

## National Human Rights Index

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2022

### The right to work:

Expert Commentary

**Score: 3.5**

#### Including scores by component:

- Freely chosen work without any kind of compulsion 3.3
- Equal access to work for all 3.7
- Just and favorable conditions of work 4.1
- Fair remuneration 4.9
- Employment promotion and protection against unemployment 3.1
- Protection mechanisms 1.7

When assessing the status of the right to work in 2022, Index experts gave lower scores than in 2021 for the reasons described in this commentary. The basic state of the right to work is described in the 2019 commentary.

#### • **Freely chosen work without any kind of compulsion**

The law enshrines the right to free choice of work, but in practice, it is not always ensured. The choice of profession is limited. Experts noted a continuing worsening of situation in this area. Thus, the “case of orthopedists” is indicative<sup>1</sup>, when in April 2022, dozens of traumatologists were detained, accused of receiving bribes from foreign companies for installing imported prostheses. The authorities have set conditions under which detained doctors will be released from the pre-trial detention center without trial: admission of guilt, tenfold compensation for damages, and the so-called “working off”, when the doctor undertakes to work in the health care institution that will be specified (often in places that do not correspond to qualifications of a particular doctor, for example, a polyclinic in the regions, as well as the need to combine specializations not according to the profile of orthopedics, but depending on the lack of specialized specialists in this medical institution)<sup>2</sup>. Experts call this a gross violation of International Labor Organization (ILO) conventions, in particular the 1930 Forced or Compulsory Labor

<sup>1</sup> <https://www.bbc.com/russian/features-61270722>

<sup>2</sup> <https://news.zerkalo.io/life/18206.html>,

[https://news.zerkalo.io/life/15486.html?utm\\_source=editorial\\_block&utm\\_campaign=recirculation\\_tut&utm\\_medium=read\\_more](https://news.zerkalo.io/life/15486.html?utm_source=editorial_block&utm_campaign=recirculation_tut&utm_medium=read_more)



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Convention<sup>3</sup>.

Also, the Ministry of Health has banned the issuance of documents necessary for employment abroad<sup>4</sup>.

In 2022, in Minsk, access of persons to registration as individual entrepreneurs (IP) was limited<sup>5</sup>. Persons wishing to register as an individual entrepreneur are forced to travel to another locality to do this. According to authorities, the registration system was hampered by technical reasons. The essence and nature of such reasons is unknown. Experts called this reason formal and untrue. According to experts, there was a secret administrative decision to ban registration as an individual entrepreneur in Minsk.

In 2022, there was a large wave of suspension of the activities of large non-state medical centers, in some of them, according to rough estimates, more than 1000 doctors worked, for example, LODE LLC<sup>6</sup>. Experts point out that the reasons for such a decision were far-fetched: alleged violation of licensing requirements, sanitary and hygienic standards, etc. In fact, the doctors were deprived of work for 3-4 months and a situation developed in which they were in a “limbo” state, that is, they were not officially fired (they were not paid compensation payments provided for by labor legislation, etc.), but in fact they for the ban on performing medical diagnostic work, they lost in wages, and inspection bodies actively offered them employment in government health care institutions. Also, in connection with the suspension and inspection of the activities of private medical centers, a “cleansing” of employees was carried out. The head of the medical institution was provided with a list of employees who must be fired, otherwise the center’s activities will not be resumed. Despite the shortage of personnel, such doctors then ended up on the so-called “black list” and were unable to find work in their field in Belarus.

Mass closure of private schools<sup>7</sup> also led to many teachers being left without work. The Minister of Education stated that many such institutions are related to “countries unfriendly to Belarus” that interfere in the education of the “younger generation”<sup>8</sup>.

In 2022, the practice of unjustified dismissals has taken root in both public and private enterprises for the political views of an employee. Mass and systemic layoffs in 2022 took on new forms, affecting

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<sup>3</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/normativeinstrument/wcms\\_c029\\_ru.htm](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_c029_ru.htm)

<sup>4</sup> <https://belsat.eu/ru/news/30-05-2022-meditsinskie-vuzy-perestali-vydavat-uchebnye-plany-oni-nuzhny-dlya-trudoustrojstva-za-granitsej>

<sup>5</sup> <https://news.zerkalo.io/economics/28756.html>

<sup>6</sup> <https://neg.by/novosti/otkrytj/poka-na-pauze-minzdrav-priostanovil-deyatelnost-eshche-trekh-medtsentrov/>, <https://officelife.media/news/34672-minzdrav-priostanovit-deystvie-litsenzii-laquo-nordin-raquo-i-nbsp-laquo-tri-dantista-plyus-raquo/>, <https://reform.by/329740-v-belarusi-priostanovili-deyatelnost-kliniki-mersi>, <https://www.belta.by/society/view/pinevich-prokomentiroval-priostanovlenie-dejstvija-litsenzii-dlja-lode-500100-2022/>

<sup>7</sup> [https://www.tvr.by/news/obshchestvo/za\\_nedelyu\\_8\\_chastnykh\\_shkol\\_prekratili\\_svoe\\_sushchestvovanie\\_eshche\\_12\\_chastnym\\_uchrezhdeniyam\\_vypi/](https://www.tvr.by/news/obshchestvo/za_nedelyu_8_chastnykh_shkol_prekratili_svoe_sushchestvovanie_eshche_12_chastnym_uchrezhdeniyam_vypi/)

<sup>8</sup> <https://www.dw.com/ru/monopolia-na-znania-pocemu-v-belarusi-zakryvaut-castnye-skoly/a-63286630>



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new areas, for example, education, healthcare, as well as such a vulnerable group as persons with disabilities.

