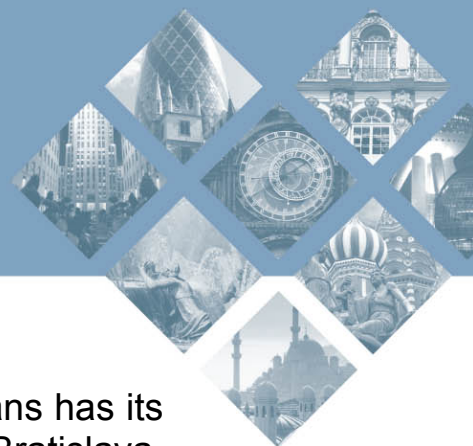


SALANS KYIV EMPLOYMENT NEWSLETTER

MAY 2009
FIRST ISSUE

CHAMBERS
EUROPE
AWARDS
2009
WINNER



Salans is a full service international law firm. Salans has its offices in Almaty, Baku, Barcelona, Beijing, Berlin, Bratislava, Bucharest, Budapest, Frankfurt, Hong Kong, Istanbul, Kyiv, London, Madrid, Moscow, New York, Paris, Prague, Shanghai, St. Petersburg and Warsaw.

IN THIS ISSUE:

- 1. Amendments introduced to the procedure for issuing employment permits*
- 2. Amendments introduced to the procedure for payment of unemployment benefits*

1. Amendments introduced to the procedure for issuing employment permits

On 14 May, a new procedure for issuing employment permits for foreigners and stateless persons comes into effect, as approved by decree No. 322 of the Cabinet of Ministers of Ukraine of 8 April 2009 "On approval of the procedure for the issuing, renewal and cancellation of employment permits for foreigners and stateless persons" ("Decree No. 322"),

Decree No. 322 extends the list of documents to be submitted to an employment centre in connection with the issuing (or renewal) of employment permits for foreigners and stateless persons. It is necessary to submit the following additional items: 1) photographs of relevant foreigner or stateless person; 2) certificate issued by the relevant authority evidencing that the foreigner is not serving any conviction and is not under investigation [issued in such foreigner's home country]; 3) certificate issued by an employment centre evidencing that the employer has no debts to the Fund

of Mandatory Social Insurance for Unemployment; and 4) copies of the pages of the foreigner's passport containing principal identification data.

It will also be necessary to certify any documents issued in another country and prepared in a foreign language in accordance with the laws of the issuing country, and to legalize such documents, unless otherwise stipulated in an international treaty to which Ukraine is a party.

In addition, the following increases have been made: (i) the amount of the fee payable for consideration of the application for issuing or renewal of an employment permit has been increased from UAH 170 to the equivalent of four minimum salaries (as at 1 May 2009 such fee is UAH 2,500); and (ii) the amount of the fine payable by an employer of a foreigner without an employment permit has been increased from UAH 850 to the equivalent of twenty minimum salaries (as at 1 April 2009 such fine is UAH 12,500) per person.



SALANS

www.salans.com



2. Amendments introduced to the procedure for payment of unemployment benefits

The Constitutional Court of Ukraine concluded that the provisions of subparagraph 13, paragraph 4, section I of the law of Ukraine No. 799-VI of 25 December 2008 "On amendments to certain Ukrainian laws mitigating the effects of the global financial crisis on employment" (the "Law") are incompatible with the Constitution of Ukraine and decided that such provisions were to become invalid as of the date of approval of its decision by the Constitutional Court of Ukraine, which in this case was 28 April 2009.

Subparagraph 13, paragraph 4, section I of the Law stipulated that, from 25 December 2008, payment of unemployment benefits to persons who terminated their previous employment by mutual agreement shall commence on the 91st calendar day following the person's registration, as per

the established procedure, with the State Employment Service.

Based on a decision of the Constitutional Court of Ukraine, benefits shall once again be paid to such persons from the 8th rather than the 91st calendar day.

Chambers Europe Award for Excellence 2009 for Central and Eastern Europe:

Salans has been recognised as the leading law firm in Central and Eastern Europe at the annual Chambers Europe Awards ceremony, held in London.

Based on client and peer research by leading independent publisher Chambers and Partners, the award was collected on behalf of the firm by Oleg Batyuk, Managing Partner of the Kyiv office. The firm's Ukraine presence was also singled out for honour in the evening's individual jurisdiction categories.

For further information regarding our Kyiv employment practice, please contact:

Oleg Batyuk
Managing Partner, Kyiv
Tel: +380 44 494 4774
E-mail: obatyuk@salans.com

Volodymyr Monastyrskyy
Partner, Employment/Corporate/Real Estate
Tel: +380 44 494 4774
E-mail: vmonastyrskyy@salans.com

SALANS
49-A, Volodymyrska Street, 2nd floor
01034 Kyiv
Ukraine
Tel: +380 44 494 4774
Fax: +380 44 494 1991
Web-page: www.salans.com
E-mail: kyiv@salans.com

Salans LLP is a Limited Liability Partnership registered in England and Wales with Registration Number OC 316822. Regulated by the Solicitors' Regulation Authority of England and Wales. A list of the members of Salans LLP and of the non-members who are designated as partners of Salans LLP and/or its affiliated entities is available at its Registered Office: Millennium Bridge House, 2 Lambeth Hill, London EC4V 4AJ, United Kingdom. See www.salans.com for further information.

© 2009. Salans LLP. All rights reserved.

In certain jurisdictions this brochure may constitute attorney advertising.



www.salans.com