 90 on Night work of adolescents in industry;
* The ConventionILO №. 79 on the restriction of night work of children and adolescents in non-industrial jobs;
* The ConventionILO №. 77 on the medical examination of children and adolescents to determine their suitability for industrial work;
* The ConventionILO №. 78 on the medical examination of children and adolescents to determine their suitability for non-industrial work;
* The ConventionILO №. 10 on the minimum age for admission of children to work in agriculture;
* The ConventionILO №. 7 on determining the minimum age for admission of children to work at sea;
* The ConventionILO №. 16 on mandatory medical examination of children and adolescents employed on board ships;
* The ConventionILO №. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
* RecommendationILO №. 80 on the restriction of night work of children and adolescents in non-industrial jobs;
* RecommendationILO №. 70 on Minimum norms of social policy in dependent territories;
* RecommendationILO №. 14 on Night work of children and adolescents in agriculture;
* ILO Convention №. 45 concerning the Employment of Women in Underground Work in Mines of Any Kind;
* ILO Convention №. 100 on Equal Remuneration for Men and Women for Work of Equal Value;
* ILO Maternity Protection Convention №. 103;
* ILO Convention №. 111 concerning Discrimination in Employment and Occupation;
* ILO Convention №. 122 on Labour and Employment Policy;
* ILO Convention №. 156 on Equal Treatment and Equal Opportunities for Men and Women Workers with Family Responsibilities; etc.

National sources that determine the specifics of regulating the work of certain categories of employees include the Labor Code of the Republic of Belarus, other acts of labor legislation, collective agreements and collective agreements, and local regulatory legal acts concluded and adopted in accordance with the legislation.

The norms that establish the specifics of regulating the work of certain categories of employees are contained in section III of the Labor Code «Features of regulating the work of certain categories of employees».

In addition, the specifics of regulating the work of certain categories of employees are established in various acts of labor legislation(normative legal acts of central and local state bodies), including:

* + - Uncodified legislative acts (laws of the Republic of Belarus, decrees and decrees of the President of the Republic of Belarus);
		- subordinate normative legal acts (resolutions of the Council of Ministers of the Republic of Belarus, acts of the Constitutional Court of the Republic of Belarus, resolutions of the Plenum of the Supreme Court of the Republic of Belarus, resolutions of the Ministry of Labor and Social Protection of the Republic of Belarus, normative legal acts of other ministries and state committees, decisions of local self-government bodies and local executive and administrative bodies).

Collective agreements and collective agreements, as well as local regulatory legal acts, are also sources that establish the specifics of regulating the work of certain categories of employees.

Article 358 of the Labor Code defines an agreement as a normative act containing obligations of the parties to regulate relations in the social and labor sphere at the level of a certain profession, industry, or territory.

Agreements can be concluded at the national level (general), at the industry level (tariff), and at the regional level (local).

A collective agreement in accordance with Article 361 of the Labor Code is a local regulatory legal act regulating labor and socio-economicrelations between an employer and its employees.

A local regulatory legal act is a regulatory legal act that is limited to the scope of one or more organizations. In labor law, local regulatory legal acts are acts adopted in accordance with the established procedure for a particular employer. 1 of the Labor Code refers to the internal labor regulations and other regulatory acts adopted in accordance with the established procedure that regulate labor and related relations for a particular employer. In particular, local regulatory legal acts also include regulations on bonuses, job descriptions, work schedules (shifts), vacation schedules, etc.

**4.** **General characteristics of guarantees and compensations provided to certain categories of employees.**

There are a significant number of criteria for classifying guarantees and compensations provided to certain categories of employees.

The classification of these guarantees and compensations, depending on the stage of the employment relationship, seems to be the most justified from the point of view of ensuring the possibility of their systematization. Based on this criterion, all guarantees and compensations provided to certain categories of employees should be divided into guarantees and compensations:

- provided when applying for a job and entering into an employment contract (for example, prohibition of unjustified refusal to enter into an employment contract; prohibition of establishing a preliminary test; etc.);

- provided in the process of regulating the work of the relevant categories of employees (for example, benefits and guarantees in the field of working hours, rest time; increased level of guarantees in the field of labor protection, etc.);

- provided upon termination of the employment contract (for example, a ban on dismissal on certain grounds, a special procedure for dismissal, etc.).

**Topic 2. Features of labor regulation**

**head of the organization and members of the board of directors**

**executive body of the organization**

**1. Concept of the head of the organization. Legal regulation of the work of the head of the organization.**

The specifics of regulating labor relations with the head of an organization are determined by Chapter 18 of the Labor Code of the Republic of Belarus (hereinafter referred to as the Labor Code). In accordance with Part 2 of Article 252 of the Labor Code, the provisions of this chapter apply to the heads of organizations of any organizational and legal form, except for the case when the head of the organization is the sole owner of the organization's property or an individual entrepreneur.

The head of an organization is an individual who, by virtue of the law or the constituent documents of the organization, manages the organization, including performing the functions of its sole executive body (Part 1 of Article 252 of the Labor Code).

By virtue of clause 1 of Article 44 of the Civil Code, an organization should be understood as the corresponding legal entity. The use of the term «organization» in relation to a manager in Chapter 18 of the Labor Code allows us to conclude that the norms of this chapter apply to managers of legal entities. The norms of Chapter 18 of the Labor Code cannot be applied to the heads of separate divisions of legal entities, since separate divisions are not legal entities in accordance with the Law.

The name of the position of the head of the organization must comply with the requirements of the current legislation of the Republic of Belarus. According to Article 19 of the Labor Code, the names of professions, positions, and specialties must correspond to the qualification reference books approved in accordance with the procedure determined by the Government of the Republic of Belarus.

The name of the position of the head of a particular organization is defined in the constituent documents of this organization and other local regulations.

A special feature of the legal status of the head of an organization is the duality of his position. On the one hand, the head of an organization acts as the sole executive body of a legal entity, as an authorized official of the employer, who is granted the largest (in comparison with other authorized officials of the employer) scope of rights in terms of making decisions arising from labor and related relations. From this point of view, the head of the organization is a representative of the employer's interests in labor and related relations, exercising the employer's powers in terms of concluding and terminating employment contracts, regulating internal labor regulations, managing employees of the organization, holding them accountable, conducting collective bargaining, etc. On the other hand, the fact of concluding an employment contract (contract) with the head of an organization allows us to consider the head of the organization as an employee, whose labor relations are characterized by features that are atypical for labor relations with other employees. In particular, the right to conclude (sign) an employment contract (contract) with the head of an organization (Article 254 of the Labor Code), the right to initiate bringing the head to material liability (Part 7 of Article 408 of the Labor Code), the right to terminate labor relations with the head of the organization (Articles 258; 259 of the Labor Code) and some other rights are granted to the owner of the organization's property or to the body authorized by him. At the same time, other rights and obligations of the employer in relation to the head of the organization as an employee (the obligation to pay for the work of the head, the obligation to provide guarantees in the field of working hours and rest time, etc.) are implemented by the organization itself as a legal entity.

The rights and obligations of the head of an organization are determined by the Labor Code, legislative acts, constituent documents, and an employment contract (Article 253 of the Labor Code). This means that in addition to the norms of Chapter 18 of the Labor Code, the general norms of the Labor Code apply to managers of an organization in the part that is not regulated by special norms, as well as other norms of current legislation regulating the work of managers.

In the Labor Code, the term «head of an organization», in addition to the norms of Chapter 18, is also used in various aspects in art. 1, 27, 47, 64, 227, 354, 355, 403, 408 etc. (for example, Article 1 of the Labor Code refers the head of an organization to the authorized officials of the employer, Article 27 of the Labor Code prohibits joint work in the same state organization as the head, chief accountant (his deputies) and cashier of persons who are closely related or related if their work is directly subordinate or controlled by one of them to another, paragraph 1 of Article 47 of the Labor Code establishes an additional ground for termination of an employment contract with the head of an organization: a single gross violation of labor obligations, etc.). status of the head of the organization, also apply to the head of the organization as an employee.

Separate provisions regarding remuneration and responsibility of managers of organizations are contained in Decree №. 29 of the President of the Republic of Belarus of July 26, 1999 «On additional measures to improve labor relations, strengthen labor and executive discipline» of July 26, 1999. A large number of regulatory legal acts regulate the work of heads of state organizations and organizations with a state ownership share in their property (these are, in particular, regulatory legal acts regulating the procedure and conditions for concluding contracts with heads of state organizations; conditions for remuneration of heads of state organizations and organizations with a state ownership share in their property; etc.). The specifics of regulating the work of heads of business entities are also determined by the Law on Business Entities. Provisions defining individual rights and obligations of managers of organizations may also be contained in regulatory legal acts regulating public relations in relevant narrowly focused areas (for example, on accounting and reporting, on fire safety, on pension provision, etc.).

The constituent documents of an organization may also contain provisions regulating the work of the head of the relevant organization. Features of regulating the work of the head of an organization can (and in some cases should): They can also be provided for directly in the employment contract (contract) with the manager. At the same time, by virtue of Part 3 of Article 19 of the Labor Code, the conditions included in the employment contract with the head of the organization should not worsen the position of the head in comparison with the current legislation.

**2. Conclusion of an employment contract with the head of the organization. Change of the employment contract with the head of the organization.**

An employment contract with the head of an organization is concluded by the owner of the property of this organization or an authorized body for the period established by the constituent documents or the agreement of the parties (Part 1 of Article 254 of the Labor Code).

