



# EMPLOYMENT AND MIGRATION LAW PRACTICE



# About the practice

 2006

The practice was established



As part of the Employment Law School, each month we tell our clients about new developments in regulation and about important court cases



The practice handles over 140 projects annually



We cooperate with the L&E Global international association

**No.1 in the leading international and Russian legal ratings:**



**Chambers**  
AND PARTNERS

Best Lawyers®

Our Telegram channel for employers  
**@PGEMPLOYMENT**





Advising on general issues of employment and migration law



Providing representation before the State Labour Inspectorate and the Prosecutor's Office



Monitoring measures of support for industry as well as industry and regional agreements



Supporting employers in settling labour disputes



Developing and implementing compensatory and incentive programmes



Optimising and restructuring staff, supporting staff redundancy and large-scale lay-off procedures



Offering support for migration issues

# Projects: general matters

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## **Provided legal support in resolving current issues**

For 7 years, Pepeliaev Group's lawyers assisted a Swiss manufacturer of chocolate and confectionery in resolving current employment law issues. The project involved such issues as guarantees for employees, remuneration and benefits, incentives, hiring and dismissal of personnel, etc. The implementation of this project required, in addition to a high level of expertise in employment law, a profound understanding of the client's operations and business needs.

## **Reviewing the regulation of increased salary in 5 states**

Pepeliaev Group's lawyers promptly prepared for the client an analysis of the regulatory requirements of foreign legislation (5 states) for conditions where there was increased salary for employees engaged in the development and operation of hydrocarbon-containing deposits, as well as employees working in adverse climatic zones.

This project confirms that our specialists can successfully work to tight deadlines when providing legal services to clients in various jurisdictions.

# Projects: optimising and restructuring staff

## **Advised a client on dealings with trade unions**

Our specialists assisted the client in a staff optimisation procedure during which the employees established two trade unions to protect themselves from staff redundancy. The project involved protecting the company from hostile actions of the trade unions. As a result the company managed to successfully implement its plans, since no claims were filed.

The success of our team was partially based on an in-depth analysis of the structure of the trade union and identifying discrepancies, which significantly weakened the position of the professional association of employees and gave the company a decisive advantage in holding negotiations.

## **Provided support in employment issues as part of the reorganisation of a company**

Pepeliaev Group's lawyers advised the client on employment aspects of the company's reorganisation. The client planned for one company to absorb another company. This process required the levels of remuneration and benefits to be brought into line. We also needed to perform a thorough review of issues relating to relationships with the trade union. The project involved an in-depth analysis of all the elements of remuneration and benefits in two companies (the plant and administration) located in different regions as well as searching for efficient solutions so that the majority of compensations and payments could be left unchanged and discrimination could thus be avoided. Our team helped the client to implement the project successfully.

# Projects: employment disputes

## Successfully provided legal support in a case in a state commercial court

Our lawyers won a difficult case in a state commercial court against the Russian Social Insurance Fund. The main aspects of the case related to issues of labour law and the recognition of civil law relationships as de facto labour relationships. This is a unique case in our practice, since we participated in judicial procedures different from those we encounter in ordinary practice (the procedure of state commercial courts is very different from the procedure of courts of general jurisdiction that is applicable to labour disputes).

This dispute has become extremely important and has set a precedent for the client, since it widely uses in practice such legal structures that could be reclassified as employment relationships.

## Settled a conflict with an employee enjoying specific legal protection

Our specialists provided legal support to the client in dealing with an employee with whom it was in conflict and who had been reinstated by the court to his former position. The employee, who belonged to a protected category, was demonstrating bad-faith conduct and acting with hostility towards the employer. Pepeliaev Group's team successfully defended the employer when the State Labour Inspectorate conducted its audit following the employee's application as well as in court disputes. Our lawyers helped the client to terminate the conflict and the employee left the company in an amicable way. The case has become a successful precedent for the client.

# Projects: disciplinary and financial liability of employees

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## **Provided legal support in a project to prevent theft**

Our lawyers provided support for a project that involved identifying cases when employees in the regions had stolen the company's property. Pepeliaev Group's team was engaged to carry out an internal investigation and to take measures to prevent bad-faith actions. The task was to dismiss the employees who were involved in the violations identified of the accounting procedure for material assets. Work on this project covered a wide a range of issues not only of employment law, but also criminal law, as well as finding an emergency solution for the existing situation that became unique for the client.

