

By the Judgement of 19 December 2023 No.59-II, the Constitutional Court assessed constitutionality of Article 59 (paragraph 8 of part 2) of the Labour Code of the Russian Federation

This legal provision was the subject of consideration insofar as it resolves the issue of the possibility of concluding a fixed-term employment contract with an employee who holds the position of head of a structural unit of the organization, as well as the legality of the dismissal of such an employee due to the expiration of this contract.

The contested provision was found to be inconsistent with the Constitution to the extent that, due to the uncertainty of its content, which in practice generates an ambiguous interpretation and, consequently, the possibility of arbitrary application, it allows for a different approaches to resolving this issue.

Until appropriate legislative changes are made, it is not allowed to conclude a fixed-term employment contract on the basis provided for by the contested legal provision with an employee who holds the position of head of a structural unit of the organization. At the same time, fixed-term employment contracts with these employees, the term of which expire after the date of entry into force of this Judgement and until mentioned changes are made, shall be considered as concluded for an indefinite period.