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HR Digitalization: Legal & Regulatory Approach to Electronic HR Records



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Existing Regulations on Digital HR Recording

Electronic sick leave

- Employee's written consent
- Registration of employer in electronic system of Social Insurance Fund
- Registration of medical organization in electronic system of Social Insurance Fund

HR documents of remote employees

- Conclusion employment contract, familiarization with local policies, orders, notifications is allowed **by exchanging of electronic documents**
- However parties must exchange hardcopy versions after execution of electronic documents

Initiative of Ministry of Economic Development

All HR documents can be in electronic form, except for:

- Employment contracts
- Apprenticeship agreements
- Collective agreements
- Agreements on full material liability

Conditions for using electronic signature:

- Implementation of local policy
- Familiarization employees with local policy
- Taking technical measures

HR Recording Trends

Employer can provide employees with electronic pay slips.

Respective procedure must be established in company's internal local policy or collective agreement or employment contracts with employees.

Letter of the Russian Ministry of Labour and Social Protection dated February 21, 2017 No. 14-1/OOG-1560



HR Recording Trends & Court Practice

Employee's familiarization with order establishing his job duties in the system of electronic document management is recognized as proper familiarization.

Appeal decision of Moscow City Court dated May 10, 2017 No. 33-17015/2017



HR Recording Trends & Court Practice

Employee's familiarization with amendments to Remuneration Policy by e-mail is recognized as proper familiarization.

Appeal decision of Saint-Petersburg City Court dated February 16, 2017 No. 33-2896/2017



HR Recording Trends & Court Practice

It is admissible to request explanations on disciplinary offence in the system of electronic document management.

Appeal decision of Moscow City Court dated March 22, 2017 No. 33-6685/2017



Formalization of Electronic HR Records

- Implementation of internal local policy
- Familiarization employees with internal local policy
- Conclusion of agreement on using electronic signature equally to hand-written
- Implementation of technical solutions



NB: Do not forget to comply with employee personal data processing rules

Data Retention



Retention terms for HR data are defined by:

- Term of achievement of a purpose of personal data processing
- Limitation periods under Russian Labour Code
- Applicable law: accounting law, tax law
- Archive law

Russian Labour Code: use and retention of employee personal data shall be established in a local policy

Position of Roskomnadzor: retention terms must be indicated in a local policy

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