

# Anti-crisis workforce restructuring & outsourcing in Eurasia

16 July 2020

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AQUITAS  
LAW FIRM

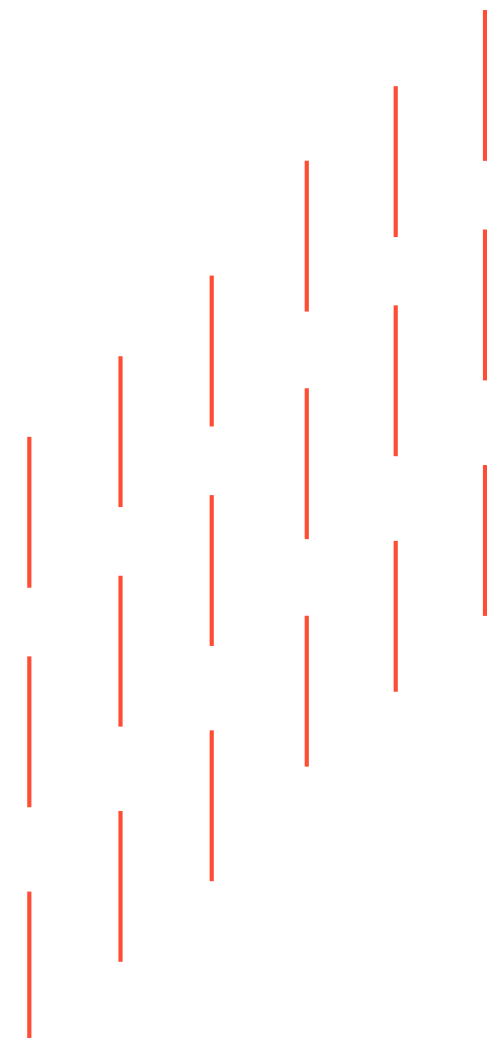
V  
VASIL KISIL

# Russia: Anti-crisis workforce restructuring & outsourcing



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# Russia: Workforce restructuring

## Types of restructuring under Russian law

Staff  
redundancy

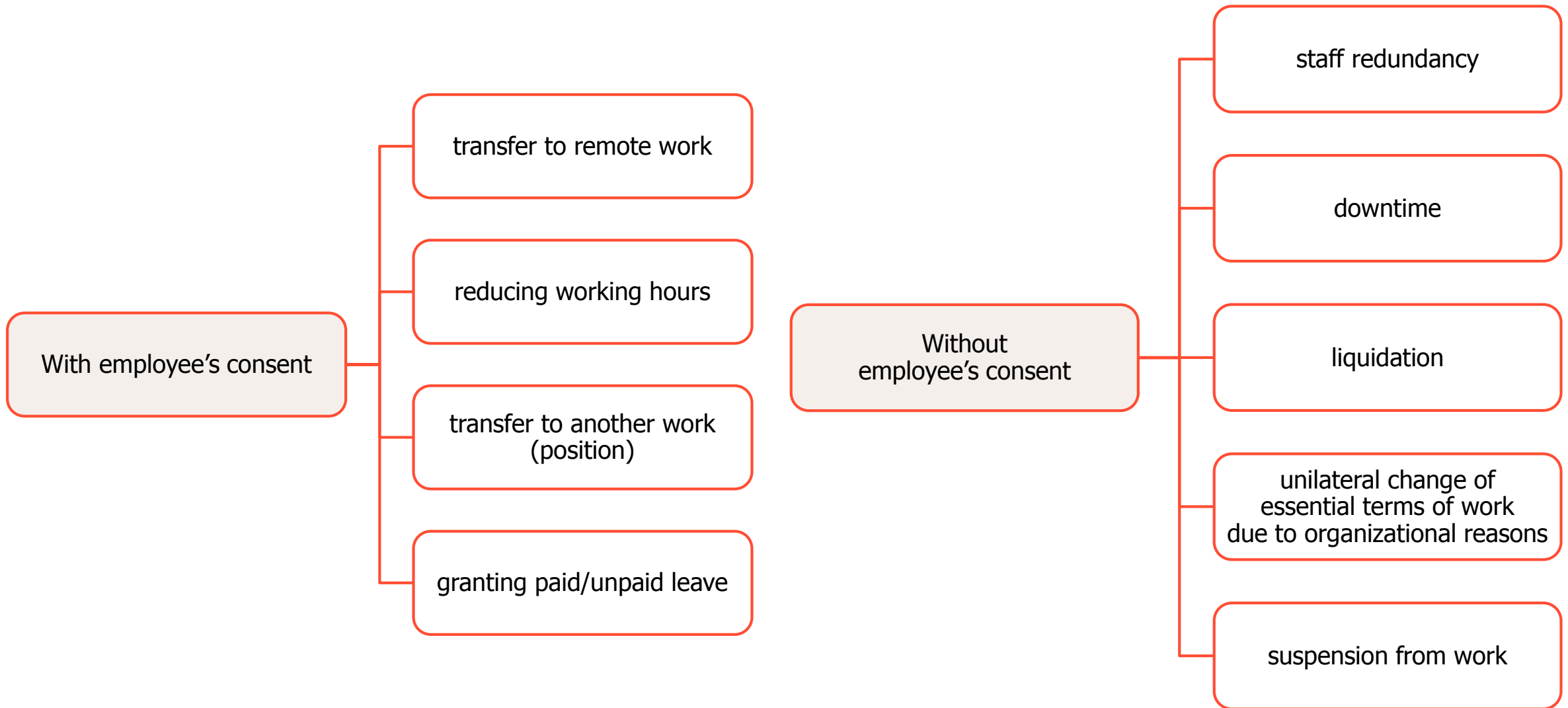
Liquidation of  
- company;  
- branch;  
- representative  
office