## **Provided support in dismissing an employee on grounds of misconduct**

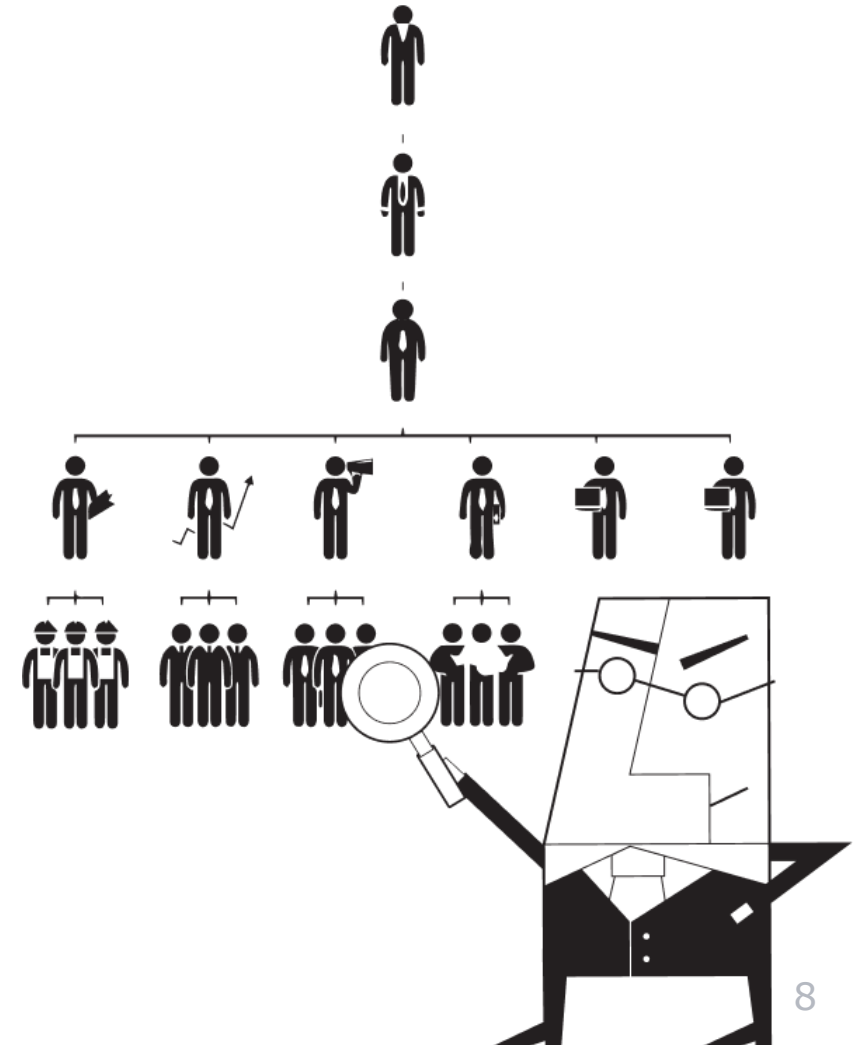
The lawyers of the employment practice provided comprehensive support to the client (a subsidiary of a petrochemical concern) with respect to dismissing an employee on grounds of misconduct. The employee contested the dismissal in courts of two instances, which confirmed that the relationship had been lawfully terminated. The employee's claims were dismissed in full. We provided the client with comprehensive support with respect to the dismissal, which involved a legal analysis together with technical collection of evidence.

# Projects: hr audit and occupational safety

## Comprehensive HR audit

Our lawyers conducted an audit of all of the client's basic HR documents with a view to ensuring complete compliance with regulatory requirements and that the client was ready for an audit by the labour inspectorate.

Our team not only analysed all of the documents and internal labour policies and provided recommendations regarding the defects identified, but also advised the client with respect to the options for eliminating the defects and to implementing improvements. In addition, we developed the relevant wordings to be included in documents. The audit conducted and subsequent support required us to understand the client's business processes, which are closely connected with issues of transportation, organising drivers' work, etc. Legal support was required not only in ensuring occupational safety, but also with respect to complete financial liability of employees.





# Projects: foreign employees

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## **Structured relationships with all categories of employees, including foreign employees**

Pepeliaev Group's lawyers supported the entry onto the market of a major Chinese manufacturer of video surveillance systems. In the project, our team actively advised the client, provided support in establishing and registering a Russian legal entity and structuring relationships with all categories of employees, including Russian and foreign employees who were Chinese nationals. The project was complicated because we needed to take into account both specific aspects of the Chinese company and stringent requirements of Russian migration legislation.

## **Documenting relationships with Russian and foreign employees**

The specialists of Pepeliaev Group's employment and migration law practice helped the client (a major Chinese manufacturer of climate control and household equipment) to register its Russian subsidiary and structure relationships with Russian and foreign employees. Our lawyers also developed the necessary HR documents, which included adjusting to Russian requirements the payroll system and remunerations for Russian senior management based on the scheme the client applies.

