



Obligations to be observed by employers and employees in connection with high-alert mode initiated in relation to the COVID-19 epidemic

Special security measures have been imposed in Moscow in connection with the COVID-19 epidemic

On 5 March 2020, the Mayor of Moscow issued Decree No. 12-YM (*the Decree*), according to which citizens and companies are required to observe a high-alert mode.

Special precautions are applied to those who have returned from countries severely affected by coronavirus. According to Rospotrebnadzor's (Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing) Moscow office, such countries include China, South Korea, Iran, Italy, France, Germany and Spain.

What should employers do?

According to the Decree, employers are required to measure the temperature of employees in the workplace, and to send home those who have a fever. Employers must also assist employees with self-isolation.

At Rospotrebnadzor's request, employers are obliged to inform the service of anyone with whom the sick employee has come into contact and to disinfect the premises where such employee was located.

What should employees do?

Russian and foreign citizens who have arrived from countries severely affected by the coronavirus must self-isolate for 14 days from the moment of arrival in Moscow, that is, neither leave home, nor attend work or educational establishments, nor invite guests.

To get a medical certificate which is to be provided to the place of work or study, employees shall contact the Moscow Department of Health's hotline on +7 (495) 870-45-09. A courier will deliver a medical certificate to the employee's place of residence without any doctor's examination after it has been confirmed that the person in question crossed the border.

The procedure for issuing a medical certificate to those who have self-isolated is temporary and will be valid until 1 April 2020.

Liability for violation

Violation of the law entails administrative and criminal liability for individuals, including officials, and administrative liability for legal entities.

According to representatives of state bodies, compliance with the regime is monitored using video surveillance and, if the regime is violated, a citizen will be placed in an observation centre.

Employers must measure employees' temperatures

Employees are required to self-isolate for 14 days upon returning from any country severely affected by coronavirus

The law provides for both administrative and criminal liability for violations of health and safety measures, but it is not yet clear which path the regulators will follow

Administrative liability

Under Article 3.18. of the Administrative Offences Code of Moscow, violation of the requirements established by the legal acts of Moscow relating to protection of the population and territories of the city from emergency situations entails the imposition of an administrative fine of 4,000 to 5,000 roubles (about 60-70 USD) for officers. Protocols on such administrative offences are drawn up by the Department of Civil Defence and Emergency Situations of the City of Moscow, and the cases on administrative offenses are considered by the Moscow Government's Administrative Commission.

Legal entities and citizens may also face a fine under article 6.3 of the Administrative Offences Code of the Russian Federation "Violation of sanitary and epidemiological welfare legislation by way of breaching existing sanitary rules and hygiene standards, or failure to perform sanitary and anti-epidemic measures". Liability for violation of this article involves a warning or administrative fine from 100 to 500 roubles (about 1.60–8 USD) for citizens; from 500 to 1,000 roubles (about 8–16 USD) for officials; from 10,000 to 20,000 roubles (about 160–320 USD) for legal entities or administrative suspension of activity for up to 90 days.

Furthermore, if citizens evade the quarantine regime, they may be forcibly hospitalised. This approach is confirmed by a recent court decision in St Petersburg.

Since the decrees of the Mayor of Moscow containing the rules of labour law are sources of labour law, the State Labour Inspectorate of Moscow can also hold employers liable under article 5.27 of the Administrative Offences Code with a fine of up to 50,000 roubles (about 800 USD) for companies and up to 5,000 roubles (about 80 USD) for officials.

Criminal liability

Violation of sanitary and epidemiological welfare legislation by way of breaching existing sanitary rules and hygiene standards, or failure to perform sanitary and anti-epidemic measures, entails liability for citizens, including officials, under Article 236 of the Criminal Code of the Russian Federation:

- under the first part of Article 236 of the Criminal Code, violation of sanitary-epidemiological rules resulting in widespread illness, is punishable by a fine in the amount up to 80,000 roubles (about 1,100 USD) or the amount of wages or other income of the convicted person for a period up to six months, or by deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years, or by compulsory work for a term of up to 360 hours, or correctional labour for a term of up to one year, or imprisonment for up to one year.
- the same act that caused the death of a person by negligence is punishable by compulsory labour for a period of up to 480 hours, or correctional labour for a period of six months to two years, or forced labour for a period of up to five years, or imprisonment for the same period.

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