In state (with a share owned by the state) organizations, the position of deputy for security is occupied by former employees of the KGB, the State Control Committee, the Investigative Committee, without whose sanction no employee can be hired or on whose instructions the employee can lose his position. Experts point out that even unique specialists are not immune from such politically motivated dismissals. Professional qualities and experience, which constitute the real value of the employee, his social status and rights guaranteed by law are not taken into account.

Illegal dismissals also affected journalists, especially independent media. Journalists were regularly subjected to detentions, searches, and imprisonment for performing their professional duties. Journalists who remained in Belarus noted a deterioration in their working conditions compared to 2021: “The state of fear is exhausting and leads to stress”<sup>9</sup>.

In May 2022, the director of the oldest business newspaper in the country, “Belarusians and the Market,” Konstantin Zolotykh (the newspaper existed for almost 32 years) was detained. A criminal case has been opened against the director under Article 130 of the Criminal Code (inciting ethnic hatred)<sup>10</sup>. Media workers found themselves in a similar situation to workers at medical centers whose activities were suspended. On July 23, access to the newspaper’s website in Belarus was blocked by the Ministry of Information “due to the distribution on the publication’s website of hyperlinks to materials that were recognized by the court as extremist”<sup>11</sup>. In December it was announced that the print version of the newspaper would cease publication. On December 1, the Minister of Information signed an order to cancel the certificate of state registration of the newspaper “Belarusians and the Market”<sup>12</sup>.

At the end of August 2022, the former editor-in-chief of the Borisov regional newspaper “Adzinstva” E. Vorobyova was fired after she gave an interview in which she spoke about the problems of the Borisov region, that there are certain instructions for state media on how to behave lead. She was asked to write a letter of resignation of her own free will.<sup>13</sup> Applications for dismissal by agreement of the parties were proposed to be written by journalist(s) of the magazine “Mastatstva” and newspapers of the Vitebsk region<sup>14</sup>. On January 5, 2022, E. Lyashkovich, director of the Y. Kupala Museum, was fired. According to the Viasna Human Rights Center, the reason for the dismissal was her refusal to fire

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<sup>9</sup> <https://baj.by/be/analytics/uzhasno-kogda-sobstvennaya-strana-stala-minnym-polem-zhurnalisty-ob-usloviyah-raboty-v>

<sup>10</sup> <https://officelife.media/news/33136-zaderzhan-direktor-stareyshey-biznes-gazety-belarusi/>

<sup>11</sup> <https://news.zerkalo.io/life/27749.html>

<sup>12</sup> <https://euroradio.fm/ru/gazeta-belorusy-i-rynek-prekraschaet-vykhod-posle-32-let-raboty>

<sup>13</sup> <https://baj.by/be/analytics/glavred-borisovskoy-rayonki-kotoraya-pozhalovalas-provlastnomu-blogeru-na-situaciyu-v>

<sup>14</sup> <https://baj.by/be/content/u-chasopise-mastactva-i-gazece-kultura-pracyagvayuc-aptymizavac-supracounikau>, <https://baj.by/be/content/iznou-aptymizacyya-getym-razam-dlya-dzyarzhaunyh-rayonnyh-gazet-vicebshchyny>



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museum employees for political reasons.<sup>15</sup> After the arrest, the contract with “Pressball” journalist A. Ilyeneya was terminated for 10 days<sup>16</sup>.

In July 2022, journalist K. Andreeva was sentenced to 8 years in prison for “treason to the state.” BAI regards this decision as “judicial reprisal for doing professional journalistic work”<sup>17</sup>. I. Slavnikova (creator of the Belsat channel) was also sentenced to 5 years in prison in August 2022<sup>18</sup>. Journalist D. Ivashin was sentenced in September 2022 to 13 years and 1 month in prison, also for “high treason”<sup>19</sup>.

