

By the Judgement of 6 October 2021 No. 43-II the Constitutional Court assessed constitutionality of Article 157, part five of the Labour Code of the Russian Federation.

This norm was subject to consideration insofar as it served as basis to determine the amount of wages during the period when creative workers (in particular, singers) do not take part in creation and (or) giving (demonstrating) performances, or do not act.

The challenged provision was recognised to not be in conformity with the Constitution of the Russian Federation insofar as it does not establish minimum wages for the said time period, thus creating possibility to arbitrary diminish wages of the said workers who in fact continue carrying out their duties during the said period (albeit in a lesser volume).

The Constitutional Court particularly pointed out that law application decisions rendered in the applicant's case on the basis of the challenged provisions in part recognised unconstitutional shall be subject to review in established order under new legal regulation that has to be urgently introduced in accordance with the Judgement. The federal legislator must design new legislation with due regard to legal positions established in the Constitutional Court Judgement.