

Minsk, June 1, 2016

Belarus

New work permit rules for highly qualified specialists and foreign CEOs

The new version of the Belarus law “On External Labour Migration” No 353-3 dd. 05.01.2016 takes effect as of 15 July 2016. An overview of the most significant changes and trends introduced by the law is outlined below.

Highly qualified employees

The law introduces simplifications for the procedure of hiring foreign professionals in Belarus that fall into the category of “highly qualified employees”, by waiving the company’s requirement to obtain a foreign workforce permit.

According to the law, the foreigner can be classed as a highly qualified employee provided the following conditions are met:

- His / her total professional working experience in a particular position exceeds 5 years, and this is supported by corresponding education-related documents, and;
- The foreigner’s monthly wage under the employment contract exceeds 15 times the monthly minimum wage in Belarus (making the limit BYR 34,5 million currently, or approx. EUR 1,600 as of May 30, 2016).

This now means that there are no additional administrative obstacles to consider for a local company that is planning to hire more than 10 highly qualified foreigners, except for the work permit related formalities.

CEO / General Manager

In general, when a foreign company seconded a foreign employee to its subsidiary in Belarus to hold the position of CEO / General Manager, a work permit for the respective individual is required.

According to the new provisions of the law, if a CEO / General Manager position will be held by a foreigner who is a shareholder of the local Belarusian company, the special report from the public employment authorities (which is one of the grounds for issuing the work permit) is no longer required. It must be noted that such foreign employees being shareholders of the local Belarusian company do still contribute toward the limit of up to 10 foreign employees, above which companies are required to apply for a foreign workforce permit when hiring foreign workers.

Requirements for local companies employing foreign workers

The obligations of local companies hiring foreign personnel have been expanded by the law to address some new challenges. Specifically, local companies employing foreigners are required to comply with the following conditions:

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- To obtain a work permit for each foreign employee;
- To provide each foreign employee with a copy of the corresponding work permit;
- To register the employment agreement concluded with each foreigner in accordance with the Belarus Labor Code with the migration authorities, including any amendments and alterations thereto, within one month of its conclusion;
- To terminate the employment agreement with the foreigner in case of cancellation of the corresponding work permit;
- To send the work permit back to the migration authorities within 5 working days of:
 - termination of the employment agreement with the foreigner;
 - the receipt of notification from the migration authorities on the cancellation of the work permit;
 - the expiration of the work permit.

Recommendations

Due attention should be paid to the new rules on external labor migration, particularly:

- A foreigner may be employed by several Belarusian companies, provided each of them has a separate work permit for this particular foreign employee;
- The validity period of both the work permit and the foreign workforce permit is 1 year and may be extended only once, again for a period of one year. After this two year period, the company must essentially go through the same initial process of applying for the work permit, providing the same documents and information over again;
- As from 15 July 2016, work permits shall no longer be issued directly to the foreigner; it is the local employer who will receive the permits directly.

SCHNEIDER GROUP can support you in dealing with any labor migration, visa, work permit and other issues related to hiring foreign personnel in Belarus.

We hope you find our newsletter useful. Should you have any questions or require our assistance with respect to the above, please contact our expert:

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