



DATA UPDATE – Women, Business and the Law 2023

Russian Federation

Ministry of Economic Development

1. Workplace

Comment received from Government:

1. Can a woman get a job in the same way as a man?

The Constitution of the Russian Federation establishes that man and woman have equal rights and freedoms and equal possibilities to exercise them (Part 3 of Article 19 of the Constitution of the Russian Federation). The labor legislation of the Russian Federation establishes the equality of men and women in labor relations: hiring, setting the amount of wages, working hours and periods of rest, etc.

Articles 2 and 3 of the Labor Code of the Russian Federation (hereinafter referred to as the Labor Code of the Russian Federation) establish the equality of workers' rights and opportunities including providing the opportunity to work in executive positions for both women and men.

Article 253 of the Labor Code of the Russian Federation ensures the protection of women's health in certain job. Labor of females on hard, dangerous and/or unhealthy trades as well as underground working excluding nonphysical work or sanitary and domestic services is limited. Labor of females on work related to manual lifting of weights exceeding maximum permissible standards. The lists of industries, position, and jobs with unhealthy and/or dangerous working conditions with restricted female labor as well as maximum permissible weights for manual lifting and handling by females are approved by the federal executive body responsible for development and implementation of state policy and legal regulation in the sphere of labor, taking into account the opinion of the Russian Trilateral Commission on the Regulation of Social and Labor Relations. Order of the Ministry of Labor of Russia No. 512n July 18, 2019 approves the List of industries, jobs and positions with harmful and (or) dangerous working conditions with restricted female labor (the List).

The List applies to women whose working conditions are included into a harmful and(or) dangerous class of working conditions based on the results of a special assessment of working conditions carried out in accordance with a special assessment methodology for working conditions (Part 3 of Article 8 of the Federal Law No. 426-FZ dd December 28, 2013), to women performing work specified in paragraphs 89 - 98 of this list, regardless of working conditions class as well as to women if safe working conditions at their workplaces are not confirmed by the results of working conditions special assessment with the exception of women working in pharmaceutical industries, medical and research institutions, testing laboratory centers (testing laboratories), organizations providing personal services to population, renovation of industrial and non-industrial premises at non-stationary workplaces, painting and finishing works, outdoor types of work and work in industrial premises.

According to the List, an employer can make a decision to use female labor in jobs (professions, positions) included in the List, subject to creation of safe working conditions, confirmed by the results of workplaces assessment (working conditions special assessment) with a positive conclusion by the state working conditions assessment and by state sanitary and epidemiological supervision service of the subject of Russia. In this regard, both Article 253 of the Code and the List do not establish an absolute ban on female labor in the types of work indicated in it but limit its use until the production factors harmful to female body are eliminated at a particular workplace. The Ministry of Labor of Russia is monitoring the law enforcement practice of the List. In the case of the new technologies and mechanisms introduction reducing the impact

of chemical factors and vibrations to the established levels, the List is being revised. It is important to note that when creating safe working conditions, the employer has the right to use female labor without restrictions; in addition, women can already work even in those jobs that are included in the list, if a special assessment of the workplace from the list confirms safe working conditions in it.

Suggested data modification: The legislation of the Russian Federation prohibits employment discrimination based on gender. The legislation of the Russian Federation criminalizes sexual harassment in the workplace. The legislation of the Russian Federation does not establish an absolute ban on the use of female labor in the industries, jobs and positions with harmful and (or) dangerous working conditions specified in the List, but restricts its use until the production factors harmful to female body are eliminated at a particular workplace.

Legal basis: Article 19 of the Constitution of the Russian Federation; Articles 2, 3, 64, 253, 312.1-321.9 of the Labor Code of the Russian Federation; Articles 131, 132, 133, 145 of the Criminal Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), January 1, 1997 (version of the Criminal Code of the Russian Federation entered into force), February 1, 2002 (the Labor Code of the Russian Federation entered into force), July 18, 2019 (order of the Ministry of Labor of Russia No. 512n was adopted), January 1, 2021 (Federal Law No. 407-FZ entered into force).

