

## Coronavirus: Liability Tightened for Disregarding Restrictions

On 1 April 2020, the Russian President signed laws tightening liability for breaking the sanitary and anti-epidemic rules (the "Rules"). These laws take immediate effect.

### CRIMINAL CODE CHANGES

Previously, criminal liability for violating the Rules only came into play if this caused mass disease, poisoning or fatality<sup>1</sup>.

The new regulations, however, introduce criminal liability if the Rules are broken and this engenders a threat of mass disease. Under the new version of the Russian Criminal Code<sup>2</sup>, this breach triggers the following criminal penalties:

- a fine of up to RUB 700,000.00, or
- forfeiture of the right to hold certain positions or engage in certain activities, or
- restriction of freedom, or
- forced work, or
- up to two years' imprisonment.

Moreover, the new version enhances liability for breaking the Rules if this entails, through carelessness, a fatality. Such violations might now trigger the following criminal penalties:

- a fine of up to RUB 2,000,000.00, or
- restriction of freedom, or
- forced work, or
- up to five years' imprisonment.

Also, the laws introduce liability if breaking the Rules results in two or more fatalities. Such breaches are punished by forced work or up to seven years' imprisonment.

### CHANGES TO THE RUSSIAN CODE OF ADMINISTRATIVE OFFENCES

The Russian Code of Administrative Offences<sup>3</sup> has also been amended to tighten liability for those violating the Rules. The following table lists the new offences and penalties.

Offence	Fine		
	Individuals	Officials	Legal Entities
Breaching sanitary and anti-epidemic laws, not complying with sanitary and hygienic and anti-epidemic measures during the emergency regime, when there is a threat of a dangerous disease spreading, or under quarantine <sup>4</sup>	Up to RUB 40,000. 00	Up to RUB 150,000. 00	Up to RUB 500,000.00 or administrative suspension of operations for up to 90 days
Not complying with orders (resolutions) or requirements to have sanitary and anti-epidemic precautions in place during the emergency regime, when there is a threat of a dangerous disease spreading or under quarantine <sup>5</sup>			
If the listed breaches result in harm to human health or in a fatality unless they embrace criminal wrong-doing*	Up to RUB 300,000. 00	Up to RUB 500,000.00 or up to three years' disqualification	Up to RUB 1,000,000.00 or administrative suspension of operations for up to 90 days
Non-compliant behaviour under the High Alert Regime, on a territory where there is a threat of emergency or in an emergency zone <sup>7</sup>	Up to RUB 30,000. 00 or a warning	Up to RUB 50,000. 00	Up to RUB 300,000.00
<ul style="list-style-type: none"> <li>• causing harm to health or damage to property, or</li> </ul>	Up to RUB 50,000. 00	Up to RUB 500,000.00 or up to three years' disqualification	Up to RUB 1,000,000.00 or administrative suspension of operations for up to 90 days.
<ul style="list-style-type: none"> <li>• repeat offence <sup>8</sup></li> </ul>			

\* In this case, the difference between the criminal and the administrative liability is that individuals are held criminally liable for breaking the sanitary and anti-epidemic rules, while the sanitary and anti-epidemic legislation is defined more broadly to embrace hygiene standards in addition to those rules. Please note that liability for non-compliance with (i) sanitary-hygienic and anti-epidemic measures and (ii) orders (resolutions) or requirements to

have sanitary and anti-epidemic precautions in place that causes harm to health or a fatality is imposed specifically by the Russian Code of Administrative Offences.

#### MONITORING STAFF DISMISSALS

Additionally, please be advised that, in an effort to curb unemployment and to prevent tension on the labour market, the Labour and Social Security Ministry of the Russian Federation (the "Labour Ministry") will switch over to automated gathering of information about contemplated staff disengagements, transfers on a part-time basis and temporary "remote work" arrangements launched by organisations<sup>9</sup>.

Employers will have to submit reporting forms electronically using their personal accounts on the "Job in Russia" web-site [www.trudvsem.ru](http://www.trudvsem.ru). They may also qualify for support if found eligible according to the data so posted. Employment at the Russian economy's backbone enterprises will also be scrutinised more closely.

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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 informed of any related developments.

#### Get in touch

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<sup>1</sup> Article 236 of the Russian Criminal Code

<sup>2</sup> Law No. 100-FZ dated 1 April 2020 "Amending the Criminal Code of the Russian Federation and Articles 31 and 151 of the Russian Criminal Procedure Code"

<sup>3</sup> Law No. 99-FZ dated 1 April 2020 "Amending the Code of Administrative Offences of the Russian Federation"

<sup>4</sup> Part, 2, Article 6.31 of the Russian Code of Administrative Offences

<sup>5</sup> Part, 2, Article 6.31 of the Russian Code of Administrative Offences

<sup>6</sup> Part, 3, Article 6.31 of the Russian Code of Administrative Offences

<sup>7</sup> Part, 1, Article 20.61 of the Russian Code of Administrative Offences

<sup>8</sup> Part, 2, Article 20.61 of the Code of Administrative Offences

<sup>9</sup> Labour Ministry Letter No. 16-2/10/V-2328 dated 25 March 2020; Labour Ministry Order No. 152 dated 24 March 2020 "Amending Appendices 1 - 8 to Labour Ministry Order No.1207 dated 30 December 2014 "Monitoring Staff Dismissals due to Corporate Liquidations or Downsizing, and Part-Time Arrangements."