Transfer to  
another work  
(position)

Change of  
working regime:  
remote work,  
downtime,  
reducing working  
hours

Outsourcing  
& outstaffing

# Russia: Workforce restructuring



# Russia: Restructuring wage fund

Bonus schemes &  
additional payments

Severances

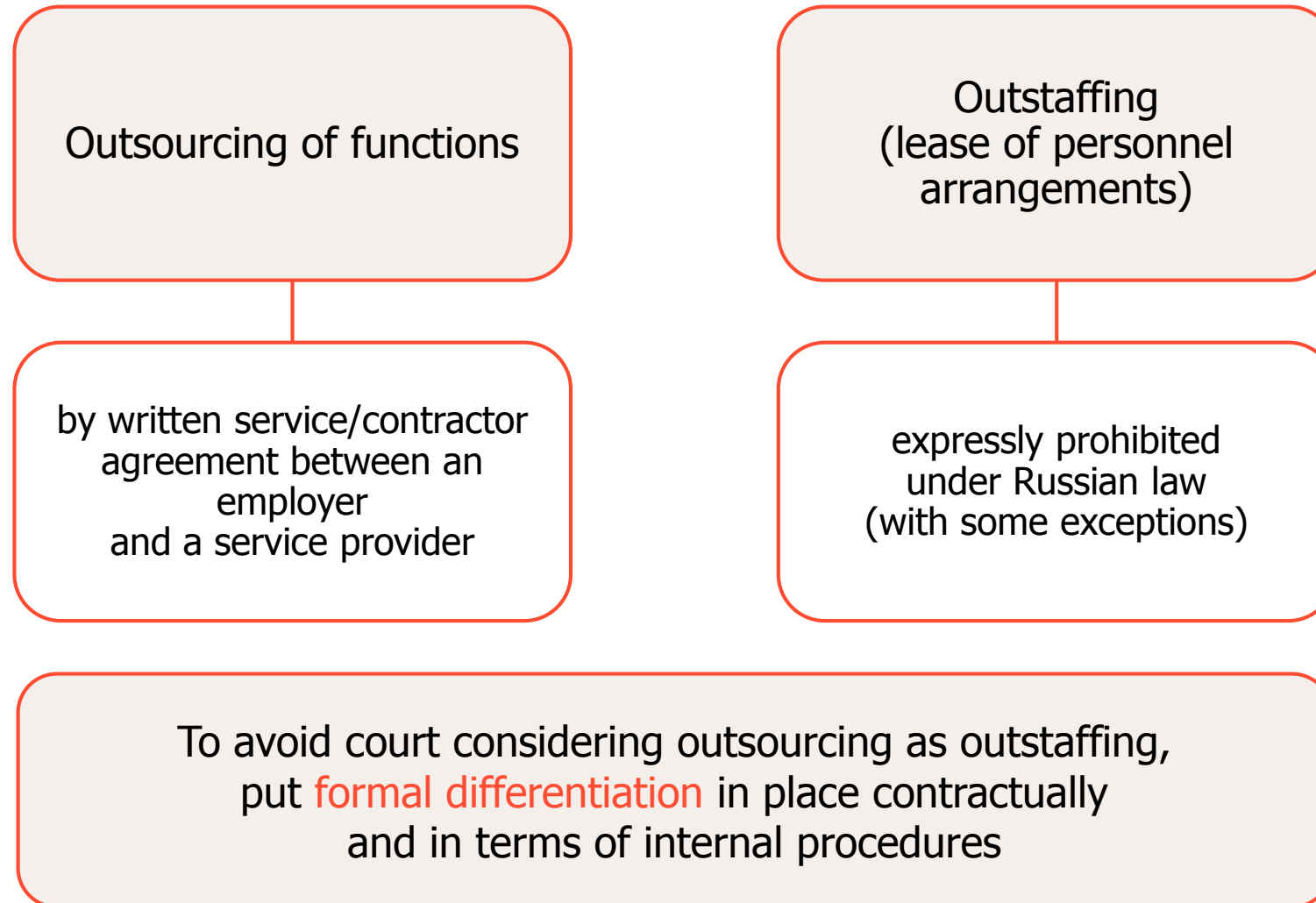
State guarantees  
(minimum wages,  
northern benefits)

