

By the Judgement of 6 February 2026 No. 5-II, the Constitutional Court assessed constitutionality of Article 300 of the Labour Code of the Russian Federation

This legal provision was the subject of consideration insofar as it serves as the basis for resolving the issue of accounting for working time and rest time when working on a rotational basis in the event of an employee's dismissal before the end of the shift, for the purpose of determining overtime work within the work schedule on the shift and compensating the employee for rest time due in connection with such overtime and actually unused by them.

The contested provision was recognised as not conforming to the Constitution insofar as, by not providing rules for accounting for the working time and rest time of an employee working on a rotational basis in the said case, it prevents the calculation of overtime work for the period actually worked by such an employee and in the absence of a legal mechanism that would guarantee compensation to the employee for rest time due to them in connection with overtime work within the work schedule on the shift and actually unused by them upon dismissal, does not ensure the possibility for the employee to receive monetary compensation in lieu of such rest.

Pending the introduction of appropriate legislative changes, upon the dismissal of such an employee before the end of the shift, their working time and rest time for the period actually worked by them (from the start of work until the termination of the employment contract) shall be taken into account. In this case, the calculation of overtime hours is performed on the basis of the standard working time for the relevant calendar period, calculated in accordance with the procedure provided in legislation. In the event of overtime work within the work schedule on the shift, compensation must be paid for the days of rest due to the employee in connection with such overtime and not actually provided to them, in an amount calculated according to the rules established by the Labour Code for the payment of inter-shift rest days. In this case, overtime hours worked within the work schedule on the shift that are not multiples of a full working day shall be paid based on the hourly rate (part of the salary per hour).