

Taking time off if you know what's good for you – new rights for Russian employees

Article By:

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Beginning January 1, 2019, employees became entitled to a new benefit which must be provided by employers under Article 185.1 of the Russian Labour Code.

For purposes of protecting and promoting the health of citizens, the state makes it possible for them to undergo a regular medical survey, a so called “preventative medical examination”. In order to support this initiative, employers are obliged to provide the employees with additional paid days off for visiting the appropriate clinic.

The medical examination provided for is a package of tests and activities which include a medical check-up and additional methods of surveys which are carried out for health assessment purposes. The hope is that this will encourage workers to take proper care of their health and not to ignore prospective medical issues or physical or mental conditions which may affect their ability to work at a later stage. The extra days off which the employer must fund for this purpose are therefore expected to be repaid in higher productivity and reduced absenteeism in the future.

In order to undergo the medical examination, employees are entitled to be released from work for a certain period on average earnings, i.e.

- one working day every three years for regular workers, and
- two working days a year for soon-to-retire employees (five years before they reach their retirement age), as well as retired employees who are still active.

To ensure that there is no disincentive from taking up this benefit, “average earnings” includes not just basic salary but also the overtime and other allowances which the employee might otherwise have expected to earn on the day. An employee shall be released from work in order to undergo a preventative medical examination on the basis of his/her application in writing and the day or days on which he/she is released from work shall be agreed with the employer.

The law does not provide for any specific penalties if the employer refuses to permit the necessary time off for this medical examination. It appears that the “general” administrative liability for labour legislation violations established by the Code of Administrative Offences will apply.

If an employer violates the labour legislation of the Russian Federation, it may be subject to administrative liability under Article 5.27 of the Code in the form of a fine of up to 50,000 Rubles (£595, \$780, €690) (for a legal entity) and up to 5,000 Rubles for the General Manager.

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