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European Monitoring Centre on Change

## Estonia: Selection of employees for (collective) dismissals

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Estonia

Phase:

Management

Type:

Selection of employees for (collective) dismissals

Last modified: 06 June, 2019

Native name:

Töölepingu seadus

English name:

Employment Contracts Act

### Article

89, 90, 93-94

### Description

Before cancellation of an employment contract due to lay-off, an employer shall, where possible, offer other work to the employee, except in case of cessation of the activities of the employer or declaration of the employer's bankruptcy. The employer shall, where necessary, organise the employee's in-service training or change the employee's working conditions, unless the changes cause disproportionately high costs for the employer.

Upon cancellation of an employment contract, the employer must take into account the principle of equal treatment, while the employees' representative and employees who are raising a child under three years of age have the preferential right of keeping their job. This applies to individual as well as collective cancellation of employment contracts.

Collective cancellation of employment contracts is determined in the Employment Contracts Act paragraph 90: meaning the cancellation of contracts, within 30 calendar days due to lay-off, of the employment contract of no less than: 5 employees in an enterprise where the average number of employees is up to 19; 10 employees in an enterprise where the average number of employees is 20–99; 10 per cent of the employees in an enterprise where the average number of employees is 100 to 299; 30 employees in an enterprise where the average number of employees is at least 300.

Before termination of the employment contract the employer must seek the opinion of the employees' representatives or the trade union about the termination of the employment contract. The employer must take the opinion of the employees into account to a reasonable extent and must justify disregard for the opinion of the employees.

Although the employer may not terminate an employment contract with a pregnant woman or a woman who has the right to pregnancy and maternity leave, or a person who is on child care leave or adoptive parent leave, it is allowed upon cessation of the activities of the employer or declaration of the employer's bankruptcy, or upon termination of bankruptcy proceedings, without declaring bankruptcy, by abatement.

### Comments

No information available.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Trade union

Works council

#### Thresholds




Company size by number of employees:

19

Number of affected employees:

5

### Sources

-  Source in Estonian: Töölepingu seadus
-  Source in English: Employment contract act
-  Nurmela, K., Vörk, A. 2010. National seminar - Estonia. Anticipating and managing restructuring. Tallinn: Praxis Center for Policy Studies.

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