The Labor Code does not specify the specific period for which an employment contract can be concluded with the head of an organization.

For the head of an organization with whom, in accordance with current legislation, a contract is concluded as a type of fixed-term employment contract, the minimum term of the contract will be one year. The maximum term of a contract (including a contract with the head of an organization) may not exceed the five-year term established by Article 17 of the Labor Code for a fixed-term employment contract, unless otherwise provided by legislative acts. The specific term of the contract within the limits defined by the current legislation is established by agreement of the parties.

If the conclusion of a contract with the head of an organization is not mandatory in accordance with the law, the parties may conclude a fixed-term employment contract. At the same time, the conclusion of a fixed-term employment contract with the head of an organization does not contradict Part 2 of Article 17 of the Labor Code, according to which a fixed-term employment contract is concluded in cases where employment relations cannot be established for an indefinite period, taking into account the nature of the work to be performed or the conditions for its performance, as well as in cases stipulated by the Labor Code. The possibility of entering into a fixed-term employment contract with the head of the organization just applies to the cases provided for in the Labor Code. A similar interpretation of the norms under consideration is contained in paragraph 9 of Resolution №. 2 of the Plenum of the Supreme Court of the Republic of Belarus of March 29, 2001 «On certain issues of application of labor legislation by courts».

The specifics of the conclusion and content of an employment contract (contract) with a manager are directly dependent on the organizational and legal form of a particular organization.

For example, the procedure for concluding an employment contract (contract) with the head of a business company is determined by the Law on Business Companies. The procedure and conditions for concluding contracts with the heads of state organizations are determined by the Regulation on the Procedure and conditions for concluding contracts with the heads of State Organizations.

Part 2 of Article 245 of the Labor Code provides that the owner of an organization's property or a body authorized by him has the right to establish in the organization's constituent documents the procedures preceding the conclusion of an employment contract with the head of the organization (holding a competition, election or appointment to a position, etc.).

Thus, when establishing requirements for procedures that precede the conclusion of an employment contract (contract) with the head of an organization, the creation of an employment relationship with him requires a complex legal structure:

* election of the head of the competition and conclusion of an employment contract (contract), or
* appointment of the head of the organization to a position and conclusion of an employment contract (contract), or
* other procedures stipulated by the legislation and the conclusion of an employment contract (contract).

As a general rule, specific procedures that precede the conclusion of an employment contract with the head of an organization are determined by establishing such a requirement in the organization's constituent documents.

A change in an employment contract (contract) is traditionally understood as a change in its terms, defined by the agreement of the parties. In addition, the types of changes in the employment contract also include a change in the employer as a result of its reorganization, a change in the owner of property, in which the employment relationship with the employee continues with his consent (Article 36 of the Labor Code).

Chapter 3 of the Labor Code regulates three types of changes to the employment contract: transfers, transfers, and changes in essential working conditions. In addition, changes in the employment relationship may include: dismissal of an employee from work, assignment to work in another separate division of a legal entity, business trip, etc.

Chapter 18 of the Labor Code does not contain rules defining the procedure for changing an employment contract with the head of an organization.

Transfer is one of the main forms of changing an employment contract, the procedure for which is regulated by the norms of Chapter 3 of the Labor Code. As a general rule, transfers are allowed only with the written consent of the employee. Exceptions are cases specified in Article 33 of the Labor Code (temporary transfer due to production necessity) and Article 34 of the Labor Code (temporary transfer due to downtime).

In accordance with Part 5 of Article 30 of the Labor Code, when transferring an employee, an employment contract is concluded in accordance with the requirements of Articles 18 and 19 of the Labor Code. Thus, when transferring an employee (including the head of an organization) to another permanent job, the fact of transfer must be properly documented. In the case of an ordinary employee, the transfer is processed by entering into a new employment contract (or making the necessary changes to the current employment contract) and issuing an order signed by the head of the organization. The transfer order, in turn, will be the basis for making an entry in the employee's employment record.

You can't record the transfer of the head of the organization in the same way. By virtue of the provisions of Chapter 18 of the Labor Code, the owner of the organization's property or an authorized body has the authority to conclude and terminate employment contracts with the heads of organizations. Consequently, the authority to change the employment relationship with the head of the organization is also among the powers of the owner of the organization's property or the body authorized by him. Accordingly, the fact of transfer of the head of the organization must be formalized by issuing an appropriate act of the owner of the organization's property or an authorized body and concluding a new employment contract.

If there are industrial, organizational or economic reasons, the owner of the organization's property or an authorized body may also change the essential working conditions of the head of the organization in accordance with Article 32 of the Labor Code. If the manager agrees, changes in essential working conditions are made out by issuing a corresponding act of the owner of the organization's property or the body authorized by him, with which the manager must be familiarized against signature.

In accordance with Article 36 of the Labor Code, the transfer of an organization from the subordination of one body to the subordination of another does not terminate the employment contract. If the owner of the property changes and the organization is reorganized (merged, merged, divided, separated, transformed), the employment relationship continues with the employee's consent. If an employee refuses to continue working under these conditions, the employment contract is terminated under clause 5 of Article 35 of the Labor Code.

If the owner of the organization's property changes, the new owner has the right to terminate the employment contract with the head of the organization no later than three months from the date when the ownership right arises. Upon termination of the employment contract with the head of the organization in connection with the change of ownership of the property (paragraph 11 of Article 47), the new owner is obliged to pay severance pay in the amount of at least three average monthly earnings.

**3. Features of termination of the employment contract with the head of the organization.**

Article 257 of the Labor Code provides that in addition to the grounds provided for in the Labor Code, an employment contract with the head of an organization may also be terminated on the following grounds:

1) conducting economicinsolvency (bankruptcy) procedures in relation to the organization;

2) acceptance by the owner of the organization's property or the body authorized by him of the relevant decision on termination of the employment contract.

When conducting economicinsolvency (bankruptcy) procedures in relation to an organization, the employment contract with the head of the organization may be terminated at the initiative of the owner of the organization's property or the body authorized by him.

By the decision of the owner of the organization's property or the body authorized by him, the employment contract with the head of the organization may be terminated before the expiration of its validity period in the absence of culpable actions (inaction) of the head of the organization. In this case, the owner of the organization's property or the body authorized by him / her pays compensation to the head of the organization for early termination of the employment contract with him / her in the amount determined by the employment contract.

The head of the organization has the right to terminate the employment contract ahead of schedule, notifying the owner of the organization's property or the body authorized by him in writing no later than one month in advance.

If the employment contract is terminated without valid reasons, the head of the organization, at the request of the owner of the organization's property or the body authorized by him, is obliged to pay compensation to the organization in the amount determined by the employment contract.

Good reasons, in particular, include:

1) the head of the organization reaches retirement age.

2) an illness that hinders the continuation of work;

3) the need to care for a sick family member;

4) violation of the terms of the employment contract by the owner of the organization's property or an authorized body.

**4. Business hours and rest periods of the organization's manager. Disciplinary and financial responsibility of the head of the organization.**

Rights and obligations of the head of the organization (including working hours, rest periods, and responsibilities)They are determined by the Labor Code, legislative acts, constituent documents, and the employment contract.

The head of a state organization or an organization in whose authorized capital 50 or more percent of shares (stakes) are owned by the state is prohibited from performing paid work on a part-time basis, except for teaching (in terms of implementing the content of educational programs), scientific or other creative activities, as well as medical practice, unless otherwise provided for by legislative acts.

The head of the organization bears full financial responsibility for the actual damage caused to the organization's property.

**5. Features of regulating the work of members of the collective executive body of the organization.**

The specifics of labor regulation established by Chapter 18 of the Labor Code for the head of an organization may be extended by the constituent documents of the organization to members of the collective executive body of the organization.

**Topic 3. Features of labor regulation**

**women and workers with family responsibilities**

**1. Classification of special norms that establish the specifics of the work of women and employees with family responsibilities.**

Special norms of the Belarusian labor legislation regulating the specifics of the work of womenand employees with family responsibilities can currently be divided into several groups:

1. in respect of all women (prohibition on the employment of women in heavy work; to work in hazardous working conditions; in underground work (except for some); the work related to lifting and moving heavy loads, exceeding the established norms (article 262 of the Labor Code of Ordinance of the Ministry of labor and social protection of the Republic of Belarus of June 12, 2014 №. 35 «On the establishment of the list of heavy work and work with harmful and (or) hazardous working conditions, which prohibited the employment of women», the resolution of the Ministry of health of the Republic of Belarus of October 13, 2010 №. 133 «On establishing the maximum of the norms of lifting and moving heavy objects by women to manually»);
2. in relation to female employees employed by employers who mainly employ women (organization of kindergartens and nurseries, rooms for women's personal hygiene, etc.) (Article 270 of the Labor Code);
3. for pregnant women and women with children under 3 years of age (art. 16, 117, 120,161,166,164, 263, 264, 266, 269 Labor Code).
4. for women with children under 1.5 years of age (stst. 264, 267 of the Labor Code);
5. in relation to some other categories (single mothers (Article 268 of the Labor Code); women with children from 3 to 14 (16) years old or a disabled child under the age of 18 (Articles 120,166, 189, 289, 305 of the Labor Code); women athletes (Article 314 of the Labor Code))
6. for employees with family responsibilities,

**2. Guarantees and restrictions on the employment of women and workers with family responsibilities. Features of establishing working conditions for women and employees with family responsibilities.**

In accordance with paragraph 6 of Part 1 of Article 16 of the Labor Code, it is prohibited to unreasonably refuse to conclude an employment contract with women on grounds related to pregnancy or the presence of children under the age of three, and single mothers - with the presence of a child under the age of fourteen (a disabled child-up to eighteen years).