Sick leave payments

Delays in payroll

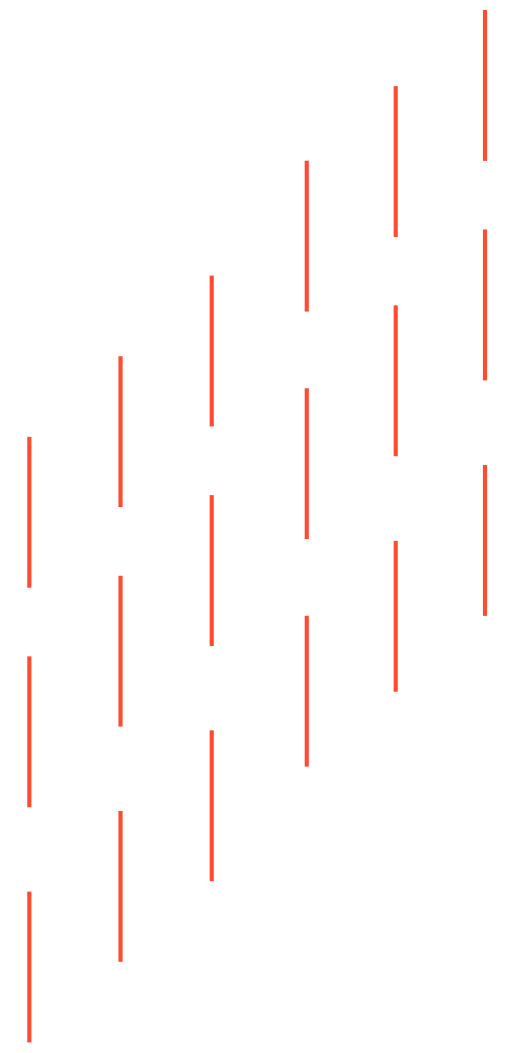
Salaries of  
highly qualified  
foreign specialists

# Russia: Outsourcing & outstaffing



# Ukraine:

## Anti-crisis workforce restructuring & outsourcing



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# Ukraine: Workforce restructuring

## Types of restructuring under Ukrainian law

Staff  
redundancy

Liquidation of  
- company;  
- branch;  
- representative  
office

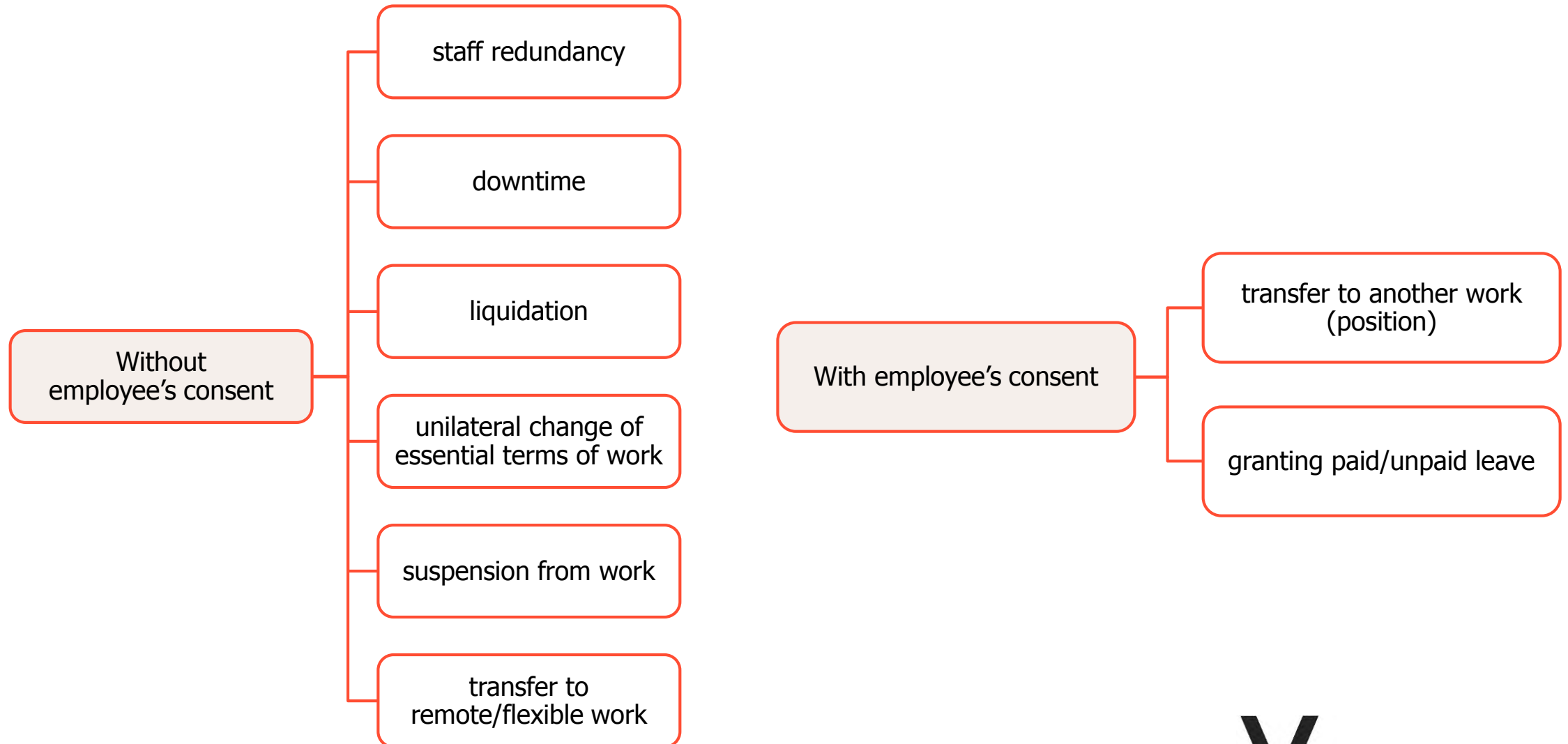
Transfer to  
another work  
(position)

