

By the Judgement of 13 November 2019 No.34-II the Constitutional Court of the Russian Federation appraised constitutionality of para. 4 of Section 9 of the Regulations on Special Properties of Average Remuneration adopted by Decree of the Government of the Russian Federation of 24 December 2007 No. 922.

The challenged Regulation was subject of consideration to the extent that on its basis and in the systematic connection with the provisions of Article 139 of the Labour Code of the Russian Federation the issue of calculating the average monthly earnings to determine the amount of severance pay upon dismissal due to the liquidation of an organisation or reduction in the number or staff of its employees - is resolved.

The Constitutional Court recognised the challenged provision as not contradicting the Constitution of the Russian Federation, since in systemic connection with other provisions of Section 9 of this Regulation, as well as with Article 139 and Section 1 of Article 178 of the Labour Code of the Russian Federation, it does not imply the possibility of determining the amount paid to the dismissed person in connection with the liquidation of the organisation or a reduction in the number or staff of the organisation's employee severance pay in an amount different from their average monthly salary calculated for the amount of the salary he or she received for the 12 calendar months preceding the dismissal.