

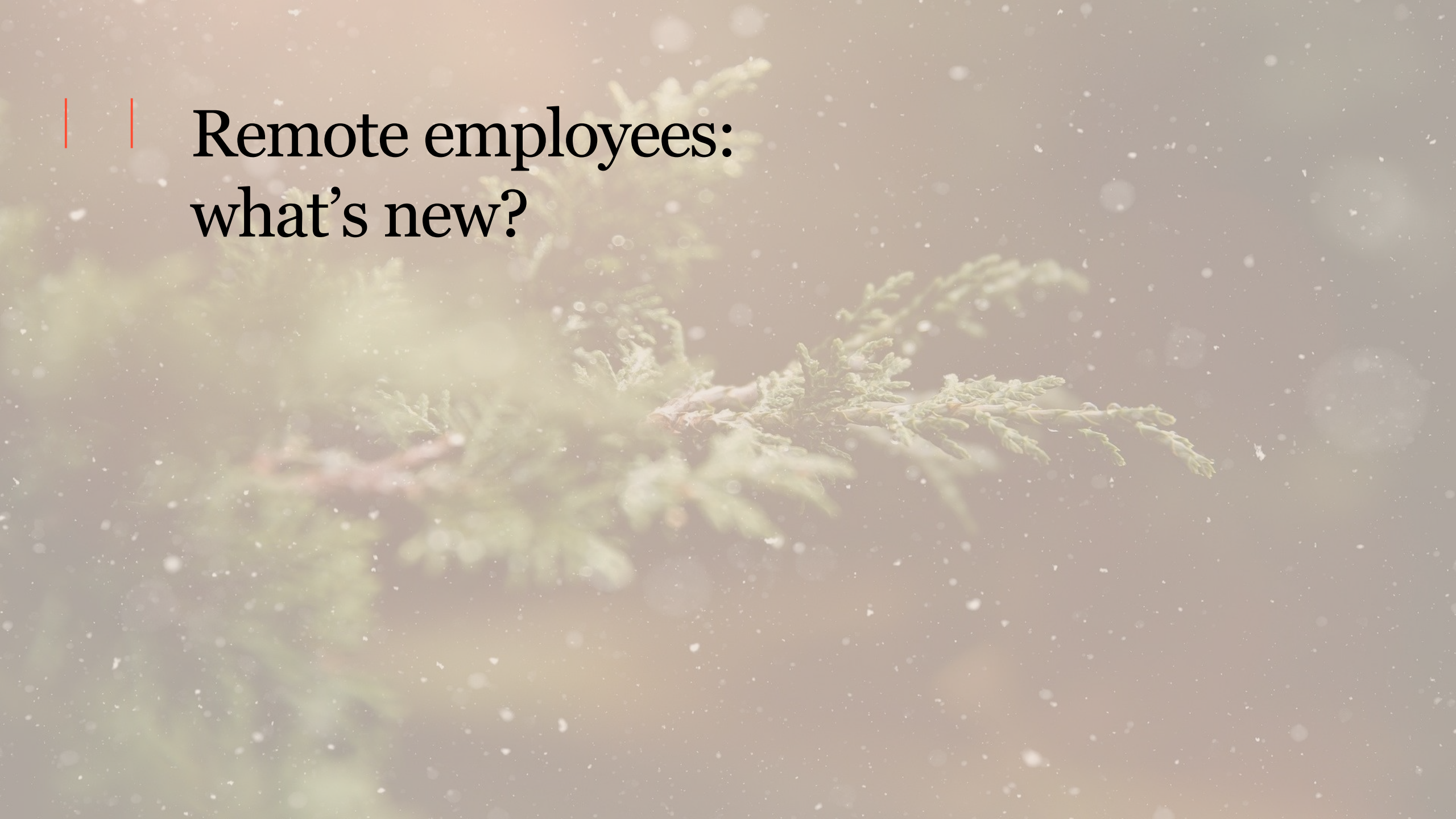
Turning the page to 2021: Key changes in Russian labour laws

Be on the lookout!

January 12th 2021

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Remote employees:
what's new?