Change of  
working regime:  
remote work,  
flexible work,  
downtime,  
reducing working  
hours/salary

Outsourcing  
& outstaffing



# Ukraine : Workforce restructuring



# Ukraine : Restructuring wage fund

Bonus schemes &  
additional payments

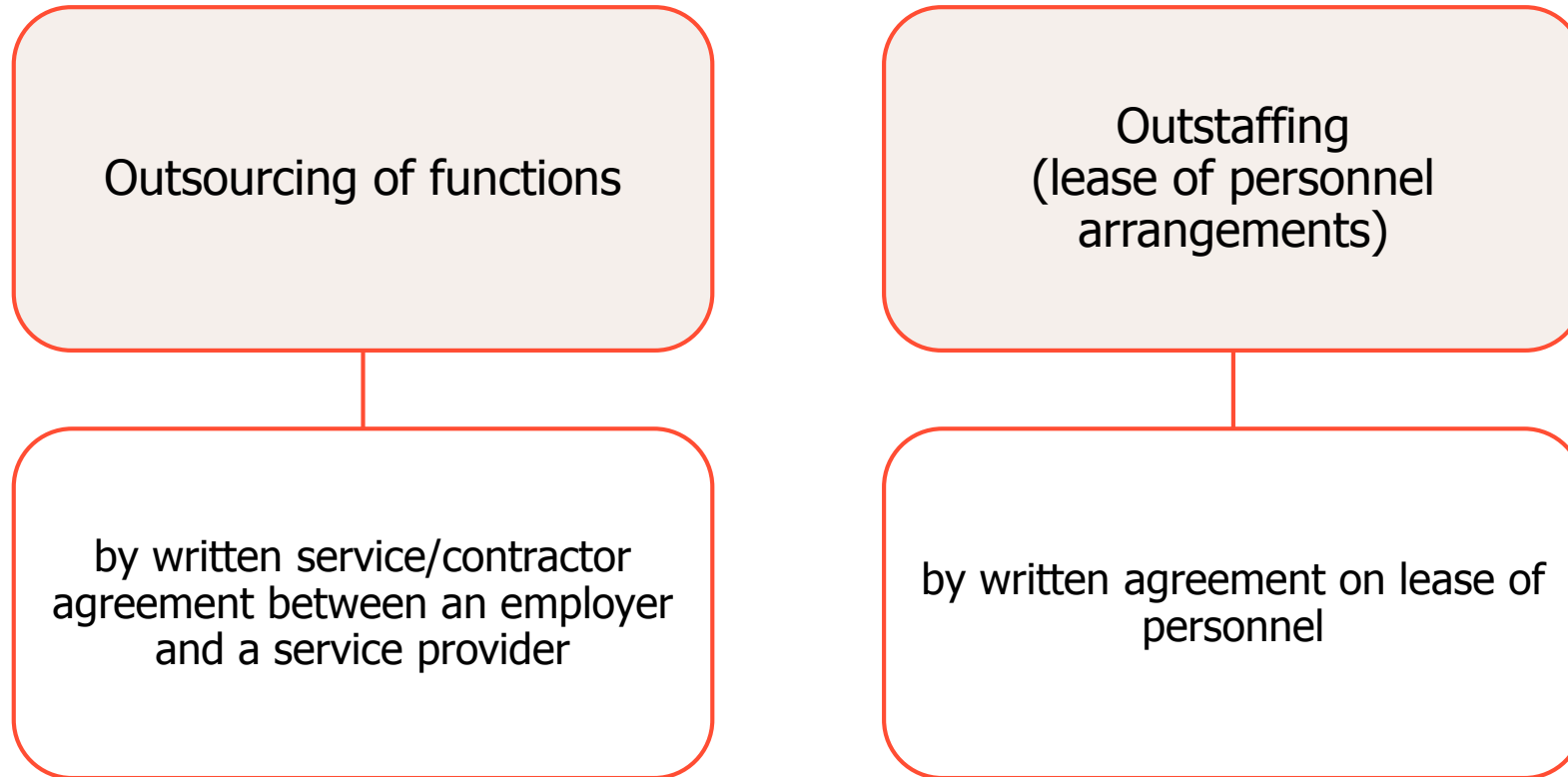
Severances

State guarantees  
(minimum wages, salaries  
of highly qualified  
foreign specialists)

Sick leave payments

