

CROSS-SECTORAL COMMITTEES



HUMAN RESOURCES COMMITTEE



CHAIRPERSON:

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The Human Resources Committee consists of four sub-committees: the Assessment, Training & Development Subcommittee; the Compensation & Benefits Subcommittee; the Labor Law Subcommittee; and the Recruitment Subcommittee.

THE GOVERNMENT'S MEASURES DURING THE COVID-19 PANDEMIC AND EMPLOYERS' OBLIGATIONS

In 2020 and 2021, Russian executive authorities took large-scale measures to prevent or slow down the spreading of the COVID pandemic. Among such measures are mass vaccination; ensuring compliance with hygiene and sanitary regulations at workplaces; the introduction of unscheduled non-working days; and restrictions on cross-border travel.

Almost all of the regulations related to the implementation of the said measures affect employers, impose additional obligations thereon, and establish liability for non-compliance.

When the aforesaid regulations were prepared, statistical data evinced that the pandemic was expanding on a large scale, due to which the authors of the regulations did not have time to elaborate on the details. Therefore many regulations do not contain answers to questions employers ask when arranging for the proper fulfillment of the authorities' requirements.

RECOMMENDATIONS

- › The AEB Human Resources Committee is making every effort to find out which anti-COVID-19 rules and stand-

ards are actually behind the executive authorities' regulations, as well as to make Association members aware of their obligations and responsibilities, the ways to fulfill such responsibilities, and what conduct aimed at protecting businesses from the impact of the current restrictions is possible. We recommend that Association members strictly abide by the Government's anti-pandemic requirements.

ELECTRONIC HR DOCUMENT MANAGEMENT

In Russia, the need to switch to electronic HR document management has sped up the law-making process. Federal Law No. 439-FZ dated December 16, 2019, has amended the Labor Code of the Russian Federation by establishing the possibility to maintain records on labor activities in electronic form (via "electronic employment record books"). Further legislative acts and regulations of the Government of the Russian Federation have created a basis for switching to electronic employment record books beginning from January 1, 2020.

Unfortunately, the law-based conversion of other HR documents into electronic format has taken longer than expected – however, this process was materially accelerated during the COVID-19 restriction period. Within the shortest possible time, companies were forced to switch a large share of their employees to remote work, which was impossible without transition to electronic document management. Although employers were unable to formalize such transition in full compliance with the effective Labor Code of the Russian Federation, the Government, via the Ministry of Labour and Social Protection, has actually made the respective simplified approach official. For European businesses, it would be way more convenient if, in



the nearest future, regulations were adopted that would officially regulate the actually existing switch to electronic HR document management. This will allow the existing legal risks of using electronic HR documents to be mitigated without required support by legislative provisions, which will materially improve the country's investment climate.

In April 2021, the draft Federal Law On Electronic Human Resource Document Management was submitted to the State Duma. In June, the draft Law was passed in its first reading.

RECOMMENDATIONS

- › The AEB Human Resources Committee and its Labor Law Subcommittee monitor the status of the draft Law on Electronic Human Resource Document Management and will take all possible measures to make all Association members aware of the respective requirements as soon as the Law is adopted. We recommend that AEB-member employers familiarize themselves with the draft Law and begin preparing to switch to electronic document management beforehand.

DISTANCE/REMOTE LABOR

Article 49-1 of the Labor Code of the Russian Federation regulating working conditions outside of workplaces was introduced by Federal Law No. 60-FZ dated April 5, 2013. Nevertheless, before 2020, such a form of labor organization was used by employers to a limited extent only. Among the reasons therefor was the relatively low flexibility of the new regulations.

Due to the COVID-19 situation and strict anti-pandemic restrictions introduced by authorities, switching to remote work has become the only alternative to the total closure of businesses. Almost six-month experience of such work has revealed the great potential of such labor relations, both for employers and for employees.

Federal Law No. 407-FZ, dated December 8, 2020, 'On the Introduction of Amendments into the Labor Code of the Russian Federation with regard to Regulation of Distance (Remote) Working and Temporary Switching of an Employee to Distance (Remote) Working at the Employer's Initiative in Exceptional Cases', adopted by the State Duma, has introduced a new version of Article 49-1 of the Labor Code of the Russian Federation. The new regulations allow the aforesaid issue to be resolved to a large ex-

tent. The AEB Human Resources Committee has most actively participated in the discussion of the draft Law by proposing amendments thereto in order to meet the interests of the members of the Association.

RECOMMENDATIONS

- › The AEB Human Resources Committee has made noticeable efforts in explaining the details on the legal regulation of remote work to the Association's members – the AEB recommends making active use of the advantages provided by such an employee labor organization.

PROVISION OF EMPLOYEES' (PERSONNEL'S) LABOR

In the business community's opinion, Federal Law No. 116-FZ dated May 5, 2014 (effective from January 1, 2016), providing for material restrictions regarding the provision of employees' labor to other entities, remains one of the material obstacles for further economic development. Unfortunately, all attempts to further improve the legal framework in order to make the provisions of the said Law regarding the provision of employees' labor to other affiliates are still stonewalled by trade unions. Trade unions block any draft laws in this regard. To the European business community's regret, in Russia, the prospects for creating a new legal environment for the successful operation of the labor provision mechanism are far from becoming real.

RECOMMENDATIONS

- › The AEB Human Resources Committee and its Labor Law Subcommittee thoroughly monitor the development of the situation around legislative regulation of provision of employees' labor and recommends that Association members actively lobby amendments to Federal Law No. 116-FZ dated May 5, 2014, aimed at bringing the provisions of this Law into conformity with global practice.



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