Remote work in Russia: general information

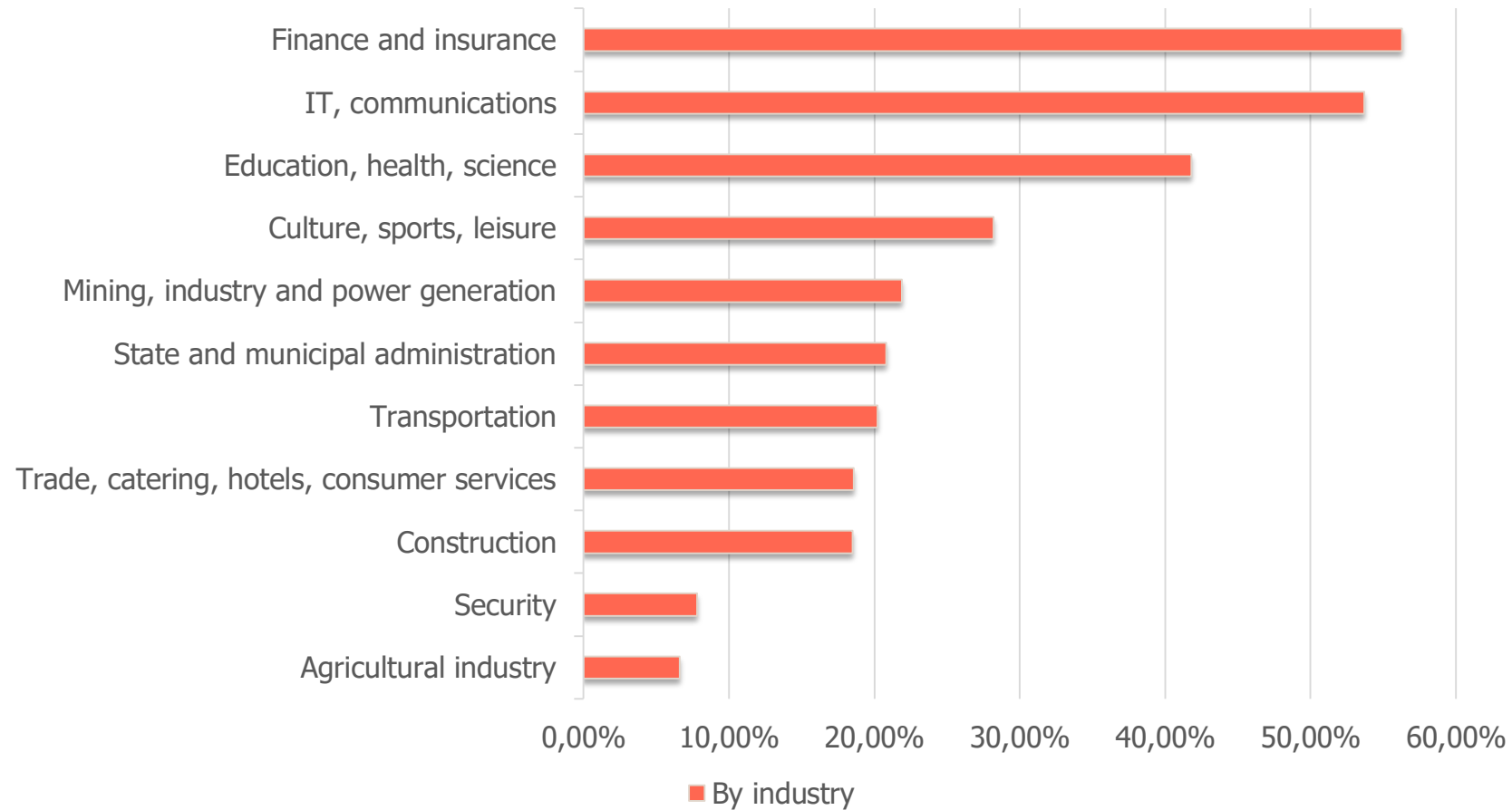
- **Performing the labour functions remotely**, i.e. outside the location of the employer, or its separate structural subdivision, outside the permanent workplace
- Such employees use **public data telecommunication networks**, including the Internet, to perform their labour functions
- Employer is not required to carry out **a special evaluation of working conditions** of the remote employees
- Employment contract with remote employee **directly specifies that the work is remote** and may contain **various additional provisions**

COVID-19 impact

Remote work became increasingly relevant in Russia in spring 2020, as companies adapted to **the coronavirus (COVID-19) pandemic lockdown**, by allowing employees to work from home



COVID-19 impact



Remote work in 2021: new rules in Russia

i. New types of remote work

2020

- Remote work

Combination of work regimes, remotely and in the office, is not provided

2021

- Permanent (for indefinite period)
- Temporary (up to 6 months)
- Period remote work (when the period of remote work is followed by office work (mix of remote and office work))



Remote work in 2021: new rules in Russia

ii. Temporary transfer to remote work

2020

-

2021

- Employer may transfer, temporarily, an employee to a remote working regime, without his/her consent, in **exceptional cases**
- If it is not possible – this period will be paid as a work stoppage, owing to circumstances beyond the control of the parties