If the employer refuses to conclude an employment contract for these categories of women, the employer must inform them of the reasons in writing. A refusal to enter into an employment contract may be appealed to the court.

According to Article 262 of the Labor Code, it is prohibited to involve women in heavy work and work with harmful and (or) dangerous working conditions, as well as underground work, except for some underground work (non-physical work or work on sanitary and household services).

It is prohibited to involve women in the performance of work related to lifting and moving heavy loads manually, exceeding the limits set for them, unless otherwise established by the Labor Code.

The list of heavy jobs and jobs with harmful and (or) dangerous working conditions, where it is prohibited to employ women, is approved by the republican state administration body that conducts state labor policy.

The maximum norms for lifting and moving heavy loads by women manually are established by the republican state administration body that conducts state health policy.

**3. Working hours and rest periods for women and employees with family responsibilities. Social leave for maternity and child care and the specifics of their provision.**

Article 263 of the Labor Code prohibits the involvement of pregnant women and women with children under the age of three in overtime work, work on public holidays and public holidays, weekends, and sending them on a business trip.

It is prohibited to employ pregnant women at night. Women with children under the age of three can only be employed at night with their written consent.

Women with children aged from three to fourteen years (children with disabilities - up to eighteen years) can be involved in night, overtime work, work on public holidays, holidays, weekends and sent on a business trip only with their written consent.

Working women, regardless of their length of service, are required by the employer to provide parental leave after the end of maternity leave until they reach the age of three years.

Leave to care for a child up to the age of three years is granted at the discretion of the family to the working father or other relative, family member of the child in case the child's mother goes to work (service), study (when receiving vocational, secondary special, higher or postgraduate education in the full-time form of education), training in a clinical residency in full-time, as well as if she is an individual entrepreneur, notary, lawyer, creative worker, a person engaged in craft activities, activities in the field of agroecotourism (except for persons who have suspended the corresponding activity in accordance with the procedure established by law).

If custody of a child is established, leave to care for the child until the child reaches the age of three years is granted to the working guardian.

The leave provided for in this article is granted upon written application and may be used in full or in parts of any length.

Leave to care for a child before reaching the age of three years is interrupted if the child's mother is granted maternity leave and continues after it ends in accordance with the procedure provided for in part four of this Article.

Parental leave granted to the persons referred to in paragraphs two and three of this Article until the child reaches the age of three years is terminated from the day following the day when the grounds for granting such leave have been lost.

If there are two or more children under the age of three in a family, the leave provided for in this article is granted to one person.

For the period of being on leave to care for a child until the child reaches the age of three, a monthly state social insurance benefit is assigned and paid in accordance with the procedure established by law.

At the request of the persons specified in parts one to three of this article, during their stay on parental leave until they reach the age of three, they may work in their main (other profession, position) or other place of work on a part-time basis (no more than half of the monthly normsof working time).

Leave to care for a child up to the age of three years is included in the length of service, as well as in the length of service in the specialty, profession, position in accordance with the legislation.

The period of parental leave before the child reaches the age of three years is not included in the length of service that entitles him to subsequent work leave.

**4. Additional guarantees provided to women and employees with family responsibilities when performing their work.**

In accordance with article 265 Labor Code mother (stepmother) and father (stepfather), the Trustee (the Trustee) raising (raising) a disabled child under the age of eighteen years, she (it) application is provided monthly to one additional free from work day with payment in the amount of the average daily wage at the expense of the state social insurance in the manner and on the conditions established by the Republican body of state administration, carrying out state policy in the field of labor.

A mother (stepmother) or father (stepfather), guardian (trustee) who is raising a disabled child under the age of eighteen or three or more children under the age of sixteen, upon her (his) written application, is granted one additional day off from work per week with payment in the amount of the average daily earnings in accordance with the procedure and conditions determined by the republican state administration body implementing state labor policy.

A mother (stepmother) or father (stepfather), guardian (trustee) who is raising two children under the age of sixteen, is granted one additional day off from work every month upon her (his) application. A collective agreement or other local regulatory legal act may provide for payment when the specified day is provided.

The right to additional free days granted in accordance with Parts one and two of Article 265 of the Labor Code may be used by the mother (stepmother) or father (stepfather) or divided by these persons among themselves at their discretion.

An additional day off from work per week provided for in Part two of Article 265 of the Labor Code is not granted in the week in which the employee is granted an additional day off from work per month provided for in parts one and three of Article 265 of the Labor Code.

**5. Features of transferring pregnant women and women with children under the age of one and a half years to another job. Additional guarantees for termination of employment relationships with pregnant women, women with children, and other employees with family responsibilities.**

 Pregnant women, in accordance with the conclusion of the medical consultation commission or the medical rehabilitation expert commission, are reduced production norms, service norms, or they are transferred to another job that is easier and eliminates the impact of harmful and (or) hazardous production factors, while maintaining the average earnings from their previous job (Part 1 of Article 264 of the Labor Code).

Until the issue of granting a pregnant woman another job that is easier and excludes exposure to harmful and (or) hazardous production factors is resolved in accordance with the conclusion of the medical consultation commission or the medical rehabilitation expert commission, she is subject to exemption from work with the preservation of average earnings for all working days missed as a result at the expense of the employer.

Women who have children under the age of one and a half years are transferred to another job if it is impossible to perform their previous work, while maintaining the average earnings for their previous work until the child reaches the age of one and a half years.

According to Article 266 of the Labor Code, an employee who has adopted a child under the age of three months or is appointed by his guardian is granted maternity leave lasting 70 calendar days from the date of adoption, establishment of guardianship. During the period of stay on maternity leave, a State social insurance benefit is assigned and paid in accordance with the procedure established by law.

At the request of an employee who has adopted a child or is appointed by his guardian, he is granted leave to care for a child until he reaches the age of three years in accordance with the procedure and under the conditions provided for in Article 185 of the Labor Code.

Article 267 of the Labor Code provides thatwomen with children under the age of one and a half years are provided with additional breaks for feeding the child in addition to the general break for rest and nutrition.

These breaks are provided at least three hours later, lasting at least 30 minutes each. If there are two or more children under the age of one and a half years, the duration of the break is set at least one hour.

At the request of the woman, breaks for feeding the child can be added to the break for rest and nutrition, or transferred in a cumulative form to both the beginning and end of the working day (work shift) with its corresponding reduction.

Breaks for feeding a child are included in working hours and are paid according to average earnings.

Article 268 of the Labor Code establishes guarantees for termination of an employment contract for pregnant women and women with children.

Termination of an employment contract on the initiative of an employer with pregnant women or women with children under three years of age is not allowed, except in cases of liquidation of the organization, termination of the activity of a branch, representative office or other separate subdivision of the organization located in another area, termination of the activity of an individual entrepreneur, as well as on the grounds provided for in Paragraphs 4, 5, 7-9 of Article 42 of the Labor Code and Article 47 of the Labor Code. It also prohibits the termination of an employment contract on the initiative of the employer with single mothers with children ages three to fourteen years (disabled children up to eighteen years), except in cases of liquidation of the organization, the termination of activities of a branch, representative office or other separate subdivision of the organization is situated in another location and termination of activities of an individual entrepreneur, as well as on the grounds specified in paragraphs 2, 4, 5, 7-9, article 42 and article 47 of LABOR CODE.

269-271 of the Labor Code also provides for a number of guarantees in relation to pregnant women; female employees of employers who mainly use women's labor; as well as fathers, other relatives, family members of the child, guardians (trustees).

**Topic 4. Features of youth labor regulation**

**1. The age at which an employment contract can be concluded. Rights of minor in labor relations.**

The norms that form the basis of legal regulation of the labor of minor are concentrated in the Labor Code, which, based on the norms of international law and guided by Article 8 of the Constitution of the Republic of Belarus, in part one of Article 21 establishes that, as a general rule, employment contracts are concluded with persons who have reached the age of 16.

However, there is an exception to this rule, which allows reducing the age from which a minor can act as a party to an employment contract. Part two of Article 21 of the Labor Code and Part 2 of Article 272 of the Labor Code provide that, with the written consent of one of the parents (adoptive parents, guardians), an employment contract may be concluded with a person who has reached the age of 14 to perform light work or engage in professional sports, which are prohibited by law.:

1) are not harmful to its health and development;

2) do not interfere with obtaining general secondary, vocational and specialized secondary education.

It is important to pay attention to two points:

- first, the second parent's disagreement with the conclusion of an employment contract by a person between the ages of 14 and 16 does not prevent its conclusion;

- secondly, if an employment contract with a person between the ages of 14 and 16 is concluded without the written consent of one of the parents (adoptive parent, trustee), then such a contract is considered invalid in accordance with paragraph five of Article 22 of the Labor Code.

It should also be noted that the labor legislation of the Republic of Belarus does not provide for the conclusion of an employment contract with persons under 14 years of age. However, in practice, there are cases of some jobs performed by children under the age of 14: participation in theatrical and circus performances, work as TV presenters, etc. Unfortunately, currently in the Republic of Belarus there is no mechanism for the legal regulation of labor relations with persons under 14 years of age by concluding an employment contract. Moreover, paragraph four of article 22 of the Labor Code provides that an employment contract is invalidated in cases of its conclusion with a person under 14 years of age.