Delays in payroll

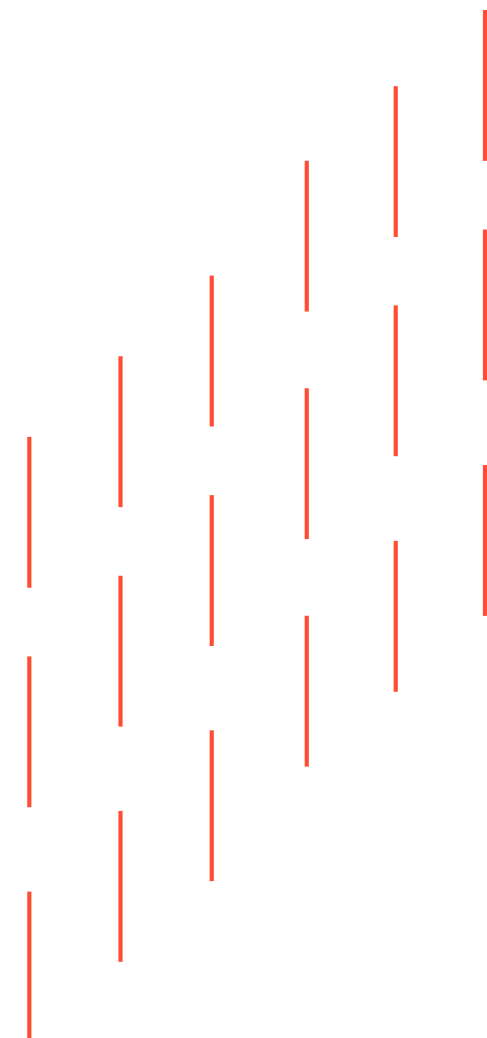
# Ukraine : Outsourcing & outstaffing



# Belarus: Anti-crisis workforce restructuring & outsourcing



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# Belarus: Workforce restructuring

## Types of restructuring under Belarusian law

Change in essential working conditions

Change of working regime:  
- remote work,  
- downtime,  
- reducing working hours