Within the federal project “Women employment promotion - creating conditions for preschool education for children under the age of three”, measures have been implemented for vocational training and supplementary vocational education for women raising children of preschool age since 2020. Its purpose was to provide opportunities for women of this category to balance employment with family responsibilities. In terms of creating conditions for women with family responsibilities, allowing them to find balance between work and family responsibilities (raising a child) to the greatest extent, the establishment of vocational training and supplementary vocational education was especially relevant due to the need to change the occupation, professional field, master supplementary professional skills before returning to employment after childcare leave.

Training activities provided an opportunity for women to undergo vocational training and return to work at their previous workplace (updating their knowledge and skills), or to find the most suitable job to balance family responsibilities with professional duties. The implementation of the federal project's activities contributed to increasing competitiveness in the labor market and professional mobility, developing the employment of women with children, and it provides an opportunity to combine employment with family responsibilities. At the end of 2020, 34,896 women of these categories completed vocational training or received supplementary vocational education. Of those who completed the training, 24,532 women entered the labor force after that. Since 2021, within the federal project Employment Promotion of the national project "Demography" activities have been implemented for vocational training and supplementary vocational education for certain categories of citizens, including women on childcare leave and women with children of preschool age. In terms of creating conditions for ensuring the highest quality employment for women on three years' childcare leave, the organization of vocational training and supplementary vocational education is especially relevant due to the need to update professional skills and competencies immediately before returning to work after childcare leave, or to achieve new knowledge to change the scope of professional activity. At the end of 2021, 38,097 women on three years' childcare leave and 16,372 unemployed women with children of preschool age completed vocational training and got supplementary vocational training. The implementation of measures within the national project "Demography" for retraining and advanced training of women on three years' childcare leave, as well as women with children of preschool age without employment has been continued in 2022. As of August 22, 2022, 14,009 women with preschool children have started education; 21,752 women on three years' childcare leave.

Suggested data modification: The standard is already included into the legislation of the Russian Federation.

Legal basis: The standard is already included into the legislation of the Russian Federation.

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already “Yes” and will remain “Yes”.

Comment received from Government:

2. Does the law prohibit discrimination in employment based on gender?

Based on Article 64 of the Labor Code of the Russian Federation, Unjustified refusal to conclude a labor contract shall be prohibited. All and any direct or indirect restrictions or granting direct or indirect advantages at concluding a labor contract depending on the sex, race, skin color, nationality, language, origin, property, social and official status, domicile (including availability or unavailability of registration at the place of residence or lodgment) as well as on any other factors not connected with professional qualities of workers shall not be permitted, except for the cases stipulated by the federal law. Part 3 of Article 64 of the Labor Code of the Russian Federation establishes that it is not allowed to refuse women in conclusion of a labor agreement because of their pregnancy or presence of children. Article 145 of the Criminal Code of the Russian Federation provides for criminal liability for unjustified refusal to hire or unjustified dismissal of a pregnant woman or a woman with children under the age of three. For pregnant women and women with children under the age of one and a half years of age, a test is not established when applying for a job (Article 70 of the Labor Code of the Russian Federation).

Suggested data modification: The legislation of the Russian Federation prohibits employment discrimination based on gender. The legislation of the Russian Federation criminalizes sexual harassment in the workplace. The legislation of the Russian Federation does not establish an absolute ban on the use of female labor in the industries, jobs and positions with harmful and (or) dangerous working conditions specified in the List, but restricts its use until the production factors harmful to female body are eliminated at a particular workplace.

Legal basis: Article 19 of the Constitution of the Russian Federation; Articles 2, 3, 64, 253, 312.1-321.9 of the Labor Code of the Russian Federation; Articles 131, 132, 133, 145 of the Criminal Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), January 1, 1997 (version of the Criminal Code of the Russian Federation entered into force), February 1, 2002 (the Labor Code of the Russian Federation entered into force), July 18, 2019 (order of the Ministry of Labor of Russia No. 512n was adopted), January 1, 2021 (Federal Law No. 407-FZ entered into force).