According to Article 273 of the Labor Code, minor in labor relations are equal in rights to adults, and in the field of labor protection, working hours, vacations and some other working conditions enjoy the guarantees established by this Code, other legislative acts, collective agreements, agreements.

**2. Work that prohibits the employment of persons under the age of eighteen. Medical examinations of persons under the age of eighteen.**

One of the mandatory conditions that must be observed when entering into an employment contract with minor is to provide them with such work that would not have a negative impact on their health, moral and mental development, would not contribute to the formation of distorted needs, interests and illegal attitudes.

 In this regard, for minor aged 14 to 16 years, Resolution №. 144 of the Ministry of Labor and Social Protection of the Republic of Belarus of October 15, 2010 approved the List of light types of work that can be performed by persons aged fourteen to sixteen years. This List is exhaustive.

 You should pay attention to the fact that a mandatory condition for involving persons aged 14 to 16 years to a number of the works listed in the List is to ensure compliance with the established norms for lifting and moving weights manually, since Part three of Article 274 of the Labor Code prohibits minor from lifting and moving weights manually that exceed the limits set for them, unless otherwise established by the Labor Code. Therefore, another very important point when concluding an employment contract with a minor is the need to take into account these norms, and therefore hiring a minor, if the work involves the need to lift and move weights manually above the maximum permissible norms, is not allowed.

The maximum norms for lifting and moving heavy weights manually by minors are determined by the Decree of the Ministry of Health of the Republic of Belarus No. 134 dated October 13, 2010 «On the establishment of maximum norms for lifting and moving heavy weights manually by minors». These norms are established depending on the sex and age of the minor, as well as depending on the number of manual movements of cargo during the shift and from which surface (from the work surface, from the floor) the cargo is moved during the shift.

At the same time, the Labor Code provides for an exception to the general rule prohibiting minor from lifting and moving heavy loads manually that exceed the limits set for them. In particular, according to part fiveof Article 3149 Labor Code when participating in sports events for athletes under the age of eighteen, it is allowed for them to exceed the maximum norms for lifting and moving weights manually by minors, established in accordance with the Labor Code, if this is necessary according to the plan of preparation for sports competitions and the applied loads are not prohibited for them for health reasons in accordance with the conclusion of the medical consultation commission.

In order to protect the health of minors and ensure their normal development, a number of prohibitions on the involvement of these persons in work are also established, which must be taken into account when hiring them.

These bans include:

1) Prohibition of employment of persons under the age of eighteen in heavy work and in work with harmful and (or) dangerous working conditions, in underground and mining operations. The list of jobs that prohibit the employment of persons under the age of eighteen was approved by Resolution №. 67 of the Ministry of Labor and Social Protection of the Republic of Belarus dated June 27, 2013 «On establishing the List of Jobs that Prohibit the Employment of Persons under the Age of Eighteen».

2) Prohibition of hiring minor for work related to the need to conclude a contract on full financial responsibility. This kind of prohibition follows from the provisions of Article 405 of the Labor Code, according to part one of which written contracts on full material liability can be concluded by an employer with employees who have reached the age of eighteen.

3) Prohibition of the admission of minor to work part-time. 348 of the Labor Code prohibits part-time work of persons under the age of eighteen.

4) Prohibition to involve employees under the age of eighteen in night and overtime work, work on public holidays, holidays and weekends. This restriction is contained in Article 276 of the Labor Code and should also be taken into account at the stage of concluding an employment contract with a minor.

When hiring a minor, his preliminary medical examination is mandatory.

Only with a positive medical report, an employment contract can be concluded with minors. Preliminary medical examinations of minors provided for in Article 275 of the Labor Code are established in accordance with the norms of ILO Convention No. 77 «Concerning the medical examination of children and adolescents in order to determine their suitability for work in industry» and ILO Convention No. 78 «Concerning the medical examination of children and adolescents in order to determine their suitability for work in non-industrial jobs». Both Conventions stipulate that children and adolescents under the age of 18 are not employed «unless, as a result of a thorough medical examination, it is established that they are suitable for the work in which they should be used» and that the employed category of workers «must be under medical supervision in order to determine their suitability for work until such a child or teenager turns eighteen».

The procedure for passing a preliminary medical examination when applying for a job is determined by the Instruction on the procedure for conducting mandatory medical examinations of employees, approved by Resolution №. 47 of the Ministry of Health of the Republic of Belarus of April 28, 2010. According to the norms of this of this Instruction, a preliminary medical examination of persons entering the workplace is carried out in the direction of the employer, which indicates the production, profession, harmful and (or) dangerous factors of the working environment, indicators of the severity and intensity of the labor process. At the end of the preliminary medical examination, the person who has passed the medical examination is issued a medical certificate on the state of health indicating fitness to work in this profession under the influence of factors of the industrial environment, indicators of severity and intensity of the labor process.

**3. Labor leave granted to employees under the age of eighteen. Output norms for young workers. Features of remuneration of employees under the age of eighteen.**

Employees under the age of eighteen are granted working leave in the summer or, if they wish, at any other time of the year. The duration of a minor's work leave must be at least 30 calendar days.

The salary of employees under the age of eighteen years with a reduced daily work duration is paid in the same amount as employees of the corresponding categories with a full daily work duration.

The work of employees under the age of eighteen who are allowed to perform piecework is paid at the piecework rates established for adult employees, with an additional payment at the tariff rate for the time by which the duration of their daily work is reduced in comparison with the duration of the daily work of adult employees.

Remuneration for students receiving general secondary education, special education at the level of general secondary education, vocational and secondary special education, working in their free time, is made in proportion to the time worked or depending on the output. Employers can set additional payments to students ' salaries.

**4. Armor of youth recruitment and vocational training. Providing the first workplace to the relevant categories of young people.**

 According to the first part of Article 280 of the Labor Code, local executive and administrative bodies of organizations establish a system of employment and vocational training in production for persons who are looking for work for the first time, under the age of 21 (therefore, including for persons under the age of eighteen), persons from among orphaned children and children left without parental care.

The employment bonus is the number of jobs determined by local executive and administrative bodies, for which the employer is required to accept persons to whom­the state has provided additional employment guarantees, according to the directions of the employment service bodies.

If a minor is sent to work by the State employment service on account of a reservation, the employer has no right to refuse such a minor to conclude an employment contract. Such refusal may be appealed to the court. At the same time, in accordance with paragraph 1 of Article 10.12 of the Code of the Republic of Belarus on Administrative Offenses, the unjustified refusal of an employer's official to hire a citizen sent by the labor, employment and social protection authorities to the account of the reservation entails the imposition of a fine in the amount of twenty to fifty basic units. In the case of sending a minor employee to the reservation account, the question of what type of employment contract to conclude is decided by agreement of the parties. If the parties have not reached an agreement on the form of employment relations, the employer has the right to refuse to hire an employee and such refusal will not be considered unreasonable.

Graduates of state educational institutions who have received vocational, specialized secondary and higher education, who are granted a place of work by distribution, persons with special psychophysical development who have received special education at the level of general secondary education, as well as conscripts who have been dismissed from the Armed Forces, other troops and military formations of the Republic of Belarus, are guaranteed the first workplace. The procedure and conditions for granting the first workplace to these persons are determined by the Government of the Republic of Belarus.

The first workplace is considered to be the place of work provided by:

- graduates of state educational institutions who are assigned a place of work by way of distribution in accordance with the received specialty (direction of specialty, specialization) and the assigned qualification, if they were not in an employment relationship before entering the educational institution;

- persons with special psychophysical development who have received special education at the level of general secondary education, if they were not in an employment relationship;

- conscripts dismissed from the Armed Forces, other troops and military formations of the Republic of Belarus, if at the time of conscription they were not in an employment relationship.

**5. Additional guarantees for employees under the age of eighteen upon termination of the employment contract at the initiative of the employer.**

Termination of an employment contract with employees under the age of eighteen on the grounds provided for in paragraphs 1, 2, 3 and 6 of Article 42 of this Code is allowed, in addition to compliance with the general procedure, only with consent, and on the grounds provided for in paragraphs 4, 5, 7-9 of Article 42 and paragraphs 2 and 3 of Article 44 of this Code – after prior not ification, not less than two weeks in advance, to the district (city) commission for juvenile affairs, unless otherwise established by this Code.

**6. Features of material liability of minor employees.**

According to Articles 21, 272 of the Labor Code, the conclusion of an employment contract is allowed with persons who have reached the age of 14, with the written consent of one of the parents (adoptive parent, trustee), and with minor who have reached the age of 16, without the consent of these persons. In relation to paragraphs 1 and 2, as well as to paragraphs 1 and 2 of paragraph 3 of Article 25 of the Civil Code, taking into account the provisions of Article 273 of the Labor Code, material liability in the amount established by the Labor Code for damage caused to the employer by minor aged 14 to 16 years is borne by the minor himself, and the person who minor who have reached the age of 16 bear this responsibility independently. Minors do not bear financial responsibility on the grounds provided for in paragraph 1 of Article 404 of the Labor Code, since written contracts on full financial responsibility can be concluded by the employer with employees who have reached the age of 18 (Part 1 of Article 405 of the Labor Code).

**Topic 5. Peculiarities of regulating the work of disabled people**

**1. Implementation of the right to work by persons with disabilities. Benefits and guarantees for employers who employ disabled people.**

Persons with disabilities are granted the right to work for employers with normal working conditions, as well as in specialized organizations, workshops and land plots, taking into account individual rehabilitation programs for persons with disabilities.