In addition, in 2022, they continued to deprive of the licenses those lawyers related to the defense and representation of the interests of participants in peaceful protests and representatives of the opposition<sup>20</sup>. Some of them were also arrested and tried (A. Danilevich, A. Lazarenko, V. Braginets and many others)<sup>21</sup>. Lawyer Aliaksandr Danilevich, who was also an associate professor at the Belarusian State University (BSU), was fired from the university for his position. On February 28, 2022, he signed a public statement by Belarusian lawyers against the war, for which he was subsequently subject to disciplinary action (reprimand). On May 20, 2022, he was taken into custody and kept in a pre-trial detention center, he was accused of public calls for actions aimed at harming national security (Part 3 of Article 361 of the Criminal Code). BSU did not renew his contract (although, according to the provisions of the Collective Agreement, it should have), and in July 2022 a decision was made on Danilevich’s claim for reinstatement, which was ultimately denied. Lawyer Dmitry Laevsky comments on this: “There were no complaints about the quality of work against Danilevich, which means they got rid of him for reasons unrelated to his professional qualities, and this is discrimination”<sup>22</sup>.

In February 2022, Natalya Abrashina-Zhadayeva, a professor at the Department of Higher Mathematics and Mathematical Physics, was fired because she supported a colleague who was fired for political reasons.<sup>23</sup> At the same time, under Article 24.3 of the Code of Administrative Offences, “Disobedience to the legal demands of an official,” A. Kureichik, associate professor of the Department of Television and Radio Broadcasting of the Faculty of Journalism of the BSU, was sentenced to 15 days. According

<sup>15</sup> <https://spring96.org/ru/news/106358>

<sup>16</sup> <https://baj.by/be/content/zhurnalista-pressbola-zbiralisya-zvalnyac-paslya-10-sutachnaga-aryshtu-ale-cyaper>

<sup>17</sup> <https://baj.by/be/content/bazh-vykazvae-aburenne-i-pratest-u-svyazi-z-prysudam-kacyaryne-andreevay>

<sup>18</sup> <https://baj.by/be/content/bazh-zaklikae-admyanic-prysud-iryne-slaunikavay-zhurnalisty-ne-ekstremisty-inshadumstva-ne>

<sup>19</sup> <https://baj.by/be/content/mizhnarodnaya-i-eurapeyskaya-federacyi-zhurnalistau-vyrak-ivashynu-parodyya-na-pravasuddze>

<sup>20</sup> P. 54, Report of the human rights center “Viasna” “Criminal prosecution for political reasons. Belarus 2021-2022.” (hereinafter referred to as the “Criminal Prosecution” Report), [https://spring96.org/files/book/ru/2022\\_politically\\_motivated\\_criminal\\_prosecutions\\_ru.pdf](https://spring96.org/files/book/ru/2022_politically_motivated_criminal_prosecutions_ru.pdf)

<sup>21</sup> <https://belhelcom.org/ru/news/keysy-danilevicha-mochalova-braginca-lazarenko-obrashchenie-v-specialnye-procedury-oon-v-svyazi>

<sup>22</sup> [https://www.defenders.by/sud\\_alexander\\_danilevich?ysclid=l9gurjqkrv288703601](https://www.defenders.by/sud_alexander_danilevich?ysclid=l9gurjqkrv288703601)

<sup>23</sup> <https://udf.name/news/society/242305-prepodavatelja-fmo-bgu-uvolnjajut-za-grazhdanskuju-poziciju.html>



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to colleagues, she was detained in order to fire her, since she had a contract until 2023<sup>24</sup>.

The systemic practice of “blacklists” continued<sup>25</sup>, when after dismissal a person cannot get a job anywhere in his profession, which actually leads to a ban on certain professions. The practice of mass layoffs has led to a shortage of personnel<sup>26</sup> and redistributing the workload among the remaining workers. In 2022, the influence of this practice was especially noticeable in the fields of education and healthcare. As of June 22, 2022, according to statistics, the public health system required 3.9 thousand medical specialists and 3.4 thousand nurses<sup>27</sup>. Experts noted the increased workload of doctors and teachers, the redistribution of workers to other specialties, while, despite the shortage of personnel, any disobedience or dissent was suppressed and punished by dismissal.

According to experts, the situation with forced labor has worsened in 2022. Experts agree that forced labor occurred in 2022, one example of which is the so-called “orthopedic case” described above.

Based on the results of an inspection of the execution in 2022 of an administrative penalty in the form of arrest with mandatory employment, the Prosecutor General’s Office identified a number of cases of forced labor when “obligated” persons were forced to work without concluding employment contracts<sup>28</sup>. These persons are parents who are obliged to reimburse the expenses spent by the state on the maintenance of children who are or were on state support, and who evaded employment by court order or from work.

In addition, experts cited an example of forced labor typical of 2022, when doctors, other medical staff and support workers of some medical institutions in the Gomel region were forced to provide assistance to the military of the Russian Federation to the detriment of their main work<sup>29</sup>. Belarusian civilian hospitals were converted to provide care to Russian soldiers and officers, and were also under guard - KGB officers were on duty in the buildings. Doctors were threatened with criminal prosecution for any disclosure of information, as well as dismissal for insubordination.

