

By the Judgement of 21 July 2023 No.44-II, the Constitutional Court assessed constitutionality of Article 152 (item 1) of the Civil Code of the Russian Federation

This legal provision was the subject of consideration insofar as it serves as a basis for refuting information disseminated by the employer about the commission of a disciplinary offense by employee as untrue, if the employer's order to disciplinary responsibility subsequently was declared illegal due to the lack of evidence of the fact of disciplinary misconduct and was cancelled in court.

The contested legal provision was recognised as not contradicting the Constitution, since it assumes that if such an order of the employer is declared as illegal in the described circumstances, then the information contained therein about the commission of disciplinary misconduct by the employee is defamatory, shall be presumed to be untrue from the moment of its publication. This implies, along with other legal consequences, if employer evades actions to refute such information contained or carries out the refutation in a way that does not fully restore the employee's good name that the court, at the request of an employee, imposes on the employer the obligation to disseminate information about the cancellation of this decision in the same way as information about the employee's disciplinary misconduct, so that it is obvious from it that the information about the commission of a disciplinary offense by an employee does not correspond to reality.