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already “Yes” and will remain “Yes”.

Comment received from Government:

3. Is there legislation on sexual harassment in employment?

4. Are there criminal penalties or civil remedies for sexual harassment in employment?

In the Russian Federation, liability for crimes against sexual inviolability and sexual freedom of an individual, including for violent acts of a sexual nature, compulsion to act of a sexual nature, indecent acts, etc, is regulated by Chapter 18 of the Criminal Code of the Russian Federation. This responsibility applies to perpetrators regardless of the place crime was committed at, i.e. liability also applies to persons who have committed a crime at work, in a public place, at home, etc. In order to improve the remote forms of work Federal Law No. 407-FZ of December 8, 2020 amended Chapter 49.1 of the Labor Code of the Russian Federation, aimed at regulation of the work of remote workers, including women and persons with family responsibilities. It has entered into force on January 1, 2021. Remote work can reduce forms of violence and harassment that require face-to-face contact.

Suggested data modification: The legislation of the Russian Federation prohibits employment discrimination based on gender. The legislation of the Russian Federation criminalizes sexual harassment in the workplace. The legislation of the Russian Federation does not establish an absolute ban on the use of female labor in the industries, jobs and positions with harmful and (or) dangerous working conditions specified in the List, but restricts its use until the production factors harmful to female body are eliminated at a particular workplace.

Legal basis: Article 19 of the Constitution of the Russian Federation; Articles 2, 3, 64, 253, 312.1-321.9 of the Labor Code of the Russian Federation; Articles 131, 132, 133, 145 of the Criminal Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), January 1, 1997 (version of the Criminal Code of the Russian Federation entered into force), February 1, 2002 (the Labor Code of the Russian Federation entered into force), July 18, 2019 (order of the Ministry of Labor of Russia No. 512n was adopted), January 1, 2021 (Federal Law No. 407-FZ entered into force).

Response from Women, Business and the Law team:

Re: *Question 3. Is there legislation on sexual harassment in employment?*

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law specifically protects against sexual harassment in employment, including unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment. The answer is “Yes” also if sexual harassment is considered a form of discrimination in employment and the law protects against discrimination. The answer is “No” if there is no legislation specifically addressing sexual harassment in employment, and if the behavior or gesture of sexual nature addressed in the law includes the use of force or violence or the threat of force or violence, which is understood to constitute a crime, e.g., sexual assault or abuse, among others.

In this case, the suggested legal basis (Chapter 18 of the Criminal Code of the Russian Federation) does not specifically address sexual harassment in employment. Articles 131 and 132 address rape and sexual actions with the use of violence or with the threat of violence, which are understood to constitute another type of crime, thus outside of what this question measures. Article 133 addresses compulsion to perform sexual actions by means of blackmail, threat of destruction, damage, or taking of property, or with the advantage of material or any other dependence of the victim, which, however, does not refer to an ‘employment’ relation and implies a degree of violence higher than sexual harassment as intended by the WBL methodology. Article 145 addresses unfounded employment or dismissal of a pregnant woman, which is not relevant to this question. In addition, none of the aforementioned articles include language that refers to an ‘employment’ relation or workplace situation. Therefore, the answer to this question is “No”.

Re: 4. *Are there criminal penalties or civil remedies for sexual harassment in employment?*

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if the law establishes criminal sanctions, such as fines or imprisonment, for sexual harassment in employment; or the provision in the criminal code provides for reparation of damages for offenses covered by the code. The answer is also “Yes” if the law provides for civil remedies or compensation for victims of sexual harassment in employment or the workplace, even after dismissal of the victims. The answer is “No” if the law establishes neither criminal sanctions for sexual harassment in employment nor civil remedies or compensation for victims of sexual harassment in employment or the workplace; or if the law only prohibits sexual harassment in employment and sets forth that the employer should apply discretionary sanctions.