According to experts, the situation with economic exploitation of children and youth has worsened in 2022. The same types of exploitation as in previous years remained, and new ones emerged. For example, experts noted that in 2022, a practice emerged when intern doctors, who did not have the right to provide medical care on their own, were sent to rural areas where there was a shortage of medical staff, where they worked autonomously, that is, without a doctor, which is prohibited by law Belarus. The authorities said that this is a positive step, which is a measure to increase the number of

<sup>24</sup> <https://baj.by/be/content/prepodavatelya-zhurfaka-bgu-annu-kureychik-osudili-na-15-sutok>

<sup>25</sup> <https://news.zerkalo.io/life/28310.html>

<sup>26</sup> <https://www.dw.com/ru/pocemu-v-belarusi-nabludaetsa-deficit-medikov/a-64041661>

<sup>27</sup> <https://belmarket.by/news/news-53217.html>

<sup>28</sup> <https://www.prokuratura.gov.by/ru/media/novosti/zashchita-sotsialnykh-prav-grazhdan/o-trude-i-zanyatosti-naseleniya/78-tysyach-progulov/>

<sup>29</sup> <https://www.currenttime.tv/a/belarus-russia-war/32101837.html>, <https://www.dw.com/ru/%D1%81hto-izvestno-o-rossijskih-soldatah-v-bolnizah-belarusi/a-61143127>



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doctors in the regions.

After the COVID-19 pandemic, the practice of student teams began to expand. A student detachment is a voluntary association of persons aged 14 to 31 years who have expressed a desire to engage in labor activities in their free time from study and work, as well as participate in events conducted by the student detachment in accordance with the program (plan) of activities<sup>30</sup>. Experts note cases of various types of coercion to join student brigades, for example, if you don't join a student brigade, you won't get a place in the dormitory for the next year.

Students were also involved in the agricultural work of the harvest campaign in the fall of 2022 during the academic year, as ordered by *the de facto* president. Lukashenko called the ban on involving schoolchildren in agricultural work, established in some educational institutions, "savagery."<sup>31</sup>

As of 2022, no legislative or other effective measures have been taken to ensure that workers are free from physical and psychological harassment. The problems noted in 2021 remain, including the practice of psychological pressure. At the same time, experts pointed to new forms of harassment. For example, doctors are forced to write voluntary confessions (explanatory) about committing any actions of a political nature. Such explanatory notes are deliberately kept so that when the opportunity arises, they can be used. Thus, doctors are forced to write denunciations against themselves, which are used as leverage on them, which experts described as undisguised blackmail.

The practice of demonstrative dismissals has become more frequent, as well as holding mobile court hearings "in front of" colleagues: at enterprises, colleges, schools, etc.

- **Equal access to work for all**

In 2022, according to experts, the labor market is still not open to everyone, despite the fact that there is a prohibition of discrimination in labor relations (Article 14 of the Labor Code). Comprehensive anti-discrimination legislation has not yet been adopted. In 2022, the list of professions prohibited for women was halved. Now there are 88 professions, previously – 181<sup>32</sup>. Women are now allowed to work:

- 1) as a driver of a car for intercity passenger transportation on buses with more than 14 seats and trucks with a carrying capacity of more than 5 tons;
- 2) in foundry work (for example, as a foundry worker for vacuum and centrifugal casting, etc.);
- 3) for a number of professions in the production of pulp, paper, cardboard and products made from them.

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<sup>30</sup> P. 2, Instructions on the procedure for organizing the activities of student groups, approved by Decree of the Ministry of Education of the Republic of Belarus dated June 7, 2012 No. 60, <https://etalonline.by/document/?regnum=w21226006>

<sup>31</sup> <https://sputnik.by/20221003/lukashenko-khochet-mobilizovat-shkolnikov-na-uborku-urozhaya--1067503981.html>

<sup>32</sup> <https://pravo.by/document/?guid=12551&p0=W22238286&p1=1&p5=0>



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However, experts clarified that the presence of such a list in itself is a discriminatory practice. The changes, for the most part, concern the exclusion of obsolete professions from the list, so they do not have a significant impact. In addition, experts noted that women were previously involved in activities prohibited by the list, but not as employees, but as individual entrepreneurs (blacksmiths, truck drivers), which also speaks of double standards and discrimination.

On June 30, 2022, the Law “On the Rights of Persons with Disabilities and Their Social Integration” was adopted, according to which, from January 1, 2025, a quota mechanism will be introduced for medium and large enterprises with 100 employees or more<sup>33</sup>. Experts note that this change is a positive step, however, its impact on the situation in the field of equal access to labor in 2022 cannot be adequately assessed, since the quota mechanism was not implemented during the period under review.

Experts do not consider other novelties of the Law “On the Rights of Persons with Disabilities and Their Social Integration”, in particular the provisions on non-discrimination, to be workable due to the lack of general anti-discrimination legislation and understanding of the theory and principles of non-discrimination. Moreover, as experts note, pressure on persons with disabilities in the workplace of state-owned enterprises has increased, as a result of which they are afraid to put forward any demands, promote an agenda for improving working conditions, introducing reasonable accommodations, complying with labor safety standards, etc.