Labour and social leaves

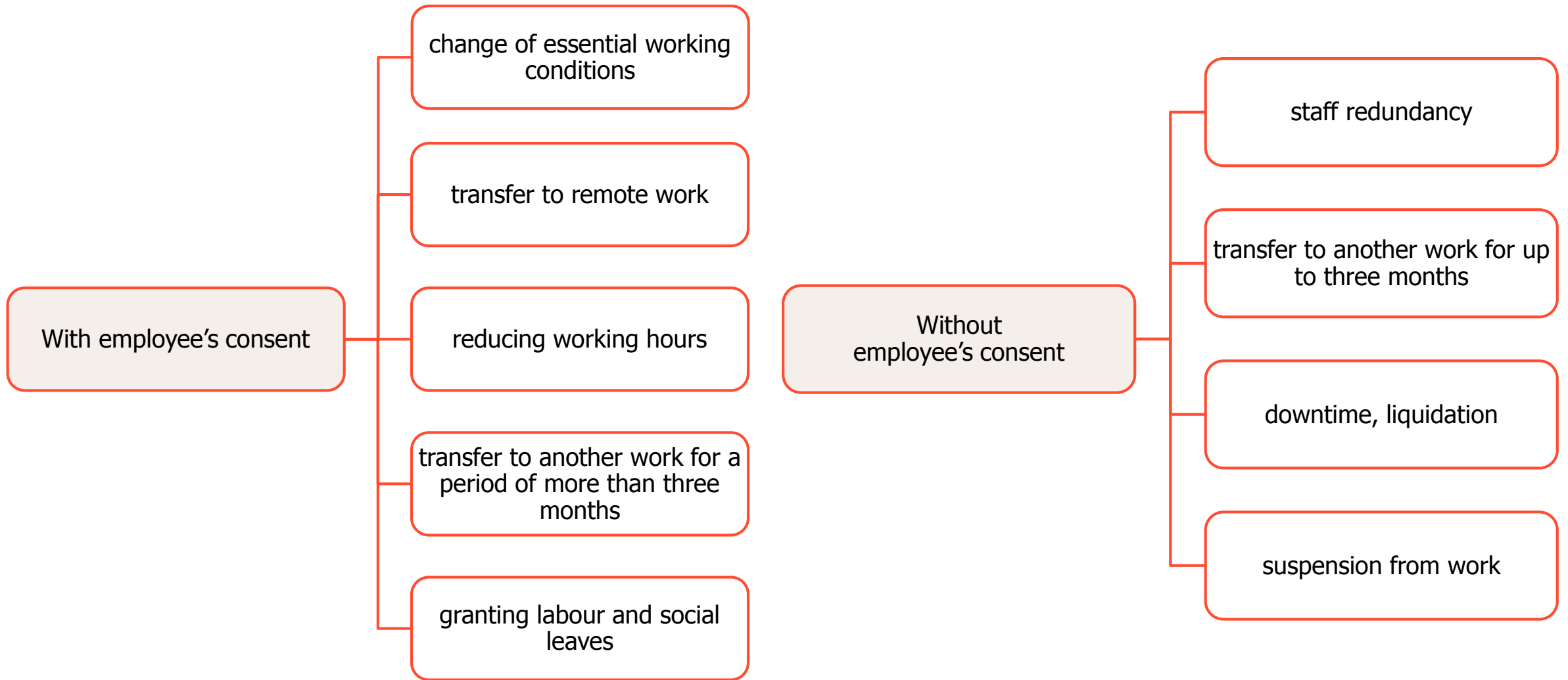
Transfer to another work (position)

Staff redundancy

Outsourcing

Liquidation of the company

# Belarus: Workforce restructuring



# Belarus: Restructuring wage fund

Salary, bonus & additional payments

Severances

State guarantees  
(minimum salary)

Labour, social leave payments

Delays in payroll

# Belarus: Outsourcing & outstaffing

Outsourcing of functions

by written service/contractor agreement between an employer and a service provider

Outstaffing  
(lease of personnel arrangements)

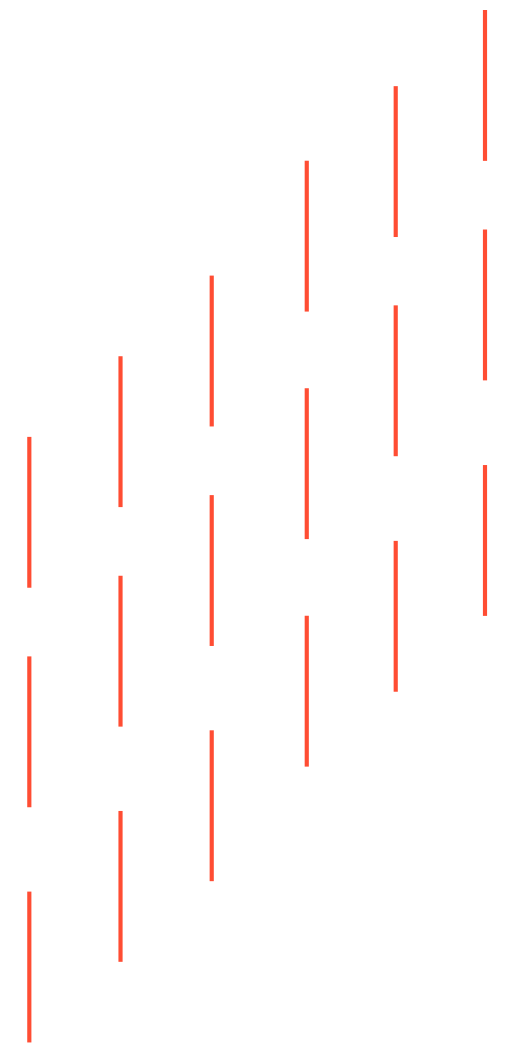
not recognised by the Belarusian law and can possibly be void in Belarus