In the case of the Russian Federation, the suggested legal basis—Chapter 18 of the Criminal Code of the Russian Federation—does not specifically address sexual harassment in employment. In addition, the law establishes neither criminal sanctions for sexual harassment in employment nor civil remedies or compensation for victims of sexual harassment in employment or the workplace. Therefore, the answer to this question is “No”.

2. Pay

Comment received from Government:

1. *Does the law mandate equal remuneration for work of equal value?*

According to Article 37 of the Constitution of the Russian Federation, everyone has the right to remuneration for labor without any discrimination. In accordance with part 7 of article 2 of the Labor Code of the Russian Federation, one of the basic principles of the labor relations legal regulation is to ensure the right of each worker to timely and complete payment of equitable wages ensuring the decent human sustenance for himself/herself and his/her family and not being lower than the minimal wage set by the federal laws. According to Article 21 of the Labor Code of the Russian Federation, one of the basic rights of a worker is the right to timely and complete payment of wages. In accordance with Article 132 of the Labor Code of the Russian Federation, every worker's wages depend on his or her qualifications; complexity of work performed, the amount and quality of the input labor, and are not limited by the maximum point. Any discrimination when establishing and changing the amount of wages and other terms of remuneration of labor is banned. Cases of paying unfair wages to women (in a smaller amount than to men occupying jobs or positions with a similar complexity of the work performed, the amount and quality of input labor) are a violation of the labor legislation of the Russian Federation.

Suggested data modification: The legislation of the Russian Federation provides for the establishment of equal pay for work of equal value.

Legal basis: Article 37 of the Constitution of the Russian Federation; Articles 2, 21, 96, 132, 269 of the Labor Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), February 1, 2002 (the Labor Code of the Russian Federation entered into force)

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already “Yes” and will remain “Yes”.

Comment received from Government:

2. *Can a woman work at night in the same way as a man?*

The labor legislation of the Russian Federation allows women to work in nighttime. At the same time, women with children under the age of three can be involved in nighttime work with their written consent and provided that this work is not prohibited to them for health reasons in accordance with a medical report (Article 259 of the Labor Code of the Russian Federation). It is forbidden to involve pregnant women in nighttime work (Article 96 of the Labor Code of the Russian Federation).

Suggested data modification: The legislation of the Russian Federation does not restrict the work of women at night with the exception of pregnant women.

Legal basis: Article 37 of the Constitution of the Russian Federation; Articles 2, 21, 96, 132, 269 of the Labor Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), February 1, 2002 (the Labor Code of the Russian Federation entered into force)

Response from Women, Business and the Law team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already “Yes” and will remain “Yes”.

Comment received from Government:

3. *Can a woman work in a job deemed dangerous in the same way as a man?/ Jobs deemed hazardous/ Jobs deemed arduous*

The Constitution of the Russian Federation establishes that man and woman have equal rights and freedoms and equal possibilities to exercise them (Part 3 of Article 19 of the Constitution of the Russian Federation). The labor legislation of the Russian Federation establishes the equality of men and women in labor relations: hiring, setting the amount of wages, working hours and periods of rest, etc.

Articles 2 and 3 of the Labor Code of the Russian Federation (hereinafter referred to as the Labor Code of the Russian Federation) establish the equality of workers’ rights and opportunities including providing the opportunity to work in executive positions for both women and men.

Article 253 of the Labor Code of the Russian Federation ensures the protection of women's health in certain job. Labor of females on hard, dangerous and/or unhealthy trades as well as underground working excluding nonphysical work or sanitary and domestic services is limited. Labor of females on work related to manual lifting of weights exceeding maximum permissible standards. The lists of industries, position, and jobs with unhealthy and/or dangerous working conditions with restricted female labor as well as maximum permissible weights for manual lifting and handling by females are approved by the federal executive body responsible for development and implementation of state policy and legal regulation in the sphere of labor, taking into account the opinion of the Russian Trilateral Commission on the Regulation of Social and Labor Relations. Order of the Ministry of Labor of Russia No. 512n July 18, 2019 approves the List of industries, jobs and positions with harmful and (or) dangerous working conditions with restricted female labor (the List).

