

Coronavirus. What should Moscow Employers do? Updated

Presidential Decree¹ dated 2 April 2020 empowered heads of Russian regions to adopt, at their own discretion, a range of measures to combat the coronavirus and determine a list of companies not covered by the Decree.

Under the Decree (the "**Decree**")² issued by the Moscow Mayor on 4 April, companies not officially closed³ are entitled to put back in the field employees who must be physically present on the employer's premises to support the company's operations. It is important to remember that this permission applies **only** to employees whose absence would adversely affect the company's business.

What should employers do?

The Decree requires employers to determine the number of employees who:

- cannot work remotely, being directly involved in continuous technological or any auxiliary processes;
- should be switching to remote work;
- will retain their salaries during non-working days.

This employer must send its decision by email to organization_size@mos.ru in the format attached as Annex 3 to the Mayoral Decree.

Given that individuals in Moscow are still obliged to stay home (except in certain cases, for instance, going to/from work), it is highly recommended that employers provide their employees who continue going to work with a **certificate** specifying:

- the employer's name and their job title;
- information that the employee is directly involved in continuous technological or any auxiliary processes to provide for the company's operations;
- the employer's address;
- the employee's permanent address (place of stay).

Should law enforcement officers stop the employee in the street, they will present this certificate to prove the legality of their journey.

Employers' obligations concerning employees working on the employer's premises

The Decree imposes the following obligations on employers with respect to employees who cannot work remotely and will work on the employer's premises:

- to have employees' temperatures measured at their workplaces and to suspend employees with a raised temperature from being at the workplace;

- to ensure that employees maintain social distancing (1.5 m), in particular, by applying special marking and establishing a special procedure for entering and remaining within its building.

Who is still not permitted to work

Employers retain their obligation (established by the previous Mayoral Decrees) to refuse access to the workplace for the following categories of employee:

- those arriving from countries with an unfavourable coronavirus situation;
- people subject to a resolution of a sanitary officer requiring self-isolation at home;
- people living with the above persons;
- people over the age of 65 years;
- those suffering from a serious disease⁴.

Employees over the age of 65 years and those suffering from a serious disease are only permitted to work if their physical presence at the workplace is crucial for the company's operations.

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If you have any questions or comments on this news, please feel free to contact us and we will be happy to discuss them.

Bryan Cave Leighton Paisner (Russia) LLP, formerly Goltsblat BLP in Russia, will continue monitoring the situation and keep you updated on all developments in this field.

Get in touch

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¹ Decree of the President of the Russian Federation No. 239 dated 2 April 2020 "On measures ensuring public sanitary and epidemic safety in the Russian Federation in response to the new coronavirus infection threat (COVID-19)"

² Mayor of Moscow Decree No. 39-UM dated 4 April 2020 "Amendments to Mayor of Moscow Decree No. 12-UM dated 5 March 2020"

³ The operations of the following businesses are currently suspended: retail stores (apart from non-grocery operators selling essential goods), restaurants and cafés (except for take-away and delivery to the door), beauty or SPA-salons, massage parlours, tanning salons, baths or saunas not licensed for medical care (apart from distance service).

⁴ Diseases requiring self-isolation are listed on Annex 4 to Mayor of Moscow Decree No. 12-UM dated 5 March 2020.