Refusal to enter into an employment contract or promotion, termination of an employment contract on the initiative of the employer, transfer of a disabled person to anot her job without his consent on the grounds of disability are not allowed, except in cases where the performance of labor duties is contraindicated by an individual rehabilitation program for the disabled person.

It is not allowed to terminate an employment contract on the initiative of the employer with disabled persons undergoing medical, professional, labor and social rehabilitation in the relevant organizations, regardless of the period of stay in them.

Employers who employ persons with disabilities enjoy the benefits and guarantees provided for by law.

**2. Obligations of employers to employ employees who have received a disability in this production. Creation of specialized organizations, workshops and sites for the use of disabled people's labor.**

Employers are obliged to create jobs for the employment of employees who have received a disability due to a labor injury or occupational disease in this production.

For the purpose of employment of disabled people and taking into account local specifics, labor, employment and social protection agencies, employers create additional jobs (including specialized ones), specialized organizations, workshops and sites for the use of disabled people's labor.

Employers are required to create jobs (including specialized ones) for the employment of disabled people in accordance with the law.

**3. Features of hiring disabled people. Features of working hours and rest periods for disabled people.**

Disabled people are not assigned a test when applying for a job.

The employer is obliged to create working conditions for working disabled people in accordance with individual rehabilitation programs for disabled people, including by organizing their professional training at work, working in home conditions.

Working conditions, including remuneration and working hours, are established by the employment contract, collective agreement, and agreement and may not worsen the situation or restrict the rights of disabled people in comparison with other employees.

For disabled people of groups I and II, a reduced working time of no more than 35 hours per week is established. At the same time, their remuneration is made in the same amount as the remuneration of employees of the corresponding professions and positions with the full standard of working hours.

Involvement of persons with disabilities in overtime work, working at night, on public holidays and public holidays (part one of Article 147), working on weekends is allowed only with their consent and provided that such work is not prohibited to them by individual rehabilitation programs for persons with disabilities.

Sending disabled people on a business trip is allowed only with their consent.

The employer has the right to reduce the output norms for disabled people depending on their state of health.

When reducing the number or staff of employees, disabled people with equal labor productivity and qualifications are given preference in remaining at work.

Disabled people who work in specialized organizations, workshops, or areas that employ disabled people have a preferential right to remain at work, regardless of labor productivity and qualifications.

**4. Other features of regulating the work of disabled people. Rights and obligations of employers for social security of disabled people.**

Persons with disabilities who worked for an employer before retirement retain, on an equal basis with their employees, the right to medical care, housing, vouchers to health and preventive institutions, as well as to other social services and guarantees provided for in collective agreements and agreements.

Employers have the right to set allowances and surcharges to the pensions of disabled people, especially those who are single and need outside help and care, as well as to provide other guarantees provided for in this Code and collective agreements and agreements.

**Topic 6. Specifics of regulating the work of part-time employees**

**1. The concept of part-time work, its difference from combining professions (positions).**

Part-time employment means that an employee performs paid work for the same (internal part-time) or for another (other) employer (s) (external part-time) in his / her spare time under the terms of another employment contract.

Based on the definition of part-time work, the following features can be distinguished:

1) part-time work is performed in your free time from your main job;

2) part-time work should be regular;

3) part-time work is paid;

4) part-time work is possible only if the employer has a vacant position;

5) to perform part-time work, an employment contract is concluded.

In addition, taking into account the definition of the term «part-time work», two types of part-time work can be distinguished:

1) external part-time work - when an employee works in the main job for one employer, and part - time-for another;

2) internal part-time work - when an employee works both in the main job and part-time for the same employer.

Analysis of the definition of the term «part-time» also allows us to distinguish it from the similar term «combination».

The main difference between the concepts under consideration is based on when (that is, in what period of time) an employee performs duties in another profession (position). When combining professions (positions), the employee performs additional duties during the duration of the working day (working shift) established by law. At this time, he is not released from performing his main work. The legislation provides for payment for combining professions (positions) in the form of an additional payment. As for part-time work (internal), in this case the employee performs work outside the established normsof the working day (shift) duration. Payment for part-time work is made separately and independently of the terms of payment for the main job.

**2. Restrictions related to part-time work. Documents required when applying for a part-time job.**

It is not allowed to hold two senior positions in state organizations on a part-time basis, except for the positions of foremen and foremen, unless otherwise established by law.

It is prohibited to work part-time for persons under the age of eighteen, as well as in jobs with harmful and (or) dangerous working conditions, if the legislation provides for a reduced working time for the main job and part-time work.

When working part-time in state organizations, joint work of persons specified in Article 27 of this Code, related to direct subordination and control, is prohibited.

It is not allowed to accept part-time positions of material responsibility for persons convicted of mercenary crimes, if the criminal record is not removed or repaid in accordance with the established procedure, as well as for those positions or activities that are prohibited by a court verdict for certain categories of citizens.

For certain categories of employees, restrictions on part-time work may be established by law.

When applying for a part-time job with another employer, the employee must present an identity document. When applying for a job that requires special knowledge, the employer has the right to require the employee to present a document of education or training, and when applying for heavy work or work with harmful and (or) dangerous working conditions – a certificate of the nature and working conditions at the main place of work.

**3. Features of concluding and maintaining an employment contract with part-time employees.**

The employment contract must specify that the work is part-time.

The conclusion of part-time employment contracts with several employers is allowed, unless otherwise established by legislative acts.

For part-time work, the consent of the employer at the place of main work is not required, except in cases stipulated by the Labor Code and other legislative acts.

**4. Duration of part-time working hours. Remuneration of part-time employees. Features of granting labor leave to part-time employees. Providing guarantees and compensation to part-time employees.**

The duration of working hours established by the employer for part-time employees may not exceed half of the normal working hours established by Articles 111-114 of the Labor Code, unless otherwise established by Part two of Article 345 of the Labor Code.

According to Part two of Article 345 of the Labor Code, employees who are on leave without saving or with partial saving of wages, provided at the initiative of the employer in cases of temporary suspension of work or reduction of their volume, can work part-time full-time (shift).

Payment for part-time employees is made in proportion to the time worked.

When a part-time employee with a time-based salary sets standardized tasks, payment is made based on the final results for the actual amount of work performed.

Working leave for part-time employees is granted simultaneously with working leave for the main job.

If the employee has not worked part-time for six months, then the labor leave is granted in advance.

If the duration of the employee's part-time work leave is less than the duration of the main place of work, the employer, at the request of the employee, grants him a social leave of the corresponding duration without pay retention.

A part of the working leave of a part-time employee that exceeds the working leave for the main job may be replaced by monetary compensation by agreement between the employee and the employer.

**5. Features of termination of an employment contract with part-time employees. Other features of regulating the work of part-time employees.**

In addition to the grounds provided for in the Labor Code and other legislative acts, an employment contract with a part-time employee may be terminated in the event of hiring an employee for whom this work will be the main one.

Other specifics of regulating the work of part-time employees for certain categories of employees (including the definition of work that is not part-time) are established by the Government of the Republic of Belarus.

Guarantees and compensations provided for employees who combine work with education are provided only for the main place of work.

Other guarantees and compensations provided for in the Labor Code, other legislative acts, collective agreements, agreements, and other local regulatory legal acts are provided to part-time employees in full.

**Topic 7. Features of labor regulation**

**temporary and seasonal employees**

**1. The concept of temporary workers. Features of concluding and changing an employment contract with temporary employees.**

Temporary employees are employees who are employed for a period of up to two months, and for the replacement of a temporarily absent employee who retains the place of work (position) - up to four months.

Temporary workers, including those engaged in seasonal work, are subject to labor legislation with exceptions established by Chapter 23 of the Labor Code.

The conditions of temporary employment must be specified in the employment contract.

When applying for a job as temporary workers, a preliminary test is not established.

**2. Features of termination of an employment contract with temporary employees and payment of severance payments. Payment to a temporary employee of the average salary for the period of forced absenteeism.**

Temporary employees have the right to terminate their employment contract by notifying the employer in writing three days in advance.

An employment contract with temporary employees may be terminated on the grounds provided for in paragraph 5 of part two of Article 35, article 42 (except for paragraph 6), article 44 of the Labor Code, as well as in the following cases:

1) suspension of work for the employer for a period of more than one week due to industrial reasons, as well as reduction in the volume of work;

2) non-attendance at work for more than two consecutive weeks due to temporary disability. In cases of loss of working capacity due to an occupational injury or occupational disease, as well as when the legislation provides for a longer period of retention of the place of work (position) in the event of a certain illness, temporary employees retain their place of work (position) until the restoration of working capacity or the establishment of disability, but not more than until the end of the term of work under the employment contract;

3) non-fulfillment by temporary employees of the duties assigned to them by the employment contract, internal labor regulations, and this Code without valid reasons;

4) violations of labor legislation, collective agreements, or employment contracts by the employer.

Severance pay for temporary employees is paid:

1) in the case provided for in paragraph 1 of Part two of Article 294 of the Labor Code – in the amount of weekly average earnings;

2) in the cases provided for in paragraph 4 of Part two of Article 294 of the Labor Code, as well as in the case of conscription for military service – in the amount of two weeks ' average earnings.

According to part one of Article 296 of the Labor Code, a temporary employee who is reinstated at work is paid, by decision of the labor dispute resolution body, the average earnings for the period of forced absenteeism from the day of dismissal to reinstatement or the end of the term of work under an employment contract, but not more than three months in advance.

