
The amendments will inevitably trigger a further revision of the OHS regulations as they introduce a new approach to nearly all key processes. Management of occupational risks, new trainings, digitalisation of the OHS documents – read on to find out about the important changes for employers.
### Overview of amendments to Section X of the Labour Code

The new wording of Article 209 of the Labour Code clarifies some OHS rules and key terms:

- updates the definitions of workplace hazards, defining hazard as a potential source of damage, harm or an adverse health effect for an employee
- differentiates between personal and collective protective equipment
- sets forth that OHS policies can be established both by the government authorities and corporate policies.

Chapter 35 updates the employer’s and employee’s OHS rights and responsibilities. The employer is responsible for performing basic OHS activities (Article 214 of the Labour Code):

- creating a safe working environment and assess the risks prior to deploying new workplaces. Precautions must be taken prior to introducing new workplace hazards (Article 213.1 of the Labour Code)
- on top of health check-ups, employers must have their employees tested for exposure to chemical and toxic substances in the instances established by the law
- if an employee works on another employer’s premises, employers must ensure injury prevention measures before the work has started.

The previous version of the Labour Code did not regulate the employer’s OHS rights. Now such rights are established by Article 214.2 and include:

- the right to use audio- and video recorders to monitor work safety (subject to informing the employees of such monitoring)
- the right to grant remote access to its electronic databases and monitoring systems to the public authorities.

Article 215 of the Labour Code that establishes the employee’s OHS responsibilities was supplemented with the requirement to properly use raw materials and equipment and control the equipment’s serviceability. According to Article 216 of the Labour Code, employees have the right to be informed of the occupational risks and relevant compensations, including medical care.

Article 214.1 bans work in unsafe conditions.

If during a special assessment of workplace conditions a workplace is classified as hazardous (Category 4), the employer must suspend work at such workplace and develop an action plan to address the hazards. A copy of such action plan must be sent to the Federal Labour Inspectorate. According to Article 216.1 of the Labour Code, if the suspension was not driven by the employee’s fault, he retains his job and average earnings.

The changes also concerned the Labour Code provisions regulating the mandatory OHS trainings. Resolution No 1/29 of the Ministry of Labour and the Ministry of Education of 13 January 2003 mandates completion of OHS trainings by all employees, including the CEO. Trainings include briefings, on-the-job trainings (for some categories of employees), in-house OHS trainings, as well as training in specialised training centers. Employees who have not completed job-specific trainings cannot be allowed to perform their duties. The amendments also provide for trainings on the use of personal protective equipment (PPE). According to the previous version, employees could be instructed on how to use PPE as part of the OHS trainings. From now on, employers may either include PPE management into the OHS course or develop a separate training, which cannot last less than eight hours. The draft resolution also introduces changes in employee training rules and maintenance of electronic training documents.

The new version of the Labour Code clarifies the rules for distribution of IPE and PPE. Thus, the employer must develop the distribution policy not only based on the regulatory rules, but also taking into account the findings of the special assessment of working conditions, the occupational risks, and the professional union’s opinion (Article 221 of the Labour Code).

New uniform rules have been prepared for PPE and detergents. Until they enter into force, employers must refer to the standards applicable to their respective industries. An amendment to Article 76 of the Labour Code entitles the employer to suspend an employee that does not use PPE when handling the hazards or working in special temperature conditions.

The changes also affected the investigation and recording of accidents. The employer will be obliged to notify the federal supervisory body of accidents involving more than two people, as well as of serious or fatal accidents. To investigate an accident, the employer must also provide CCTV footage from the scene. Investigation deadlines have been updated and set in calendar days.

Apart from the accident investigation and recording obligations, the employer now must investigate minor injuries (Article 214 of the Labour Code). The term “minor injury” is introduced by Article 226 of the Labour Code. The employer is also obliged to keep record of abrasions, wounds, soft tissue bruises, bruises, superficial wounds of its employees received at workplace or when doing any work on behalf of the employer, even if not resulting in health damage or temporary disability. Such injuries are recorded based on employees’ claims and are investigated by the employer internally. Investigation guidelines will be developed by the federal executive authorities.
Management of occupational risks

The OHS amendments to the Labour Code are primarily aimed at implementing precautions and streamlining the employers’ OSH management systems, hazard prevention, and mitigation of employees’ health damage becoming the fundamental principles of occupational safety. These principles are also realised through timely risk management efforts.

