



Checklist: Preparing for and conducting conflict dismissals

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TERMINATION OF CONTRACT BY AGREEMENT OF THE PARTIES

What steps need to be taken?



- Draw up **a separate document** – an agreement regarding termination of the employment contract
- Issue in **written form**, specifying a date for the termination of work
- The agreement must be signed by **both parties** (the employee and the employer), and it is also necessary to provide the employee with a second copy
- **Issue a discharge order** with the agreement of the parties on the basis of clause 1 of part 1 of Art. 77 of the Labour Code of the Russian Federation
- **Send the order to the employee** for signing
- On the last day of the contract, provide **all the necessary documents**, as well as make the **final payment**

Our recommendations

Have the employee **sign the documents in front of you**. This will exclude those situations that arise in practice where someone else signs the termination agreement for the employee. The employee can bring this up in court and, if this is confirmed by the evidence, the employee may be reinstated

It is better that **the employee signs the documents in the presence of witnesses**. Their testimony can be taken into account by the court when resolving the issue of the presence / absence of pressure on the employee from the employer



Include a provision in the termination agreement that the employee has signed it **without coercion, knowingly and voluntarily, with full understanding of the terms**



On the day of termination, make **the final payment**, sign **the Employee Exit Report**, give back the employment record book/provide information about work

DISMISSAL INITIATED BY AN EMPLOYER

How do you dismiss an employee without conflict?



During the entire period leading up to the dismissal, **the employee should work as usual**. It is important not to interfere with his or her attendance at work nor to block access to any corporate systems and resources

When serving the dismissal order, **briefly explain why the company has made its decision**. If necessary, provide documentation that will prove the existence of grounds for dismissal



Do not put pressure on the employee during the delivery of the order/notification and the description of the further procedure and do not try to force them to sign the documents

Explain to the employee that, **upon termination of the working relationship, they will be able to access all the rights** which are provided for by law, by-laws and a employment contract (i.e. monetary compensation for unused holidays, severance pay, compensations and other payments)

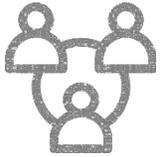


Point out to the employee their right to provide **in written form any reasons that could stop his dismissal**. Indicate a reasonable time frame by which this document must be provided (for example, within a week from the date of delivery of the notice of a job cut)

Point out to the employee that they should, within two weeks from the date of dismissal, **apply to the territorial department of the Employment Center of the administrative district** at their place of registration or place of residence

DISMISSAL INITIATED BY AN EMPLOYER

Recommendations for the preparation and conduct of conflict negotiations



Determine the **composition of the team** which will participate in the negotiations.
Pre-allocate roles between each of the negotiators and agree on **negotiation tactics**

Conduct negotiations **correctly and do not allow any petulance** towards the employee;
the consequences of this or that decision should be explained **in a diplomatic way**

In the event of difficult situations arising during the process, stay calm, **complete the paperwork carefully and complete the procedure**, even if it takes more time and resources



Determine in advance **the possible amount of compensation** to be paid to the employee upon dismissal

Prepare all the documents that may be required during the negotiations **in advance**

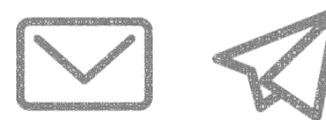
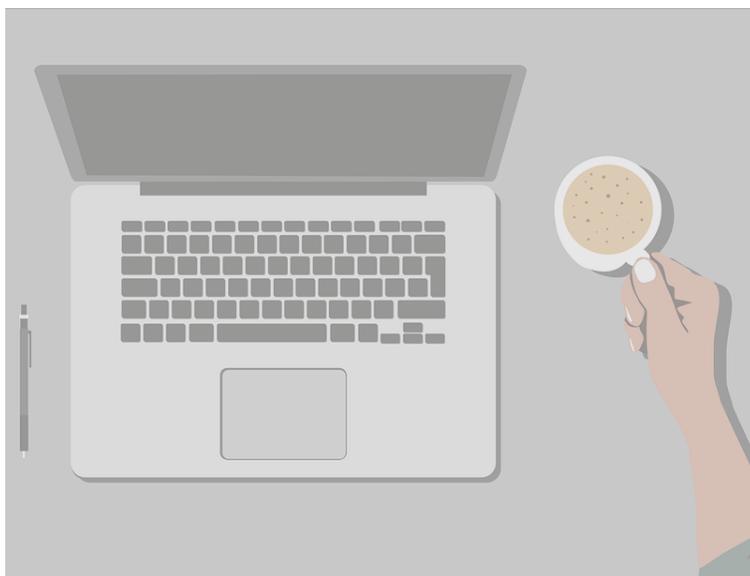


Prepare **arguments supporting the validity of the reasons for the dismissal of the employee** (in the case of dismissal on disciplinary grounds); and do not succumb to the employee's attempts to make the negotiations more emotional than they need to be

Try **to find out the reasons why the employee is refusing dismissal** or is otherwise preventing the termination of their contract

WHAT CAN BE DONE IF AN EMPLOYEE IS AVOIDING COMMUNICATION WITH AN EMPLOYER?

The employer should take **all available and reasonable measures to communicate with the employee**, using the available communication channels and observing **the deadlines** provided for by labour legislation



Main channels of communication:

- Russian Post
- Telegram
- Mobile communication
- E-mail
- Courier delivery
- Personal meeting
- Social media -
VK, Facebook, Instagram,
Odnoklassniki, Twitter, Telegram,
WhatsApp, Viber

Contacts:



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We hope that you found this checklist useful!

Our ALRUD specialists have a wide range of expertise and will be happy to provide complete legal support on issues of conflict dismissals, including help with the preparation of all the relevant local regulations, orders, additional agreements and other documents necessary to meet federal and regional regulation

