

Overview	Legal Change	Action required
<p><b>Remote Working</b> New Remote Working rules now in force.</p>	<p><b>On 1 January 2021</b>, the Russian Labour Code has been updated to include further provisions relating to Remote Work (also known as distant working).</p> <p><b>Types of Remote Work</b> Previously the Labour Code only provided for permanent remote work.</p> <p>The Code now provides for the following remote work categories:</p> <ol style="list-style-type: none"> <li>1. Permanent remote work;</li> <li>2. Temporary remote work (for no more than 6 months);</li> <li>3. Switching between remote work and fixed place work; and</li> <li>4. Temporary remote work in an emergency situation (e.g. epidemics, natural disasters etc.)</li> </ol> <p><b>Implementing Remote Working</b> For categories 1-3, remote work must be agreed mutually between the employer and employee. This agreement should be recorded in writing.</p> <p>Category 4 (remote work in an emergency situation) does not require an employee's consent and can be implemented by an employer unilaterally. However, an employer is required to issue an Order to all employees detailing:</p> <ul style="list-style-type: none"> <li>- the emergency situation;</li> <li>- list of workers being transferred to remote work;</li> <li>- the period remote work is expected to last;</li> <li>- arrangements for supplying necessary equipment and facilities; and</li> <li>- procedure for organising the employees' work.</li> </ul> <p>An employer must be able to provide evidence that employees received this Order (e.g. with an email read receipt or email acknowledgment from each employee).</p> <p><b>Additional Grounds for Dismissing a Remote Worker</b> An employer can only dismiss a remote worker for the prescribed reasons in the Labour Code (which includes all grounds applicable to regular employees).</p> <p>The updated Labour Code introduces 2 new grounds for dismissal of remote workers:</p> <ol style="list-style-type: none"> <li>1. If a remote worker changes the place they perform their duties where this makes it impossible for the employee's duties to be performed effectively. E.g. if an employee moves and consequently is unable to perform their job due to a lack of internet access.</li> </ol>	<p>The changes apply now.</p> <p>Employers should review and revise (if necessary) their internal policies and employment agreements/ documents covering remote work to comply with the new law.</p>



2. If, during the period of working, the employee fails to interact with their employer (without reasonable excuse) for more than 2 consecutive days after receiving a request.

**Additional Responsibilities of Employer**

In-house policies, employment contracts and/or collective bargaining agreements should now set out in writing the details of any changes as a result of remote working, namely:

- The arrangements for requiring employees to attend at their workplace, i.e. when, how often, for what purpose etc;
- The procedure for holiday requests;
- Any rules around the paying of compensation/expenses to the employee for the use of his/her personal equipment for remote working purposes;
- The arrangements for supervision of work;
- The working time pattern for remote working employees; and
- Any provisions regarding the signature of documents other than by personal (wet signature) or computer-generated signature.

**This is a high level general update only. Legal advice should be obtained on specific circumstances.**