The List applies to women whose working conditions are included into a harmful and(or) dangerous class of working conditions based on the results of a special assessment of working conditions carried out in accordance with a special assessment methodology for working conditions (Part 3 of Article 8 of the Federal

Law No. 426-FZ dd December 28, 2013), to women performing work specified in paragraphs 89 - 98 of this list, regardless of working conditions class as well as to women if safe working conditions at their workplaces are not confirmed by the results of working conditions special assessment with the exception of women working in pharmaceutical industries, medical and research institutions, testing laboratory centers (testing laboratories), organizations providing personal services to population, renovation of industrial and non-industrial premises at non-stationary workplaces, painting and finishing works, outdoor types of work and work in industrial premises.

According to the List, an employer can make a decision to use female labor in jobs (professions, positions) included in the List, subject to creation of safe working conditions, confirmed by the results of workplaces assessment (working conditions special assessment) with a positive conclusion by the state working conditions assessment and by state sanitary and epidemiological supervision service of the subject of Russia. In this regard, both Article 253 of the Code and the List do not establish an absolute ban on female labor in the types of work indicated in it but limit its use until the production factors harmful to female body are eliminated at a particular workplace. The Ministry of Labor of Russia is monitoring the law enforcement practice of the List. In the case of the new technologies and mechanisms introduction reducing the impact of chemical factors and vibrations to the established levels, the List is being revised. It is important to note that when creating safe working conditions, the employer has the right to use female labor without restrictions; in addition, women can already work even in those jobs that are included in the list, if a special assessment of the workplace from the list confirms safe working conditions in it.

Suggested data modification: The legislation of the Russian Federation prohibits employment discrimination based on gender. The legislation of the Russian Federation criminalizes sexual harassment in the workplace. The legislation of the Russian Federation does not establish an absolute ban on the use of female labor in the industries, jobs and positions with harmful and (or) dangerous working conditions specified in the List, but restricts its use until the production factors harmful to female body are eliminated at a particular workplace.

Legal basis: Article 19 of the Constitution of the Russian Federation; Articles 2, 3, 64, 253, 312.1-321.9 of the Labor Code of the Russian Federation; Articles 131, 132, 133, 145 of the Criminal Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), January 1, 1997 (version of the Criminal Code of the Russian Federation entered into force), February 1, 2002 (the Labor Code of the Russian Federation entered into force), July 18, 2019 (order of the Ministry of Labor of Russia No. 512n was adopted), January 1, 2021 (Federal Law No. 407-FZ entered into force).

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if no laws prohibit or restrict a woman who is not pregnant and not nursing from working in a broad and subjective category of jobs deemed “hazardous,” “arduous,” or “morally inappropriate.” The answer is “No” if the law prohibits or restricts women from working in jobs deemed hazardous, arduous, or morally inappropriate. The answer is also “No” where the law indicates that a given minister or ministry may promulgate regulations restricting women’s work in hazardous, arduous, or morally inappropriate jobs for women but not for men, regardless of whether the minister has issued such a decision.

In Russian Federation, Article 253 of Labor Code restricts women from working in jobs with harmful and (or) hazardous working conditions. Also, according to this Article, federal executive body should approve the list of industries, jobs and positions with harmful and (or) dangerous working conditions, in which the use of women's labor is restricted, as well as maximum permissible weights for manual lifting and handling by women. Therefore, the answer to this question is “No”.

