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EMCC

European Monitoring Centre on Change

Estonia: Effects of non-compliance with dismissal regulations

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Estonia

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 06 June, 2019

Native name:

Töölepingu seadus

English name:

Employment Contracts Act

Article

100, 128-129

Description

If an employer or employee gives advance notice of cancellation of a employment contract later than provided by law or a collective agreement, the employee or the employer has the right to receive compensation to the extent to which he or she would have been entitled to upon adhering to the term for advance notice.

Failure by an employer to perform the obligation to inform and consult upon collective dismissals (within 30 days, dismissal of at least 5 employees in companies with up to 19 staff, of at least 10 employees in firms with 20-99 staff, at least 10% in firms with 100-299 staff or at least 30 employees in larger firms) or upon transfer of the undertaking is punishable by a fine of up to €1,300.

If an employer fails to comply with the requirements of legislation, employees can take the case to a labour dispute committee or to court.

Penalties can be either financial (see above) or the termination of employment contracts can be declared unlawful and the employer is then required to continue to fulfil the terms of the contract.

Comments

Thresholds are applicable in case of collective dismissal, while they do not apply upon transfer of enterprise.

Cost covered by

Employer

Involved actors other than national government

Other

Involvement others

Labour dispute committee or court

Thresholds

Company size by number of employees:

19

Number of affected employees:

5

Sources

[Source in Estonian: Töölepingu seadus](#)

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