Remote work in 2021: new rules in Russia

iii. Work conditions

- The working regime is determined by local policies / an employment contract, or otherwise, at the employee's discretion
- Communication time is included in working time
- An employee's salary cannot be reduced, due to the remote working regime
- All equipment for work shall be provided by the employer; otherwise, all expenses shall be subject to reimbursement by the employer
- If the employer sends an employee to another region, it shall be paid as a business trip

Remote work in 2021: new rules in Russia

iv. Communication between an employer and a remote employee

2020

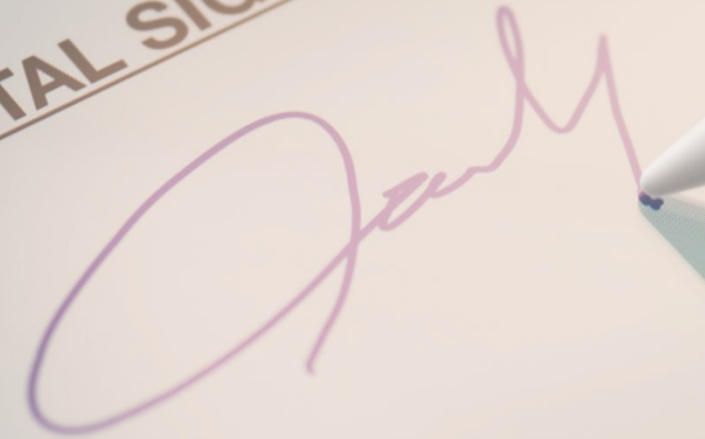
Communication is based on using enhanced qualified electronic signatures

2021

Employee may sign by enhanced electronic signature:

- Employment contract / additional agreement to the employment contract
- Full material liability contract
- Training contract
- Documents terminating the above contracts

DIGITAL SIGNATURE



Remote work in 2021: new rules in Russia

v. New grounds for dismissal

2020

- Basic grounds under the Russian labour law
- Additional grounds, established by the employment contract

2021

- Basic grounds under the Russian labour law
- Only two additional grounds:
 - Non-communication, without a justifiable reason for two workdays
 - Relocation to another geographical area with no chance to continue fulfilment of job duties (only for permanent remote employees)



How to implement the changes?

Review and update remote employment contract templates, in relation to the terms of remote work, in case there are any inconsistencies with the new legislation

Develop health & safety instructions for use of company equipment, provided to remote employees

Draft, or revise, the internal policies, in order to establish and regulate various procedures of remote employment

Which internal policies shall be implemented?

Policy on remote work

Policy on electronic workflow

Policy on the temporary transfer of employees to remote work, at the employer's initiative, in exceptional cases

Policy on the procedure for remote (distance) communication between employees and the company

Which issues shall be established in local policies?

Procedures of document execution and interaction with remote employees

Procedure of providing remote employees with the equipment, or providing compensation for the use of personal equipment of remote employees, in order to perform their job duties

Types of used electronic signatures

Procedure of transfer of employee to remote work (permanent and temporary), etc.



|| Digital formalization
of HR documents in Russia:
from paper to technology

What has already happened?

- The ability to exchange documents electronically between the employer and **the remote employee**
- Electronic "**information about the employee's work activities**" instead of paper work books