3. Marriage

Comment received from Government:

1. Is there legislation specifically addressing domestic violence?

In accordance with the legislation of the Russian Federation, acts that are acts of violence, including family violence, are recognized as crimes against life and health, crimes against sexual inviolability and sexual freedom of the individual, for which criminal, administrative or civil liability is provided for. Criminal liability applies to perpetrators regardless of the place where the crime was committed, i.e. responsibility extends, including to persons who have committed a crime in the domestic environment. Not only beatings can be considered as acts of domestic violence but also other unlawful acts, in particular the elements of crimes provided for by the articles of the Criminal Code of the Russian Federation: • 107 "Homicide in the heat of passion", • 109 "Infliction death by negligence", • 111 "Intentional infliction of a grave injury", • 112 "Intentional infliction of an injury of a moderate gravity", • 115 "Intentional infliction of a light injury", • 117 "Torture" • 119 "Threat to kill or inflict grave injury". Depending on circumstances, acts related to domestic violence can be classified under the following articles: • 131 "Rape", • 132 "Violent acts of a sexual nature", • 133 "Compulsion to perform sexual actions" of the Criminal Code of the Russian Federation. Administrative liability is provided for beatings or other violent acts that caused physical pain, but did not result in a light injury. Civil liability is provided for causing harm. Compensatory damages for harm are possible by filing a claim with compensation for harm. Family responsibility is provided in the form of deprivation of parental rights, restriction of parental rights.

Suggested data modification: The legislation of the Russian Federation establishes that criminal, administrative or civil liability is provided for domestic violence like any violence.

Legal basis: Chapters 16, 18, 19 of the Criminal Code of the Russian Federation; Chapter 59 of the Civil Code of the Russian Federation; Article 6.1.1 of the Code of Administrative Offenses of the Russian Federation; Articles 69, 73 of the Family Code of the Russian Federation. December 29, 1995 (the Family Code of the Russian Federation entered into force), January 26, 1996 (the Civil Code of the Russian Federation entered into force), June 13, 1996 (the Criminal Code of the Russian Federation entered into force), December 30, 2001 (the Code of Administrative Offenses of the Russian Federation entered into force).

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there is legislation addressing domestic violence that includes criminal sanctions or provides for protection orders for domestic violence. The answer is also "Yes" if legislation addresses "harassment" that includes physical or mental harm arising from domestic relationships. The answer is "No" if there is no legislation addressing domestic violence, if the domestic violence legislation does not provide for sanctions or protection orders or if only a specific category of women or family members is protected. The answer is also "No" if there is only a provision that increases penalties for general crimes covered in the criminal code if committed between spouses or within the family.

In this case, the suggested legal bases do not specifically address domestic violence, i.e. violence between spouses, within the family or members of the same household, or in interpersonal relationships, including intimate partner violence. Chapters 16, 18, and 19 of the Criminal Code of the Russian Federation address physical, psychological, and sexual violence in general, but the provisions are not classified as occurring in between spouses or partners. Secondly, Chapter 59 of the Civil Code of the Russian Federation regulates liabilities for damage in general, which does not provide specific protections to domestic violence victims

such as protection orders. Next, Chapter 6 (including Article 6.1) of the Code of Administrative Offenses of the Russian Federation regulates administrative offences endangering the health and sanitary-and epidemiological well-being of the population and endangering public morals, which is not related to domestic violence. Lastly, Articles 69 and 73 of the Family Code of the Russian Federation impose parenthood deprivation and parental rights restrictions on parents if they commit physical and/or psychological violence to children. However, the two articles protect only a specific member of the family, i.e., children, but not all family members, thus falling short of the *Women, Business and the Law* methodology.

Therefore, the answer to this question is “No”.

4. Parenthood

Comment received from Government:

1. Is paid leave of at least 14 weeks available to mothers?

Upon their application and based on a sick note issued in accordance with the established procedure, women are granted maternity leave of 70 (in case of multiple pregnancy - 84) calendar days before childbirth and 70 (in case of complicated childbirth - 86, at birth of two or more children - 110) calendar days after childbirth with the payment of state social insurance benefits in the amount established by federal laws (Article 255 of the Labor Code of the Russian Federation). In accordance with Article 260 of the Labor Code of the Russian Federation, before maternity leave or immediately after it, or at the end of childcare leave, a woman, at her request, is granted an annual paid leave, regardless of the length of service with this employer.