- **Just and favorable conditions of work**

In 2022, according to experts, the problems of working conditions identified in 2021 remained. Moreover, the topic of safety and working conditions has disappeared from the agenda and focus of the state; there are no plans to solve problems in this area. Experts note that at enterprises in the field of agriculture and woodworking there are no instructions on labor protection. Persons who served chemical treatment and were involved in labor in prisons and colonies also report gross and systematic violations of labor safety rules<sup>34</sup>. 2022 was characterized by the closure of all independent trade unions<sup>35</sup>, which deprived citizens of another opportunity for public oversight of working conditions. According to experts, administrations skimmed on personal protective equipment, did not issue even basic protective equipment, or issued cheap analogues made in China and extended their use period.

In 2022, according to experts, the situation with the compensation mechanism in the event of an injury at work or an occupational disease has not changed significantly. At the same time, experts noted the deterioration of the situation due to the authorities’ ban on reimbursement of costs for imported medical drugs and products as part of rehabilitation - only Belarusian ones, as part of the import substitution program. The terms of medical and sanatorium rehabilitation were also reduced.

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<sup>33</sup> <https://pravo.by/document/?guid=12551&p0=H12200183&p1=1&p5=0>

<sup>34</sup> <https://www.dw.com/ru/forma-dlia-silovikov-i-divan-nadezhda-kak-vospityvajut-osuzhdennyh-v-belarusi/a-62069127>

<sup>35</sup> P. 8, CSO Meter 2022: Belarus Country Report, <https://csometer.info/sites/default/files/2023-08/2022%20Belarus%20CSO%20Meter%20Country%20Report.pdf>



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A common problem for the situation with socio-economic rights was the rapid rise in prices, high levels of inflation, as well as counter-sanctions introduced in response to sanctions, all of which further reduced the effectiveness of the compensation mechanism. As a result of the first, the real solvency of the population decreased. As a result of the second, for example, raw materials for medical products were replaced with lower quality ones. Thus, for the production of medical products for rehabilitation, they began to use polypropylene (a material also used for the production of water pipes), while previously they were made from titanium, which in 2022 was no longer supplied to Belarus in sufficient quantities. In addition, in 2022, Belarus also recorded a shortage of imported drugs that have no analogues or substitutes.

Infectious problems, including the consequences of the COVID-19 pandemic, have faded into the background on the government agenda. The authorities did not revise sanitary standards or take measures to update them in the context of climate change and the problem of global warming. Despite the actual change in the thermal regime in winter and summer in production and non-production premises, the relevant standards remained unchanged, which makes working conditions less healthy.

In 2022, according to experts, inequality in career advancement between women and men remains. In 2022, there was still a difference in wages between men and women, and in all sectors of the economy. The SDG Implementation Review notes the following: “The number of women among entrepreneurs is less than the number of men (31.5% and 68.5%). [...] 89.6% of women and 80.4% of men faced discrimination in the labor market. [...] Among pregnant women and women on maternity leave, 26.2% were discriminated against.”<sup>36</sup>.

Opportunities for promotion are not equal, promotions are based on loyalty to the regime rather than through fair, merit-based and transparent processes that respect human rights. A large-scale campaign is being carried out to fire workers “disloyal” to the regime and replace them with “loyal ones”<sup>37</sup>. Particular attention is paid to possible dissidents in leadership positions and their dismissal or demotion. In 2022, repressions against lawyers intensified; many lawyers were suspended from practicing law under the pretext of failure to pass certification<sup>38</sup>. A system has been created to intimidate lawyers who defend political prisoners. Repression against lawyers was manifested through: removal from defense, intimidation and harassment for performing professional duties, psychological pressure, arbitrary detention and wrongful imprisonment<sup>39</sup>.

The situation with respect to restrictions on the length of the working day and week has worsened. In 2022, the maximum working hours for medical workers in excess of the working hours for their main job, that is, overtime hours, was increased from 900 to 1800 hours per year<sup>40</sup>. Experts called this change

<sup>36</sup> P. 22, Review of SDG implementation

<sup>37</sup> <https://news.zerkalo.io/life/28310.html>

<sup>38</sup> <https://www.defendersbelarus.org/news/tpost/ljl1v8xah1-resheniem-minyusta-prekrascheni-deistviy>

<sup>39</sup> Report “Кризис белорусской адвокатуры: как вернуть право на защиту”

<https://www.defendersbelarus.org/news/tpost/zddo1zimv1-krizis-belorusskoi-advokaturi-kak-vernut>

<sup>40</sup> Resolution of the Ministry of Health of the Republic of Belarus dated July 2, 2014 No. 52 “On the organization



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another indicator of the shortage of personnel in the healthcare sector caused by the so-called “cleansing” in organizations, which the authorities are covering by increasing the workload of the remaining workers (up to double). Experts saw the same trend in the areas of education, social services, and public transport.

