

Newsletter

COVID-19: What should employers take into account during the non-working week and general self-isolation regime?

March 31, 2020

Dear Ladies and Gentlemen,

The Ministry of Labour and Social Protection of the Russian Federation published, on its website, Recommendations (and Additions to them) for employees and employers, in connection with the decree of the President of the Russian Federation of 25.03.2020 No. 206 "On declaring non-working days in the Russian Federation". In addition, from March 30th, 2020, a general self-isolation regime has been introduced for all residents of the city of Moscow and the Moscow Region, regardless of age. The end date of the general isolation regime is still unknown.

Employers should take into account the following innovations:

- **Who will continue working?**

The Decree and Recommendations provide an extensive list of exceptions to the general rule on declaring non-working days. At the same time, employees of bodies (organizations) – exceptions (paragraphs 2-5 of the Decree) who continue to carry out labour (official) activities, under an agreement with the employer, can work distantly, if their official duties, organizational and technical conditions of work allow it.

Non-working days do not apply to employees who ensure the continuity of the production and technological cycle in the industries listed in the paragraph 4 of the Recommendations. Employers have the right to determine, with the consent of employees, the need for a particular employee to participate in the continuous-production process.

- **Who can work distantly?**

Employees who work distantly, in agreement with the employer, have the right to continue this regime of work during the period of validity of the Decree, following mandatory compliance with the requirements of prevention of new coronavirus infection.

The transition to a remote-operation regime, during the period of validity of the Decree, can be made by exchanging electronic documents, if necessary, followed by their registration, in accordance with the established procedure.

- **Salary**

A non-working day does not apply to weekends or holidays, so payment must be made in the usual amount.

- **Vacation**

If the employee is on vacation, the non-working days from March 30th to April 3rd, 2020 are not included in the number of vacation days and the vacation for these days is not extended.

- **Home self-isolation mode**

Leaving the apartment is allowed in the case of:

- travel to and from the place of activity, including work that is not suspended, in accordance with the Decree of the Mayor of Moscow / Resolution of the Governor of the Moscow Region,
- performing activities related to movement within the territory of Moscow, if such movement is directly related to the implementation of activities that are not suspended, in accordance with the Decree of the Mayor of Moscow / Resolution of the Governor of the Moscow Region, including the provision of transport and delivery services.

- **Social distancing**

Authorities, organizations and individual entrepreneurs, as well as other persons whose activities are related to the joint stay of citizens, are required to ensure the social distance, apply special markings and establish a regime of admission and stay in buildings and on the surrounding territory.

Employers who have decided to work distantly for a period of days off, or a general regime of self-isolation, should comply with the following rules:

- Any changes in the working conditions of employees must be formalized, by signing an additional agreement to the employment contract (in the case of a change in the place of work for remote work from home), or formalization of distant work.
- The ability to work distantly is recommended to be regulated in the internal labor regulations.
- When employees are transferring to work from home, it must be remembered that the employer continues to be responsible for ensuring safe working conditions. Therefore it is necessary to

regulate this issue at the local level (to amend local regulations) and to fix the relevant rights and obligations of the parties, in employment contracts with employees.

- Particular attention should be paid to protecting trade secrets and confidential information. To ensure this regime, it is recommended to update/adapt/create the necessary system of documents, establishing the corresponding regime and responsibility for its violation.

ALRUD Law Firm offers a number of integrated solutions for the development of local regulations and other company documents to ensure the implementation of measures to transfer workers to work from home, as well as an online training program for employers and employees. We will be happy to support you.

We hope that the information provided herein will be useful for you. If any of your colleagues would also like to receive our newsletters, please send them the link to complete a [Subscription Form](#). If you would like to learn more about our [Labour and Employment Practice](#), please let us know in reply to this email. We will be glad to provide you with our materials.

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If you have any questions, please, do not hesitate to contact ALRUD Partner



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Sincerely,
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