A temporary employee who is illegally transferred to another job is paid the average salary for the time of forced absenteeism or the difference in salary for the time of performing a lower-paid job in accordance with part one of Article 296 of the Labor Code.

**3. Features of attracting temporary employees to work on public holidays, holidays and weekends. Cases when the employment contract with temporary employees is considered to be extended for an indefinite period.**

Temporary employees who have entered into an employment contract for a period not exceeding six days may, within this period, be engaged to work on public holidays, holidays (part one of Article 147 of the Labor Code) and weekends without their consent.

For work on these days, other days of rest are not provided, and payment is made in a single amount.

According to Article 298 of the Labor Code, an employment contract with temporary employees is considered continued for an indefinite period when:

1) a temporary employee has worked for more than the terms specified in part one of Article 292 of the Labor Code, and neither party has requested termination of the employment relationship;

2) a dismissed temporary employee is re - employed by the same employer after a break not exceeding one week, if the period of his work before and after the break in total exceeds two or four months, respectively.

In the cases specified in Part one of Article 298 of the Labor Code, temporary employees are not considered temporary from the date of conclusion of the employment contract.

**4. The concept of seasonal workers. Features of concluding and changing an employment contract with seasonal employees.**

Seasonal employees are employees engaged in jobs that, due to natural and climatic conditions, are not performed all year round, but during a certain period (season) that does not exceed six months.

Seasonal workers are subject to labor legislation with exceptions established by Chapter 24 of the Labor Code.

Lists of seasonal works are approved by the Government of the Republic of Belarus or its authorized body.

The seasonal nature of work must be specified in the employment contract. An employment contract for seasonal work is concluded for a period not exceeding the length of the season.

Seasonal employees are not subject to a pre-employment test.

**5. Features of termination of an employment contract with seasonal employees and payment of severance payments. Payment to a seasonal employee of the average salary for the period of forced absenteeism.**

Seasonal employees have the right to terminate their employment contract at their own request, notifying the employer in writing three days in advance.

An employment contract with seasonal employees may be terminated on the grounds provided for in paragraph 5 of part two of Article 35, Article 42 (except for paragraph 6), article 44 of the Labor Code, as well as in the following cases:

1) suspension of work for a period of more than two weeks due to production reasons or a reduction in the amount of work performed by the employer;

2) seasonal employee's absence from work due to temporary disability continuously for more than one month. In case of loss of working capacity due to an occupational injury or occupational disease, as well as when the legislation provides for a longer period of retention of the place of work (position) in case of a certain illness, seasonal employees should have a place of work (position). it is retained until the ability to work is restored or disability is established, but not more than until the end of the term of work under the employment contract.

3) violations of labor legislation, collective agreements, or employment contracts by the employer.

Severance pay for seasonal employees is paid:

1) in the case provided for in paragraph 1 of Part two of Article 301 of the Labor Code – in the amount of weekly average earnings;

2) in the cases provided for in paragraph 3 of Part two of Article 301 of the Labor Code, as well as in the case of conscription for military service – in the amount of two weeks ' average earnings.

According to Part 1 of Article 303 of the Labor Code, a seasonal employee who is reinstated at work by a decision or resolution of the body considering labor disputes is paid the average salary for the time of forced absenteeism from the day of dismissal until reinstatement or the end of the work term under an employment contract, but not more than three months in advance.

A seasonal employee who is illegally transferred to another job is paid the average salary for the time of forced absenteeism or the difference in salary for the time of performing a lower-paid job in accordance with Part 1 of Article 303 of the Labor Code.

**Topic 8. Features of labor regulation**

**home-based and domestic workers**

**1. The concept of home-based workers. Features of concluding an employment contract with home-based employees. Preferential right to conclude an employment contract on performing work at home.**

Homeworkers are considered to be persons who have entered into an employment contract with the employer to perform work at home by personal labor using their own materials, equipment, tools, mechanisms, devices or allocated by the employer or purchased at the expense of the employer's funds.

Work at home is defined as work that a homeworker performs at the place of his residence or in other premises of his choice outside the premises of the employer.

The pre-emptive right to conclude an employment contract for performing work at home is granted:

1) women with children under the age of sixteen (children with disabilities - up to eighteen years);

2) disabled people and pensioners (regardless of the type of pension assigned);

3) persons with reduced working capacity, who are recommended to work in home-based conditions in accordance with the established procedure;

4) persons who take care of disabled or long-term ill family members who need care for health reasons;

5) persons engaged in work with a seasonal nature of production (in the off-season period), as well as those receiving full-time education;

6) persons who, for objective reasons, cannot be employed directly in production in this area

**2. Organization and working conditions of home-based workers. Production norms and remuneration for home-based workers.**

Organization of work at home is allowed only in conditions that meet the requirements of labor protection, for persons who have practical skills or who can be trained in these skills to perform certain jobs.

The employer provides tools, equipment, mechanisms and adaptations for the free use of homeworkers, and performs their timely repairs.

In cases when a homeworker uses his tools, equipment, mechanisms and devices, he is paid compensation (depreciation) for their wear, the amount and procedure for payment of which are determined by agreement with the employer.

By agreement of the parties, a homeworker may also be reimbursed for other expenses related to performing work at home for the employer (the cost of electricity, water, etc.).

The specific type of work for home-based workers is chosen based on their professional knowledge, skills, and health status.

Certain types of home-based work in accordance with the general rules of fire safety and sanitation, as well as the housing and living conditions of home-based workers, can only be allowed with the permission of the relevant authorities.

The procedure and terms for providing raw materials, materials and semi-finished products, payments for manufactured products, reimbursement of the cost of materials (if the products were made from their own materials), and export of finished products are established in the employment contract and (or) collective agreement.

In cases where home-based employees perform work in other organizational and technical conditions (using their own tools, equipment, etc.), the employer may set production norms for them based on the specific conditions for performing work at home, taking into account economicfeasibility.

All work performed is paid to homeworkers in a single amount, unless the employment contract provides for a higher payment.

The employer has the right to award bonuses to home-based employees in accordance with the current regulations on bonuses, collective agreements and employment contracts.

**3. The concept of domestic workers. Features of concluding an employment contract with domestic workers. Restrictions on entering into an employment contract with closely related domestic workers.**

Domestic workers are recognized as persons who perform work in the household of citizens under an employment contract, provide them with technical assistance in literary or other creative activities, and other types of services provided for by law.

Persons caring for disabled of group I from among the military personnel who became disabled as a result of injuries, concussion or injury received in the performance of duties of military service, either because of disease associated with being in the front as well as caring for the disabled of group I, with persons over 80 years of age, for a disabled child under the age of eighteen years and the child under eighteen years of age, infected with HIV or AIDS are not domestic workers. The specifics of the legal regulation of the work of these persons are determined by the legislation.

An employment contract with a domestic worker is not concluded if the work is of a short-term nature (up to 10 days in total during the month).

A signed employment contract with a domestic worker must be registered with the local executive and administrative body of the primary territorial level № later than seven days after the parties sign it.

It is not allowed for citizens to enter into an employment contract for working at home with persons who are closely related or related to them (parents, spouses, brothers, sisters, sons, daughters, as well as brothers, sisters, parents and children of spouses).

**4. Features of termination of an employment contract with domestic workers. Working hours and rest periods for domestic workers. Remuneration of domestic workers. State social insurance of domestic workers.**

An employment contract with domestic workers may be terminated by agreement of the parties with three days ' notice to the contracting party.

In case of violation of the terms of the employment contract, it may be terminated at any time on the grounds provided for in this Code, the employment contract.

An employment contract with a record of its termination entered into it is submitted by the parties to the local executive and administrative body that registered this contract.

Working hours and rest periods of domestic workers are regulated by agreement between the parties. At the same time, the length of the working week may not exceed the one specified in Article 112 of the Labor Code.

Specific rest days are specified by the parties in the employment contract.

Domestic workers have the right to work leave of at least 24 calendar days (Article 155 of the Labor Code) in accordance with the procedure and under the conditions established by the Labor Code.

Payment for domestic workers is made in accordance with the procedure and amounts specified in the employment contract.

Domestic workers who work for citizens under employment contracts are covered by State social insurance.

**Topic 9. Peculiarities of labor regulation of employees engaged in professional sports activities**

**1. Legal regulation of the work of athletes and coaches. Features of concluding an employment contract with athletes and coaches. Medical examinations of athletes.**

Legal regulation of the work of athletes and coaches is carried out by the norms of Chapter 261 of the Labor Code and other regulatory legal acts.

A fixed-term employment contract is concluded with an athlete or coach, unless otherwise provided by the Labor Code or other legislative acts.

In addition to the information and conditions provided for in Part two of Article 19 of the Labor Code, the employment contract with the athlete must specify the following conditions as mandatory:

1) employer's responsibilities:

ensure the conduct of sports events and the athlete's participation in sports competitions under the guidance of a coach (s);

to acquaint the athlete with the terms and conditions of the employer's contracts with organizations that provide financial assistance, advertisers, and organizers of sports events directly related to the athlete's work, both when applying for a job and during the period of validity of the employment contract;

2) athlete's responsibilities:

observe the sports mode;

perform preparation plans for sports competitions;

take part in sports competitions only at the direction of the employer;

observe the rules of sports competitions by type of sport and the regulations on holding (rules of conduct) of sports competitions in which they take part;

to participate on the call (s) the Republican body of state management, conducting state policy in the sphere of physical culture and sport, or the Federation (Union Association) by type (types) of sport included in the register of federations (unions, associations) by type (types) of sports, sporting events national teams of the Republic of Belarus for sports;

pass doping control in accordance with the legislation on physical culture and sports;

pass medical examinations in accordance with the procedure established by law;

inform the employer about the state of their health and immediately notify them of diseases, including injuries, and other deterioration of their health;

maintain the employer's reputation during public appearances in the media.