The situation with measures to combine work with family responsibilities as of 2022 is characterized by a deteriorating trend. The individual interests and circumstances of specific people were not taken into account by the state. Experts noted that due to mass repressions, people lose their jobs, end up in prison, and often there is only one working family member left in the family, who must combine not only work and family responsibilities, but also caring for the family member who is in prison. in places of detention. Experts gave the example of political prisoner Yanina Malash<sup>41</sup>, whose ten-year-old daughter lived alone and was looked after by Yanina’s lawyer.

- **Fair remuneration**

According to experts, in 2022 the situation with providing equal remuneration for work of equal value without any distinction has worsened. The gender gap in monthly wages persisted. In 2022 it was 26%<sup>42</sup>. Gender gap in average hourly wage – 24.3%<sup>43</sup> (data for 2021). Systemic discriminatory practices are expressed in the fact that, in addition to the basic tariff, wages include various types of allowances, incentives, and bonuses, which are often awarded or awarded specifically to men.

Covid bonuses for healthcare workers were abolished in 2022<sup>44</sup>. At the same time, bonuses have been introduced that will be set “differentially depending on the complexity and intensity of the work performed”<sup>45</sup>. Experts characterize this change as a new “manual” payroll tool provided to management and giving the opportunity to manipulate the size of the salary depending on the loyalty of the employee. According to experts, managers tend to assign a low coefficient to those employees who do not show loyalty to the regime, and, conversely, a high coefficient as a reward for “loyal” employees. Experts also note that in the last three years there have been periodic fluctuations in the terms of payment for medical workers, which may indicate an attempt to manipulate statistics and create the impression of maintaining the level of wages at the same level during the “Covid” bonuses, rather than taking real measures to increase in wages.

Experts did not note an increase in real wages in 2022 due to the influence of domestic inflation and a significant increase in prices for imported products. The high level of inflation significantly exceeded the rate of wage growth. The adequacy of wages to enjoy other rights has decreased; the trend has also intensified against the backdrop of sanctions in connection with military actions on the territory of

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of labor of medical workers”

<sup>41</sup> <https://prisoners.spring96.org/ru/person/janina-malasz>

<sup>42</sup> [http://gender.belstat.gov.by/economics/62?type=table&reg=\(T\):\(T\)](http://gender.belstat.gov.by/economics/62?type=table&reg=(T):(T))

<sup>43</sup> [http://gender.belstat.gov.by/economics/64?type=table&reg=\(T\):\(T\):\(T\):\(T\)](http://gender.belstat.gov.by/economics/64?type=table&reg=(T):(T):(T):(T))

<sup>44</sup> <https://pravo.by/novosti/obshchestvenno-politicheskie-iv-oblasti-prava/2022/june/70533/>

<sup>45</sup> <https://pravo.by/novosti/obshchestvenno-politicheskie-iv-oblasti-prava/2022/june/70529/>



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Ukraine. The minimum salary from January 1, 2022 was 457 BYN<sup>46</sup>. On the other hand, 2022 was also characterized by a redistribution of resources and market substitution in favor of the Russian Federation for the same reasons. Thus, the economic conditions of the country played a significant role in determining the level of wages in specific sectors.

- **Employment promotion and unemployment protection**

In 2022, according to experts, the state continued its policy of ignoring the unemployment of the population due to the dismissals of workers “disloyal” to the regime. As part of the campaign of repression, mass layoffs are carried out and a ban on the profession is in effect.

Sanctions stemming from the military invasion of Ukraine and subsequent capital flight have led to changes in the market. There is also an increase in unemployment and the closure of private schools<sup>47</sup>, training centers<sup>48</sup>, foreign language courses, independent media<sup>49</sup>, book publishers<sup>50</sup>, NGO<sup>51</sup>, “purge” of cultural figures<sup>52</sup>, reduction in the number of lawyers<sup>53</sup> and the outflow of foreign companies and brands from the Belarusian market<sup>54</sup>. The amount of available labor has increased significantly. At the same time, the government does not disclose the real level of hidden unemployment and does not stimulate the registration of the unemployed. On the contrary, the authorities have introduced an expanded list of activities that require a license and (or) certification, for example, tour guides, lawyers, agro-ecotourism. At the same time, enterprises are being nationalized with a reduction in the number of employees (for example, the Miory Metal Rolling Plant<sup>55</sup>).

National policies aimed at eliminating unemployment and underemployment and meeting labor force needs are developed by government agencies without the participation of interest groups; There is no inclusivity or transparency in such a process.

