

A background image of a bridge at night, with its two large bascule leaves raised. The scene is illuminated by city lights and the bridge's own lights, creating a blue and white color palette. A semi-transparent grid of white dots is overlaid on the image.

All are equal before the law,
but some want to be better.



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It was impossible to ignore this news, because the requests of our clients for help in solving the issue of fulfilling the annual duty to index wages are still alive in our memory.

The Ministry of Finance may refuse to index the salaries of civil servants next year. This follows from the methodology for calculating the maximum base of Federal budget allocations for the next three years, according to RBK.

It would seem that these are only plans, but on Friday Delovoy Peterburg published an article that: "the Committee on Finance of Saint Petersburg sent a letter to all the chief managers of budget funds (i.e. Smolny committees and districts), where it reported that the 2021 budget "does not provide for indexing" the basic unit used for calculating salaries of employees of state institutions and civil servants."

On the one hand, it's time to be happy, because the Government of the Russian Federation and the Government of St. Petersburg have finally decided to save money on themselves, and the "warm" relations between the country's population and officials are known to everyone.

However, in this issue, not everything is as colorful and fabulous as it seems.

In accordance with the provisions of article 130 of the Labour code of the Russian Federation, the system of basic state guarantees for employees' remuneration includes, in particular, measures to ensure that the level of real wage maintenance is increased.

From the provisions of article 134 of the Labor code of the Russian Federation, it follows that ensuring an increase in the level of real wage content includes indexing wages in connection with an increase in consumer prices for goods and services. State bodies, local self-government bodies, state and municipal institutions index wages in accordance with the procedure established by labor legislation and other normative legal acts containing norms of labor law, other employers-in accordance with the procedure established by the collective agreement, agreements, and local regulations.

In other words, the annual indexation of wages is the RESPONSIBILITY of any employer in the Russian Federation.

However, this obligation is implemented differently depending on whether the employer is a representative of the public sector or a commercial organization.

At the same time, the issue of compliance with the requirements of the Labor code of the Russian Federation regarding the annual indexation of employees' wages is one of the main areas of inspections conducted by the State labor Inspectorate.

Thus, it turns out that the state, which has incurred significant expenses in the light of the recent negative consequences and the pandemic, has decided to remove this responsibility for the next three years, but is not going to exempt other employers from it.

Not to mention the fact that the initiatives of the Government of the Russian Federation and Smolny are in direct contradiction with the Labor code of the Russian Federation, which directly prohibits the publication of regulations that worsen the situation of employees.

Such attempts were already made By the government of Saint Petersburg in 2002 and 2005, but the decisions of the Saint Petersburg city court and then the Supreme Court of the Russian Federation were declared illegal.

To sum up, I would like to note that the fascination with populist ideas has not yet brought anyone to good, and our respected officials should remember that the state cannot be above the law that it has adopted and is implementing.

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