In addition to the information and conditions provided for in Part two of Article 19 of the Labor Code, the employment contract with the coach must specify the following conditions as mandatory:

1) obligations of the employer to acquaint the coach with the terms of the employer's contracts with organizations providing financial assistance, advertisers, and organizers of sports events directly related to the coach's work, both when applying for a job and during the period of validity of the employment contract;

2) duties of the coach:

prevent doping in sports;

observe the rules of sports competitions by type of sport and the regulations on holding (rules of conduct) of sports competitions in which they take part;

to participate on the call (s) the Republican body of state management, conducting state policy in the sphere of physical culture and sport, or the Federation (Union Association) by type (types) of sport included in the register of federations (unions, associations) by type (types) of sports, sporting events national teams of the Republic of Belarus for sports;

maintain the employer's reputation during public appearances in the media.

In the employment contract, by agreement of the parties, an athlete or coach may be provided with additional conditions about (o):

1) responsibilities of an athlete to achieve certain sports results;

2) duties of the coach to ensure that the athlete (team of athletes) achieves certain sports results;

3) obligations to use sports equipment, sports equipment and equipment provided by the employer during working hours;

4) consent of the athlete or coach to transfer by the employer a copy of their employment contract to federations (unions, associations) for the type (s) of sport included in the register of federations (unions, associations) for the type (s) of sport;

5) payment of monetary compensation to the employer upon termination of the employment contract in the cases provided for in Article 31412 of the Labor Code, as well as on the amount and procedure for payment of this compensation.

According to part 1 of Article 3143 Labor Code in order to determine their suitability for performing the assigned work, prevent occupational diseases and prevent sports injuries, athletes are subject to preliminary (upon admission to work) and periodic (during their work activity, but at least once a year, athletes under the age of eighteen – at least once every six months) mandatory medical examinations, as well as extraordinary medical examinations in case of deterioration of health.

Procedure for conducting medical examinations provided for in Part one of Article 3143 Labor Code, is determined by the republican state administration body that conducts state policy in the field of physical culture and sports, in coordination with the republican state administration body that conducts state policy in the field of health.

The employer is obliged to organize medical examinations in accordance with the procedure established by law.

The cost of conducting medical examinations of athletes is borne by the employer.

For the duration of medical examinations, the athlete retains his place of work (position) and average earnings.

**2. Procedure for making temporary transfers of employees engaged in professional sports activities to another employer.**

If it is not possible to ensure the participation of an athlete or coach in sports events, the employer, by written agreement with another employer and with the athlete or coach, temporarily transfers them to another employer to continue playing professional sports for a period of no more than one year.

In case of temporary transfer to another employer to continue professional sports, the term of validity of a fixed-term employment contract with an athlete or coach concluded with the former employer is suspended.

For the period of temporary transfer, the employer at the place of temporary work enters into a fixed-term employment contract with the athlete or coach in accordance with the labor legislation, taking into account the specifics established by the Labor Code.

The employer at the place of temporary work does not have the right to transfer the athlete or coach to another employer.

Upon termination of the temporary transfer of an athlete or coach to another employer, as well as upon early termination of a fixed-term employment contract concluded for the period of temporary transfer of an athlete or coach to another employer, the validity of a fixed-term employment contract with an athlete or coach concluded with the previous employer is renewed.

**3. Features of the suspension from participation in sports competitions of employees engaged in activities in the field of professional sports.**

The employer is obliged to suspend the athlete or coach from participating in sports competitions for the duration of the proceedings on their sports disqualification in the event of such proceedings, and the athlete or coach who has been subjected to sports disqualification in accordance with the legislation – for the duration of their sports disqualification.

During the period of suspension of an athlete or coach from participation in sports competitions, the employer ensures their participation in training sessions, training camps, rehabilitation, preventive, health-improving activities, testing, instructional and judicial practice, and pays wages in the following amounts:

1) for the actual work performed, but not less than two-thirds of the established tariff rate (salary) - before making a decision on sports disqualification of the athlete or coach;

2) for the actual work performed – during the period of sports disqualification of an athlete or coach.

**4. Procedure for sending employees working in the field of professional sports to the national teams of the Republic of Belarus by sports. Features of part-time work of employees working in the field of professional sports.**

Employers are obliged to send athletes and coaches to participate in sports events as part of the national sports teams of the Republic of Belarus on the basis of calls (requests) from the republican state administration body that conducts state policy in the field of physical culture and sports, or a federation (union, association) by type (s) of sports included in the register of federations (unions, associations) by type (s) of sports.

Expenses of athletes and coaches traveling to the venues of sports events as part of the national teams of the Republic of Belarus in sports and back are reimbursed in the order and amounts determined by the republican state administration body that conducts state policy in the field of physical culture and sports, in coordination with the republican state administration body that conducts a unified financial policy, the republican state administration body that conducts state policy in the field of labor.

An athlete or coach has the right to work part-time for another employer only with the permission of the employer at the main place of work.

During the temporary transfer of an athlete or coach to another employer (Article 3144 Labor Code) a part-time work permit must be obtained both from the employer at the place of temporary work and from the employer with whom the fixed-term employment contract was originally concluded.

**5. Features of regulating the work of female athletes. Features of regulating the work of athletes under the age of eighteen. Additional guarantees and compensations provided to employees engaged in professional sports activities.**

When participating in sports events of female athletes, they may exceed the maximum norms for lifting and moving weights manually established in accordance with the Labor Code, if this is necessary according to the plan of preparation for sports competitions and the applied loads are not prohibited to them for health reasons in accordance with the conclusion of the medical consultation commission.

The duration of weekly and daily work for athletes under the age of eighteen may not exceed the maximum weekly and daily working hours established by Articles 114 and 115 of the Labor Code.

Sending athletes aged from fourteen to sixteen years on official business trips is allowed only with their written consent and the written consent of one of the parents (adoptive parents, guardians), and athletes aged from sixteen to eighteen years – with their written consent.

Athletes aged from fourteen to sixteen years can be involved in overtime work, work on public holidays, holidays (part one of Article 147 of the Labor Code) and weekends, at night only with their written consent and the written consent of one of the parents (adoptive parents, guardians), and athletes aged from sixteen to eighteen years – with their written consent.

When participating in sports events, athletes under the age of eighteen are allowed to exceed the maximum norms for lifting and moving weights manually by minors, established in accordance with the Labor Code, if this is necessary according to the plan of preparation for sports competitions and the applied loads are not prohibited to them for health reasons in accordance with the conclusion of the medical consultation commission.

Athletes and coaches are entitled to a number of additional guarantees and compensations. In particular, the employer is obliged to provide athletes and coaches with sports equipment, sports equipment and equipment, other material and technical means necessary for the performance of their work, as well as to maintain the specified equipment, equipment and facilities in a condition suitable for use.

Material and technical support of national and national teams of the Republic of Belarus in sports at the expense of the republican budget is carried out in accordance with the procedure established by the republican state management body that conducts state policy in the field of physical culture and sports.

Collective agreements, agreements and other local regulatory legal acts, employment contracts may provide for additional guarantees and compensations for athletes and coaches, including:

1) ensuring the implementation of rehabilitation, preventive and health-improving measures in order to strengthen, restore and preserve the health of athletes;

2) payment of additional compensation in connection with moving to work in another area;

3) provision of food, social services, and transportation expenses during participation in sports competitions at the employer's expense.

Failure by the employer to include an athlete in the application for participation in a sports competition, including due to the fact that the athlete's training does not meet the requirements established by the organizer of a sports competition, is not a reason for reducing the athlete's salary. In this case, the employer is obliged to ensure the athlete's participation in training sessions, training camps, rehabilitation, preventive, health-improving activities, testing, instructional and judicial practice.

**6. Additional grounds for termination of an employment contract with employees engaged in professional sports activities. Grounds and specifics for including conditions on monetary compensation in an employment contract with employees engaged in professional sports.**

According to part 1 31411An employment contract with an athlete, in addition to the grounds provided for in the Labor Code and other legislative acts, may be terminated in the following cases:

1) sports disqualification of an athlete for a period of six months or more;

2) the athlete's use of doping in sports;

3) failure to achieve certain sports results, provided that the achievement of these results was provided for in the employment contract and the athlete was provided with the necessary conditions for achieving them by the employer.

Termination of an employment contract with an athlete under the age of eighteen on the grounds provided for in Part one 31411 Labor Code, is allowed only after prior notification, at least two weeks in advance, to the district (city) commission on juvenile affairs.

An employment contract with a coach, in addition to the grounds provided for in the Labor Code and other legislative acts, may be terminated in the following cases::

1) sports disqualification of a coach for a period of six months or more;

2) failure of the athlete (team of athletes) to achieve certain sports results, provided that the employment contract requires the coach to ensure that the athlete (team of athletes) achieves these results and the employer has created the necessary conditions for the athlete (team of athletes) to achieve them.

An employment contract may contain a condition on the obligation of an athlete or coach to pay monetary compensation to the employer in case of termination of the employment contract on the initiative of the employer on the grounds provided for in paragraphs 4, 5 and 7 of Article 42, paragraphs 1 and 2 of Part one, paragraph 1 of part three of Article 31411 of the Labor Code.