Decree No. 3 “On promoting employment of the population” of April 2, 2015 (hereinafter referred to as Decree No. 3), according to which persons not employed in the economy must pay for gas supply, heating and hot water at prices (tariffs) that ensure full economic reimbursement justified costs for

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<sup>46</sup> <https://pravo.by/novosti/obshchestvenno-politicheskie-iv-oblasti-prava/2022/february/68652/>

<sup>47</sup> <https://www.dw.com/ru/monopolia-na-znania-pocemu-v-belarusi-zakryvaut-castnye-skoly/a-63286630>

<sup>48</sup> <https://www.dw.com/ru/vlasti-v-belarusi-raspravlautsa-s-castnym-obrazovaniem/a-65531484>

<sup>49</sup> <https://baj.by/ru/analytics/smi-v-belarusi-v-2022-godu>

<sup>50</sup> <https://euroradio.fm/ru/4-yanvarya-v-ekonomicheskom-sude-minska-budut-zakryvat-izdatelstvo-yanushkevich>, <https://www.dw.com/ru/za-cto-v-belarusi-sazhajut-pisatelej-i-izdatelej/a-61835959>

<sup>51</sup> <https://www.lawtrend.org/freedom-of-association/hronologiya-narushenij-svobody-assotsiatsij-i-presledovaniya-organizatsij-grazhdanskogo-obshhestva-v-belarusi>

<sup>52</sup> <https://penbelarus.org/2023/03/03/rus-pravo-na-kulturu-belarus-2022.html#r19>

<sup>53</sup> [https://www.defendersbelarus.org/2022\\_recap](https://www.defendersbelarus.org/2022_recap)

<sup>54</sup> <https://reform.by/vozvrata-k-proshlomu-ne-budet-cto-govorjat-jeksperty-cherez-god-posle-nachala-ishoda-mezhdunarodnyh-brendov-iz-belarusi>

<sup>55</sup> <https://news.zerkalo.io/economics/26432.html>



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their provision are aimed, as experts note, at the influx of funds into the budget, and not at employment growth. The amount of benefits is very low, which also does not contribute to identifying and solving the problem of unemployment. Thus, from January 1, 2022, the minimum unemployment benefit amounted to 32 BYN, the maximum – 64 BYN<sup>56</sup>. As of April 28, 2022, the average age pension for a non-working pensioner was 581 BYN<sup>57</sup>.

In 2022, employment assistance and support services continued to formally exist, but their effectiveness, according to experts, decreased. Such services did not take care of people from the “black lists”. IN employment centers vacancies for blue-collar professions prevailed, which can only partially eliminate male unemployment. Women’s education is undervalued: when they enter the labor market, they require retraining, since the labor exchange can only offer them vacancies that relate to blue-collar professions. In addition, traditional jobs such as salespeople, seamstresses, nannies, janitors, and cleaners offered on the stock exchange mean for many women a lower social status, lower wages, and a transition to jobs with lower educational requirements.

According to experts, the situation with the compensation mechanism for job loss and unemployment benefits has worsened in 2022. It is characterized by discriminatory practices for dissidents and the privileged position of law enforcement officers. When law enforcement officers lost their jobs, they did not encounter problems related to compensation and the ability to move to other positions, both vertically and horizontally. For other workers the situation is worse. Experts noted that there are official orders (at the level of letters and recommendations in the systems of the Ministry of Industry, Belneftekhim, Belgospishcheprom, etc.) to carry out layoffs of workers, using various tricks to minimize all payments for early dismissal.

According to experts, the situation with opportunities for advanced training and retraining for workers has worsened in 2022. Experts state that a national policy has been formed to combat educated personnel and limit their opportunities for advanced training. There was an expansion of propaganda into the sphere of education, ideologization and militarization of education. This, in turn, negatively affects the overall professional level and intellectual potential of the workforce. Changes to the Education Code adopted in 2022 increased obstacles to adult education by expanding licensing requirements for educational activities<sup>58</sup>, in addition, for example, the implementation of an MBA program is now possible only after the organization receives the status of a business school by decision of the Ministry of Economy<sup>59</sup>.

- **Employment promotion and protection against unemployment**

Administrative procedures and other mechanisms for combating violations of the right to work (including unjustified dismissals) have been preserved, however, according to experts, in 2022 they

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<sup>56</sup> <https://myfin.by/wiki/term/posobie-po-bezrobotice?ysclid=l8d7ddxv7n167578586>

<sup>57</sup> <https://pravo.by/novosti/obshchestvenno-politicheskie-iv-oblasti-prava/2022/april/69803/>

<sup>58</sup> <https://pravo.by/document/?guid=12551&p0=H12200154&p1=1&p5=0>

<sup>59</sup> <https://neg.by/novosti/otkrytj/pravitelstvo-vvelo-litsenzirovanie-biznes-obrazovaniya/>



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have become even more ineffective. The right to form trade unions and go on strike are enshrined in law, but exist only on paper. When assessing this component, experts took into account the closure of independent trade unions, repression against representatives of independent trade unions, strike committees and lawyers.