# Kazakhstan: Anti-crisis workforce restructuring & outsourcing



**ÆQUITAS**  
— LAW FIRM —



# Kazakhstan: Workforce restructuring

## BUSINESS PURPOSES

**WORK**

**SUSPEND**

**CLOSE**

For up to 5 years

Takes ~ 1 year

## MEASURES

**Non-Reduction  
of Staff**

Different

**Reduction  
of Staff**  
(easiest options)

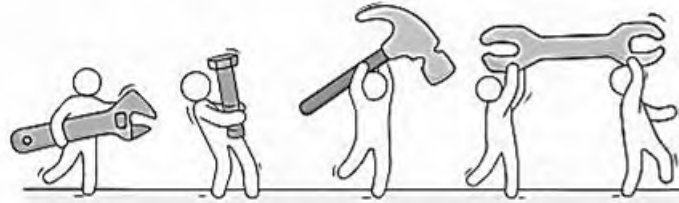
Staff redundancy **X** Protected employees

Liquidation  
legal entity

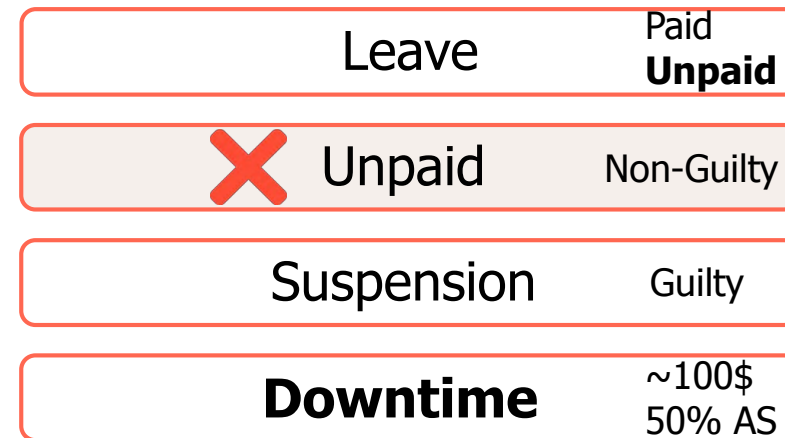
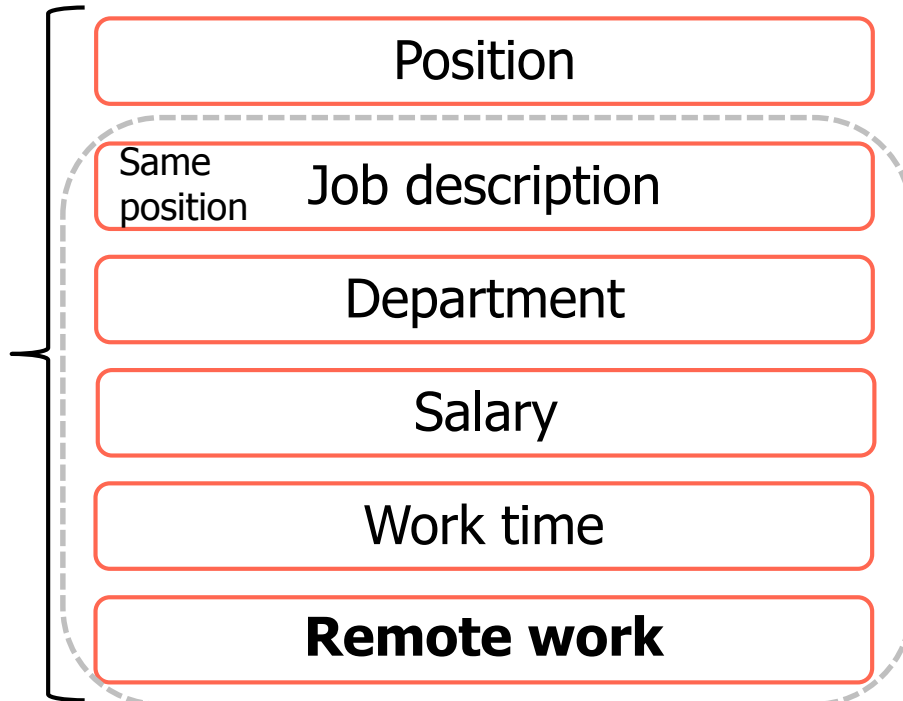
**Mutual agreement on cancellation** Universal & prompt

