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The employment of remote foreign worker in Belarus

The Belarusian labour law provides for the possibility to conclude labour agreements for remote work.

Foreigners can also be hired under such an agreement. However, certain labour and migration law requirements shall be met.

For convenience, we can distinguish the following stages in the process of employment of the remote foreign worker:

- ▶ receiving permissions
- ▶ hiring
- ▶ registration of the labour agreement in the citizenship and migration subdivision of the Republic of Belarus.

Receiving permissions

There is a priority of employment of Belarusian citizens as well as foreigners and stateless persons who have a permanent residence permit in Belarus.

In particular, this priority is ensured by obtaining permits for employment for other categories of foreigners.

The following permissions are key-note:

- ▶ entry permit to Belarus (entry permit)
- ▶ special permission for labour activity in the Republic of Belarus (special permission)

Currently, the Labour Code of the Republic of Belarus establishes the compulsory requirement of personal attendance of the employee while concluding the labour agreement for remote work.

Thus, the entry permit provides the foreigner with the possibility to arrive at Belarus to conclude labour contract for remote work.

As a rule, for arrival in Belarus, the foreigner shall receive a national visa of type C (short-term) or type D (long-term), double/multi entry-exit visa (for foreigners with sojourn permit).

In some cases, the foreigner can arrive at Belarus without a visa following the conditions of the international treaty or national legislation. For example, the citizens of the state-members of the Eurasian economic union can stay in Belarus without a visa for up to 90 days, the citizens of more than 70 countries – for up to 30 days upon arrival through Minsk National airport, etc.

Special permission is obtained by the employer. It shall be obtained for each foreign employee.

The exceptions from this rule are for:

- employers-residents of the High Tech Park of Belarus;
- citizens of the Russian Federation, the Republic of Armenia, the Republic of Kazakhstan, Kyrgyz Republic (in other words – citizens of states-members of the EAEU);

- Persons who are not subject to the Law of the Republic of Belarus “On external labour migration” (the list is in part 2 of article 2 of this Law). For example, the list includes foreigners, who received education in Belarus and apply for work within one year after acquiring a profession/ certification.

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