

By the Judgement of 16 October 2018 No. 37-II/2018 the Constitutional Court appraised constitutionality of Section 1 of Article 281 of the Labour Code of the Russian Federation.

The contested provision was a subject-matter of consideration insofar as on its basis it is decided on the dismissal of a staff-member of a joint stock company – credit organisation, who carries out, in addition to labour duties of head of a structural subdivision of this organisation, functions of member of its collective executive body without conclusion of labour agreement, on a ground envisaged by the Labour Code of the Russian Federation for head of an organisation.

The Constitutional Court has recognised the contested provision as not contradicting the Constitution of the Russian Federation insofar as it contemplates no possibility of dismissal on grounds envisaged by this Code for head of an organisation of a staff-member occupying the post of head of structural subdivision of a joint stock company – credit organisation and carrying out, in addition to duties of this post placed on him by the labour agreement, functions of member of collective executive body of this organisation on the ground of the decision of its competent body about his election (appointment) without the conclusion of a respective labour agreement.