Digital execution of documents with remote employee

Internal policies
of the company

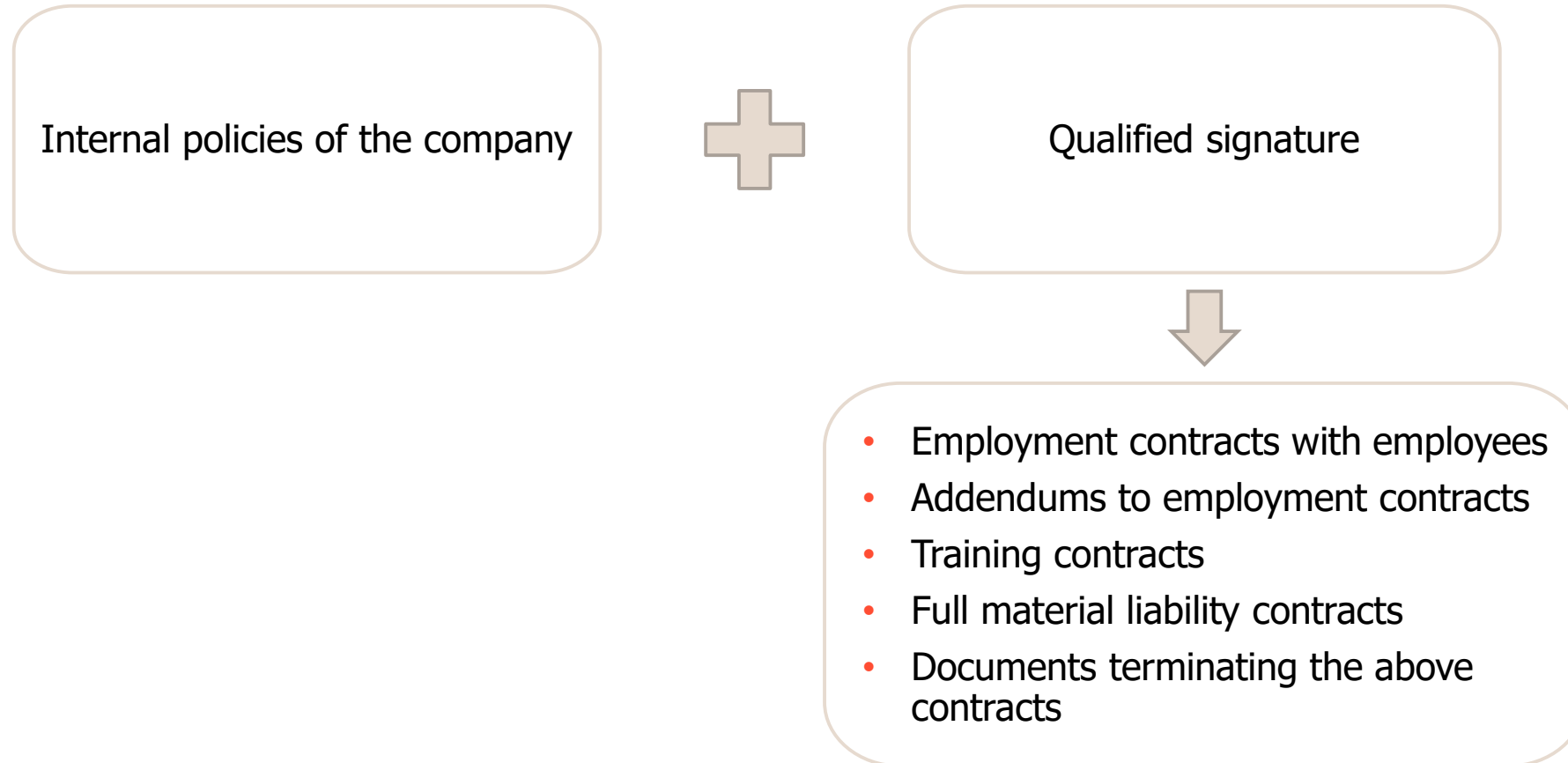
Employment contracts
with employees

HR order on hiring /
transfer / dismissal

Training agreements

Full material liability
agreements

Conditions on which documents can be in digital format for remote employees



Digitalization for other employees



Implementing of **internal IT systems**



Obtaining **employees' consent to the processing of their personal data**



Adopting **internal policies**



Including in agreements with employees of the terms regarding **the electronic signature**



State Labour Inspection - conservative approach to electronic form



Russian courts often take employer's side

What is a simple electronic signature?

- Electronic document shall be not only be scanned, but also have **the electronic signature**
- The electronic signature may be equaled to **the wet signature**
- The simple electronic signature may be in the form of **login and password, code by SMS** or **"I accept" button**



Signature

Can we use only simple electronic signature for all HR documents?

NO!

HR documents with remote employees

Reinforced
non-qualified

- Employment contracts with employees
- Addendums to employment contracts
- Training contracts
- Full material liability contracts
- Documents terminating the above contracts

Reinforced
qualified



Other Key Issues

Other Key Issues

- Hiring individuals:
 - Individual entrepreneurs
 - Self-employed individuals
- Temporary agency workers (staff)
- Outsourcing
- Increase in the amount of remuneration for the use of employees' objects of patent rights:
 - With regard to the employees' inventions – the remuneration is increased **by 3 times** (from 1 to 3 average salaries)
 - With regard to the employees' utility models and industrial designs – **by 2 times** (from 1 to 2 average salaries)
- Extension of **"special regime"** for foreign nationals, with work and business visas staying in Russia until **June 15th 2021**
- Introduction of **electronic visas** from **January 1st 2021**
- Impact of COVID-19 on health & safety:
 - **Federal regulation** – recommendations of Rospotrebnadzor
 - **Local regulation** – e.g., decrees of Moscow Mayor



Questions?

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Thank you for your attention!

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