At the request of a woman, she is granted childcare leave until the child reaches the age of three (Part 1 of Article 256 of the Labor Code of the Russian Federation). In general, labor legislation allows the use of a flexible work schedule, ability to work remotely, provides additional days of rest in accordance with the Labor Code of the Russian Federation, in order to create conditions to balance work with family responsibilities. If there are financial and economic opportunities, in collective agreements, agreements, and employment contracts the employer may provide additional guarantees for workers that improve the situation in comparison with labor legislation.

Suggested data modification: The legislation of the Russian Federation provides for additional guarantees for women and persons with family responsibilities, including in terms of provision of maternity leave and childcare leave.

Legal basis: Article 37 of the Constitution of the Russian Federation; Articles 255, 256, 260, 261 of the Labor Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), February 1, 2002 (the Labor Code of the Russian Federation entered into force).

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is recorded as “140 days” of paid maternity leave for a singleton pregnancy without complications. Therefore, the answer is “Yes” and will remain “Yes”.

Comment received from Government:

2. *Is there paid leave available to fathers?*

Mother, father, grandmother, grandfather, other relative or guardian who is actually taking care of the child has the right to childcare leave until the child reaches the age of three (Article 256 of the Labor Code of the Russian Federation). A worker on childcare leave retains his\her place of work (position).

Suggested data modification: The legislation of the Russian Federation provides for additional guarantees for women and persons with family responsibilities, including in terms of provision of maternity leave and childcare leave.

Legal basis: Article 37 of the Constitution of the Russian Federation; Articles 255, 256, 260, 261 of the Labor Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), February 1, 2002 (the Labor Code of the Russian Federation entered into force).

Response from *Women, Business and the Law* team:

According to *Women, Business and the Law* methodology, the answer to this question is “Yes” if fathers are legally entitled to at least one day of paid leave for the birth of a child, or if the law reserves a portion of paid parental leave specifically for fathers—that is, through “use-it-or-lose-it” policies or fathers’ quotas. The answer is also “Yes” if fathers are individually entitled to paid parental leave. The answer is “No” if the law does not guarantee fathers any paid paternity leave or other specific leave for the birth of a child; or allowances for the birth of a child must be deducted from annual or sick leave.

Article 256 of the Labor Code of the Russian Federation offers the possibility for fathers to take parental leave at the discretion of the mother. The provision does not, however, provide specific paid leave for fathers for the birth of a child nor does it reserve a portion of paid parental leave specifically for fathers. Therefore, the answer to this question is “No”.

Comment received from Government:

3. *Is dismissal of pregnant workers prohibited?*

Termination of an employment contract at the initiative of an employer with a pregnant woman is not allowed, except in cases of company liquidation or termination of activity by an individual entrepreneur (Article 261 of the Labor Code of the Russian Federation).

Suggested data modification: The legislation of the Russian Federation provides for additional guarantees for women and persons with family responsibilities, including in terms of provision of maternity leave and childcare leave.

Legal basis: Article 37 of the Constitution of the Russian Federation; Articles 255, 256, 260, 261 of the Labor Code of the Russian Federation. December 12, 1993 (the Constitution of the Russian Federation was adopted), February 1, 2002 (the Labor Code of the Russian Federation entered into force).

Response from *Women, Business and the Law* team:

The *Women, Business and the Law* team has noted the legal texts provided by the Government and will review and update these where relevant. The answer for this question is already “Yes” and will remain “Yes”.

Communications

For questions on this note, please contact:

Tea Trumbic
Women, Business and the Law
Global Indicators Group – Development
Economics
World Bank Group
2121 Pennsylvania Avenue NW
Washington D.C. 20433
Tel: +1 (202) 473-0577
E-mail: ttrumbic@worldbank.org

Marina Elefante
Women, Business and the Law
Global Indicators Group – Development
Economics
World Bank Group
2121 Pennsylvania Avenue NW
Washington D.C. 20433
Tel: +1 (202) 473-5556
E-mail: melefante@worldbank.org