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# EMCC

European Monitoring Centre on Change

## Estonia: Obligation to consider alternatives to collective dismissals

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Estonia

Phase:

Management

Type: Obligation to consider alternatives to collective dismissals

Last modified: 06 June, 2019

Native name: Töölepingu seadus

English name: Employment Contracts Act

### Article

89, 101

### Description

Before termination of an employment contract due to lay-off (in case of individual as well as collective dismissal), an employer shall, where possible, offer other work to the employee. Also, where necessary, the employer shall organise the employee's on the job training or change the employee's working conditions, unless the changes cause disproportionately high costs for the employer.

Prevention of the planned termination or reduction of the number thereof and mitigation of the consequences of the terminations, including contribution to the seeking of employment by or retraining of the employees to be laid off, have to be included in consultation upon collective redundancies (within 30 days, dismissals of at least 5 employees in companies with up to 19 staff, of at least 10 in firms with 20-99 staff, of at least 10% in companies with 100-299 staff or of at least 30 in larger companies).

### Comments

According to the Employment Contract Act Survey, 14-16% of employees were offered other work before termination of an employment contract due to lay-off (Masso et al, 2013).

#### Cost covered by

Employer  
National government

#### Involved actors other than national government

Public employment service  
Works council

#### Thresholds

Company size by number of employees:

19


Number of affected employees:


5

#### Sources

- In Estonian: Töölepingu seadus
- In English: Employment Contracts Act
- Masso M, Järve J, Nurmela K, Anspal S, Räis , M L, Uudeküll K, Osila L, (2013), Töölepingu seaduse uuring. (title in English: Employment Contract Act Survey), Tallinn: Poliitikauuringute Keskus Praxis

 [EMCC legal framework of restructuring](#)

 [Ius Laboris \(2011\), Individual Dismissals Across Europe, Brussels](#)

 [DG Employment, Social Affairs and Equal Opportunities/Héra \(2011\), Selected companies' legal obligations regarding restructuring, Brussels](#)

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