The amount of monetary compensation and the procedure for its payment are determined by the employment contract.

**Topic 10. Features of labor regulation**

**other categories of employees**

**1. Features of regulating the labor of employees of the forest industry and forestry, employees of agricultural organizations, employees of communication organizations, electric power and transport.**

According [to part one](#Par3346) of Article 315 of the Labor Code, employees engaged in work directly related to the main technological process in the forest industry and forestry are subject to the Labor Code with the following features:

1) temporary transfer to another job not stipulated by the employment contract for the same employer due to industrial necessity, including to replace an absent employee, is allowed for a period of up to three months during a calendar year;

2) for cumulative accounting of working hours, the duration of daily work (shifts) may be increased, but not more than up to 12 hours, with a corresponding reduction in working days at other times of the accounting period or (and) the provision of additional vacation days. In cases where processing in excess of normal working hours cannot be compensated by providing another day of rest and reducing working days under production conditions, it is paid as overtime work;

3) the duration of daily (inter-shift) rest can be reduced in comparison with the standard one, but not less than 12 hours, not counting the time of a break for rest and food. In case of cumulative accounting of working hours, unused hours of inter-shift rest may be added up and provided as other rest days during the accounting period.

4) the duration of a weekly continuous rest period may be reduced to 32 hours if the total working time is taken into account. On average, for the accounting period, it must meet the norms provided [for in Chapter 10](#Par1240) of the Labor Code.

The list of categories of employees of the forest industry and forestry, for which the features provided [for in part one](#Par3346) of Article 315 of the Labor Code, as well as other features, are applied, is established by the Government of the Republic of Belarus or its authorized body.

According [to part one](#Par3346) of Article 317 of the Labor Code, workers of crop production and agricultural organizations are assigned a cumulative accounting of working hours for an annual accounting period (calendar or billing year), in which the employer has the right to:

1) during the period of intense field work (sowing, care of crops, forage harvesting, harvesting, plowing of finches, etc.), if necessary, increase the duration of daily work (shifts) to 10 hours, and with the consent of employees - to 12 hours;

2) compensate for the resulting processing by reducing the working day (shift) in other periods of the season or in winter, or (and) by providing other days of rest (at the rate of one day of rest for eight hours of processing).

Workers of workshops of motor transport, warehouses and other divisions serving crop production may be assigned a cumulative accounting of working hours for certain periods of intense field work, in which the employer has the right to increase the duration of daily work for these employees to 10 hours during these periods, so that on average for each accounting period the duration of working hours according to the work schedule (shift) does not exceed the normal number of hours.

Animal husbandry workers may be assigned a working day by the employer, divided into no more than three parts, between which breaks of at least two hours are provided, including a break for rest and food. At the same time, the total duration of working hours should not exceed the duration of daily work for this category of workers.

The specifics of legal regulation of working hours and rest periods in telecommunications, electric power and transport organizations within the limits of the norms established by the Labor Code are determined by the regulations on working hours and rest periods for certain categories of employees approved by the Government of the Republic of Belarus or its authorized body.

The employer has the right to keep records of working hours according to the norms of its costs.

**2. Features of regulation of labor of creative, pedagogical, scientific workers, employees engaged in pedagogical activities in the field of physical culture and sports, medical workers.**

The specifics of labor regulation (competitive filling of positions, hourly wages, etc.) of creative, pedagogical, scientific workers, employees engaged in pedagogical activities in the field of physical culture and sports are established by the legislation.

Features of labour regulation of medical professionals determined the Republican body of state administration, carrying out state policy in the field of health care and workers ' organizations of physical culture and sports, including athletes and coaches, and national teams of the Republic of Belarus for sports - Republican body of state administration, carrying out the state policy in the sphere of physical culture and sport, taking into account the norms set LABOR CODE.

**3. Features of labor regulation of employees who took part in the liquidation of the consequences of the Chernobyl nuclear power plant disaster, and persons equated to them. Features of labor regulation of employees living (working) in the territory of radioactive contamination.**

*The Labor Code establishes the following features of regulating the labor of employees who took part in the liquidation of the consequences of the Chernobyl disaster, and persons equated to them:*

* According to Part 1 of Article 325 of the Labor Code onreducing the number or staff of employees, the following categories of employees have a preferential right to remain at work with equal labor productivity and qualifications:

1) participants in the liquidation of the consequences of the Chernobyl nuclear power plant disaster;

2) those who have fallen ill and suffered radiation sickness caused by the consequences of the Chernobyl nuclear power plant disaster or other radiation accidents;

3) persons who have become disabled, and in respect of whom a causal link has been established between the injury or illness that led to disability and the Chernobyl disaster.

If it is impossible to continue the work of these employees at their previous place of work, other work is provided to them first of all or measures are taken for their employment in another organization.

* According to Part 1 of Article 326 of the Labor Codeore leave is granted in the summer or other convenient time to the following categories of employees:

1) those who have fallen ill and suffered radiation sickness caused by the consequences of the Chernobyl nuclear power plant disaster or other radiation accidents;

2) persons with disabilities, in respect of whom a causal link has been established between the injury or illness that led to disability and the Chernobyl nuclear power plant disaster;

3) participants in the liquidation of the consequences of the Chernobyl nuclear power plant disaster;

4) evacuated, resettled, independently left the territory of radioactive contamination from the evacuation (alienation) zone, the zone of primary resettlement and the zone of subsequent resettlement, with the exception of those who arrived in these zones after January 1, 1990.

* According to Part 2 of Article 326 of the Labor Code social leave without pay lasting 14 calendar days a year is granted to the following categories of employees:

1) those who have fallen ill and suffered radiation sickness caused by the consequences of the Chernobyl nuclear power plant disaster or other radiation accidents;

2) persons with disabilities, in respect of whom a causal link has been established between the injury or illness that led to disability and the Chernobyl nuclear power plant disaster;

3) participated in the liquidation of consequences of accident on the Chernobyl NPP in 1986 - 1987 the evacuation zone (exclusion) or busy in this period, operation or other work at the station (including temporarily directed or assigned), including soldiers and conscripts called up for special charges and brought to the execution of works related to the elimination of the consequences of this disaster.

*The specifics of regulating the work of employees living (working) in the territory of radioactive contamination are as follows:*

* Employees working in the evacuation (alienation) zone, including those temporarily assigned or sent on business, are set the following conditions:

1) 35-hour working week;

2) daily allowances in increased amounts for temporarily sent or seconded.

The duration of the main leave for employees working in the evacuation zone (alienation) is established by the Government of the Republic of Belarus in consultation with the President of the Republic of Belarus. The specified leave is granted without taking into account additional leave for work with harmful and (or) dangerous working conditions.

The specific conditions of the work and rest regime, remuneration and compensation amounts in the evacuation zone (alienation) are established by the Government of the Republic of Belarus or its authorized body.

The duration of the main leave for employees working in the territory of radioactive contamination in the zone of priority resettlement, the zone of subsequent resettlement and the zone with the right to resettlement is established by the Government of the Republic of Belarus in agreement with the President of the Republic of Belarus. The specified leave is granted without taking into account additional labor leave for work with harmful and (or) dangerous working conditions.

Persons permanently (predominantly) residing in the territory of radioactive contamination in the zone of subsequent resettlement and the zone with the right to resettlement, during resettlement, have the right to:

1) termination of the employment contract without observing the terms of warning of the employer provided for by law;

2) priority employment at a new place of residence, taking into account the profession and qualifications of the relocated. In the absence of the possibility of such employment, they are provided with the provision of other work, taking into account their desire and social needs, or the possibility of professional retraining with the preservation of wages in accordance with the established procedure for the period of education.

* The term of continuous temporary assignment (referral) to the territory of radioactive contamination may not exceed one year.

4. **Peculiarities of regulation of labor and related relations in diplomatic missions and consular offices of foreign states accredited in the Republic of Belarus.**

Labor and related relations of foreign employees of diplomatic missions and consular offices of foreign States accredited in the Republic of Belarus are regulated by the legislation of the relevant foreign State.

Labor and related relations of employees - citizens of the Republic of Belarus working in diplomatic missions and consular offices of foreign states accredited in the Republic of Belarus are regulated by the Labor Code (with the exception of the norms of Section IV, as well as the norms regulating the participation of trade unions (other representatives of employees) in the regulation of labor and related relations), taking into account the specifics provided for in Article 321 of the Labor Code.

The republican public administration body conducting state policy in the field of foreign relations participates in the resolution of labor disputes between employees - citizens of the Republic of Belarus working in diplomatic missions and consular offices, and these missions and consular offices.

The protection of labor and related rights of employees - citizens of the Republic of Belarus working in diplomatic missions and consular offices of foreign states accredited in the Republic of Belarus is carried out by the republican public administration body conducting state policy in the field of foreign relations, together with the republican public administration body conducting state policy in the field of labor, in accordance with the procedure determined by the Government of the Republic of Belarus.

5. **Regulation of the work of employees sent to work in institutions of the Republic of Belarus abroad; emigrant workers and immigrant workers.**

Employees of the Republic of Belarus who are sent to work in institutions of the Republic of Belarus abroad (diplomatic, trade and permanent missions, consular offices, etc.) are subject to the labor legislation of the Republic of Belarus.

The specifics of regulating the labor of migrant workers and immigrant workers are established by the legislation and international treaties of the Republic of Belarus.