# Kazakhstan: Workforce restructuring

## NON-REDUCTION MEASURES



1. Consent  
2. Unilateral

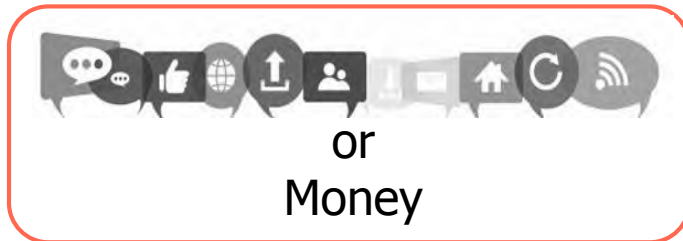


**Unilateral**

# Kazakhstan: Remote work



## EMPLOYER



Safety regulations

## LABOR CONTRACT

1. Employee's consent

2. Means of communication  
or **compensation**

3. Work-time monitoring

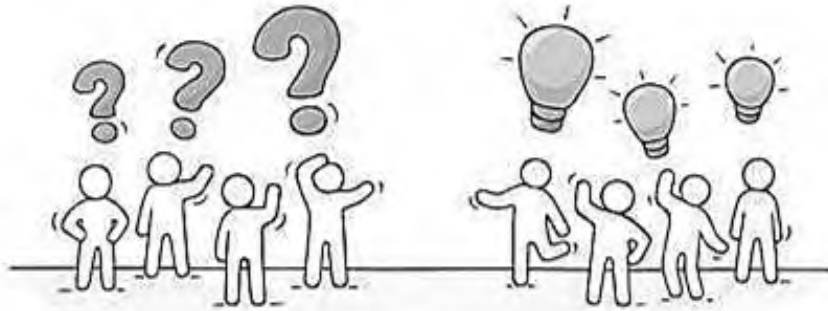
**Right to introduce and  
cancel remote work**  
on pre-agreed conditions

**Pre-agreed conditions**

**Recommended flexibility  
to an employer**

# | Kazakhstan: Outsourcing & outstaffing

## OUTSOURCING



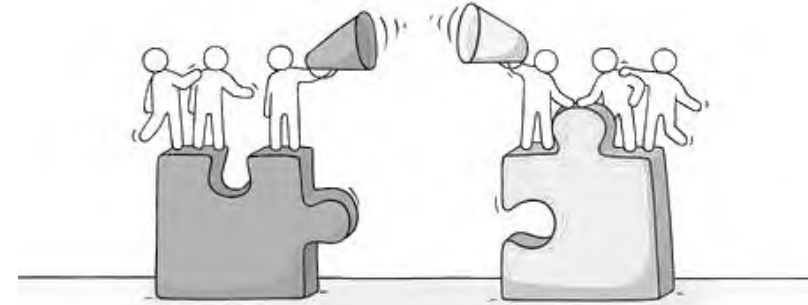
Subject

**Product of work/service**



No transfer of employees Between companies

## OUTSTAFFING



**Employee**

Intra-group

- Secondment
- Intra-corporate
- Temp. transfer

Recruiting Agencies

*may be in the future*

# Kazakhstan: Outsourcing

## CONTRACTS

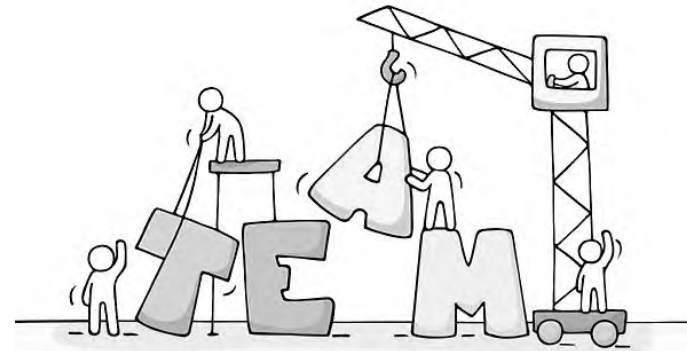


Work or service  
(accounting, engineering, etc.)

✗ Provision of an employee  
in a specific position

! License / permit

## OUTSOURCED EMPLOYEES



Safety regulations

✗ Internal labor regulations  
of the host company

# Professional legal support for successful anti-crisis workforce restructuring



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# Speakers



**Irina Anyukhina**  
Partner  
ALRUD, Russia

[IAnyukhina@alrud.com](mailto:IAnyukhina@alrud.com)  
P: +74952349692



**Margarita Egiazarova**  
Senior Associate  
ALRUD, Russia

[MEgiazarova@alrud.com](mailto:MEgiazarova@alrud.com)  
P: + 74952349692



**Darya Zhuk**  
Managing Partner  
COBALT, Belarus

[Darya.Zhuk@cobalt.legal](mailto:Darya.Zhuk@cobalt.legal)  
P: + 375 29 624 59 15



**Valeriya Savchuk**  
Counsel, Attorney-at-Law  
Vasil Kisil and Partners,  
Ukraine

[VSavchuk@vkp.ua](mailto:VSavchuk@vkp.ua)  
P: +38 044 581 77 77



**Larissa Yemelyanova**  
Senior Associate  
AEQUITAS, Kazakhstan

[L.Yemelyanova@aequitas.kz](mailto:L.Yemelyanova@aequitas.kz)  
P: +7 (727) 3 968 968

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Thanks for your attention