Thus, in 2022, the Supreme Court made decisions to terminate the activities of the Free Trade Union of Belarus, the Free Trade Union of Metalworkers, the Belarusian Independent Trade Union of Miners, Chemists, Oil Refiners, Energy Workers, Transport Workers, Construction Workers and other workers, the Belarusian Trade Union of Radio-Electronic Industry Workers, as well as the Association of Trade Unions " Belarusian Congress of Democratic Trade Unions"<sup>60</sup>. In this regard, it is noteworthy that in 2022 it became known that due to the violation of workers' rights, freedom of association, persecution of independent trade unions and ignoring recommendations for more than 17 years, the ILO decided to apply the so-called 33rd paragraph in relation to Belarus<sup>61</sup>, a resolution specifying specific measures was adopted in the summer of 2023.<sup>62</sup> Article 33 of the ILO Constitution establishes the possibility of imposing sanctions for gross and systematic non-compliance with the recommendations of the ILO Commission of Inquiry or non-compliance with decisions of the International Court of Justice<sup>63</sup>.

Since February 2022, lawyers who supported a petition against the war in Ukraine have been subject to disciplinary procedures that could lead to the loss of their license. Thus, in 2022, 74 lawyers were subject to disciplinary action (compared to 48 lawyers in 2021), including 27 people who were deprived of their license<sup>64</sup>. In 2022, 195 lawyers stopped working (only 24 were hired). In total, from 2020 to 2022, there were 503 fewer lawyers in Belarus<sup>65</sup>.

There have been no effective judicial or other appropriate legal remedies since August 2020. At the same time, judicial practice of collecting arrears of wages and reinstatement with a positive outcome exists. Thus, in 2022, 381 cases of reinstatement were considered, of which 160 claims were satisfied. Also, 1,788 cases of payment of wages were considered, of which 1,624 were satisfied.<sup>66</sup> However, experts noted that there is a situation of legal default in the state, and the judicial system is discredited, so the statistics are not indicative. In addition, those dismissed for political reasons cannot file appropriate claims for reinstatement at work, since their employment contract is usually terminated by agreement of the parties or within the framework of the "execution" articles of the Labor Code (loss of trust, discrediting the profession, committing an offense incompatible with the profession, violation of the code of ethics, etc.).

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<sup>60</sup> <https://www.industrialunion.org/ru/belarus-dolzha-soblyudat-prava-cheloveka>

<sup>61</sup> <https://euroradio.fm/ru/mezhdunarodnaya-organizaciya-truda-vvodit-sankcii-protiv-belorusskogo-rezhima>

<sup>62</sup> [https://www.ilo.org/ilc/ILCSessions/111/reports/texts-adopted/WCMS\\_886022/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/111/reports/texts-adopted/WCMS_886022/lang--en/index.htm)

<sup>63</sup> <https://www.belhelcom.org/be/news/33-artykul-map-u-dachynenni-da-belarusi-tlumachenni-ad-belaruskaga-helsinkskaga-kamiteta>

<sup>64</sup> [https://defendersbelarus.org/disciplinaryje\\_sankcyi\\_2022](https://defendersbelarus.org/disciplinaryje_sankcyi_2022)

<sup>65</sup> [https://www.defendersbelarus.org/2022\\_recap](https://www.defendersbelarus.org/2022_recap)

<sup>66</sup> [https://www.court.gov.by/ru/justice\\_rb/statistics/5b82a6c416a342a7.html](https://www.court.gov.by/ru/justice_rb/statistics/5b82a6c416a342a7.html)



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In labor disputes, it is important to have a qualified lawyer or trade union representative, as this guarantees legal protection and increases the chances of success in court or pre-trial settlement of the dispute. In Belarus, the possibilities for appropriate support are significantly limited.

The right to adequate compensation in the event of harm or other violations, including in the form of restitution, compensation, satisfaction or a guarantee of non-repetition, is legislated and available for implementation. However, according to experts, in 2022 it has become more difficult to implement this right in practice. For example, state-owned enterprises newly created as a result of reorganization refused to pay compensation, obligations for which arose from the predecessor legal entity.

Thus, the decrease in the score for the right to work is due to the entrenchment of mass and systemic practices of unjustified dismissals, other forms of pressure on representatives of certain professions, on participants in the peaceful protests of 2020 and, in general, those who do not agree with the actions of the regime. The state ignores unemployment prioritizing repressive measures in various fields of activity (health care, education, journalism, culture, advocacy, human rights protection, etc.), while no compensatory measures are taken - on the contrary, to cover the deficit, the remaining personnel are "used", increasing their workload, creating "black lists", which actually mean a ban on a profession, save on payments in case of dismissal, "earn" from "parasites" and government services, introduce regulatory obstacles to engaging in certain types of activities (licensing, certifications, registers, etc.). The cases of suspension of the activities of medical centers, the case of orthopedists, and the campaign to close independent trade unions, which are typical for 2022, had a significant negative impact on the state of implementation of the right to work in Belarus. In addition, experts could not help but note the negative general economic background of 2022: the armed invasion of Ukraine, the subsequent sanctions and counter-sanctions, the outflow of personnel and companies from the country due to the unfavorable socio-political situation, market contraction, rising inflation and prices, the trend towards import substitution, the fall in the level of real wages - all this also influenced the assessment of the situation with the right to work.



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