# The team



**Anna Berlina**

Partner

[a.berlina@pgplaw.ru](mailto:a.berlina@pgplaw.ru)

Anna has over 17 years of experience in providing legal support with respect to the widest range of employment law issues. She represents clients in court when employment disputes are examined as well as before the State Labour Inspectorate and the Prosecutor's Office. Anna provides support when employees are dismissed, including in the event of large-scale lay-offs, as well in dealing with trade unions.

In addition, she advises on issues that involve: granting guarantees and compensations (protecting employees from currency risks, incentive programmes, etc.), sending employees to work in other countries, as well as on other employment law issues. Anna also provides support to clients in drafting HR documents, including employment agreements, policies, etc.

## WHAT THEY SAY

Respondents invariably emphasise Anna's attention to detail and her focus on the outcome. One of her clients also describes how she is as a lawyer in practice: "she is always available and ready to help". (Chambers Europe, 2020).



# The team



## Vitalia Kuznetsova

Head of Employment and Migration Law Practice Group, PhD in Law

[v.kuznetsova@pgplaw.ru](mailto:v.kuznetsova@pgplaw.ru)



Vitalia is an expert in employment law and matters related to employment and civil law. Before joining Pepeliaev Group she worked for several leading Russian law firms and for one large international law firm. She is experienced in advising Russian and foreign companies that are industry leaders in different branches of economy, and in providing support during enforcement proceedings and litigation.

### WHAT THEY SAY

Strong track record in handling unfair dismissals, immigration and employee payment disputes as well as negotiations with trade unions (Chambers Europe).



## Roman Gerebtsov

Head of Employment and Migration Law Practice Group

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Roman has over ten years of experience specialising in labour and migration law along with personal taxation. This includes advising the largest international and Russian companies on various labour and tax law issues and structuring job placements in Russia and from Russia, taking account of the migration, labour and tax implications.

### WHAT THEY SAY

“The Employment and Migration Law Practice of Pepeliaev Group has a deep knowledge of labour legislation and provides highly valuable and professional advice” (The Legal 500).

# About the firm

A leading Russian law firm offering the full range of legal services.

## Lawyers

160

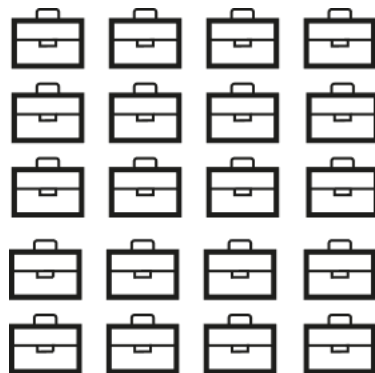


Our lawyers include  
3 Doctors of Laws  
and 19 PhDs in Law.



## Clients

2000



## Office

6

Moscow  
St Petersburg  
Nizhnekamsk  
Krasnoyarsk  
Vladivostok  
Dubai

## Developing Eastwards

- Chinese Desk
- Korean Desk

## Ratings



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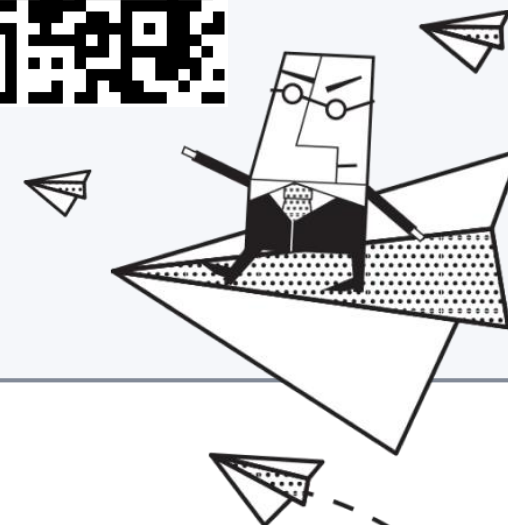
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News of the firm, themed overviews of legislation and administrative and judicial practice, and expert commentary



# Services



Tax advice &  
tax disputes



Administrative law  
defence of business



Banking and  
finance practice



Bankruptcy



Family and  
inheritance law



Employment and  
migration law



Customs law and  
foreign trade  
regulation



Currency regulation  
and currency control



International litigation  
and arbitration



Corporate law / M&A



Antitrust regulation



Dispute resolution  
and mediation



Criminal law defence  
of business



Legal protection  
of information



Real estate & construction



Intellectual property  
and trademarks



Environment



Telecommunications,  
media and IT



Digital group



Life sciences

# Geographical coverage

## Chinese Desk

- Support for Chinese investors in Russia and for Russian investors in China.
- We have strategic partners on the Chinese market.
- Comprehensive legal support.

## Korean Desk

- Legal advice to Korean companies in Russia and to Russian investors in Korea.

## Middle East Desk

- PG TAX Consultancy LLC provides services on tax structuring and tax consultancy in UAE and GCC.