The new version of the Labour Code offers a clear description of what an occupational risk is and how it must be managed. An occupational risk is defined as a probability of inflicting damage to the employee’s life and (or) health through exposure to occupational hazards at workplace taking into account the potential severity of health damages. The risk management framework includes hazard identification and assessment and measures to mitigate or prevent such risks. The employer must monitor and revisit the identified risks on a regular basis. Such measures must be part of the OHS management system and the employer’s priority.

Please note that, according to Article 214 of the Labour Code, the employer is now obliged to assess occupational risks prior to putting new workplaces into operation.

According to the new version of Article 216 of the Labour Code, employees have the right to know of their workplace hazard exposure and mitigation measures. It is the employer’s responsibility to make this information available to the employees.


The employer must identify and describe hazards when:

- exercising control of workplace conditions and ensuring compliance with the OHS requirements
- investigating accidents and occupational diseases
- studying reasons and circumstances of minor injuries.

Occupational risks assessment and hazard classification guidelines are developed by the federal executive authorities. A draft order of the Ministry of Labour “On approval of guidelines on selecting occupational risk assessment methods and risk mitigation tools” was released for collection of public feedback on 30 June 2021. The draft sets forth recommendations on the selection and the description of risk assessment methodologies depending on the headcount and the type of business, as well as provides guidance on the development and implementation of risk mitigation measures. Establishing the framework for the assessment and management of occupational risks becomes one of the key priorities of the state OHS policy.

Digitalisation of OHS documents

The employer’s right to maintain electronic OHS records established by Article 214.2 of the Labour Code is one of the most important changes, as it accommodated the requests of most employers that are increasingly optimising their workflow due to the transition to a remote or hybrid work scenario.

Simultaneously with these changes, the OHS regulatory framework is being strongly revised as part of the “regulatory guillotine” agenda aimed at redesigning the legislation and creating a new system of clear and relevant requirements. Since the beginning of 2021, more than 40 OHS rules have entered into force. These rules (e.g., for working at height, operating electrical installations, etc.) already enable the use of paperless documents signed with an electronic signature or in any other manner enabling the identification of an employee in accordance with the Russian legislative requirements. Some rules allow digitalising and e-mailing the permits for hazardous works and record such works in logbooks using the electronic signature in accordance with the legislative requirements.

So far, certain types of electronic signatures and their use for signing the OHS documents remain unregulated. However, the regulatory framework is being extensively updated and aligned with the amendments to the Labour Code with many draft regulations already presented for public discussions. If no specific requirements are set for electronic signatures, employers will be guided by Federal Law No. 63-FZ “On Electronic Signature.” If the employer opts for paperless record-keeping, it must formalise the decision in a corporate policy.

Regarding the use of automated e-document flow (EDF) systems, many employers are already using the federal portal “Work in Russia” as part of an experiment to convert HR documents into the electronic form. The portal already has a special OHS page and a document constructor with templates for instructions, log records, registration of industrial accidents, pre-trip and post-trip health check-ups, detergents and disinfectants distribution cards, and some other forms that need to be filled in. The legislation has not yet established requirements for other information systems with the EDF functionality.
Health check-up regulations also enable the use of EDF. Order of the Ministry of Health of Russia No. 29н of 28 January 2021 that entered into force on 1 April 2021 establishes the rules for preventive and regular health check-ups; Order of the Ministry of Labour No. 988н and Order of the Ministry of Health No. 1420н of 31 December 2020 that entered into force on 1 April 2021 approve the list of occupational hazards and works that require health check-ups. The rules allows digitalisation of certain check-up documents, such as:

- check-up referral
- referral log
- check-up results.

The amendments enabling the EDF implementation are expected to apply to the OHS trainings and special assessment of workplace conditions. As of July 2021, the Federal Portal of Draft Regulations posted a draft Government resolution that enables conducting remote OHS trainings and record knowledge checks electronically, using electronic signatures.

Furthermore, a bill on using digital technologies to perform special assessments of workplace conditions has been developed that permits the use of electronic signatures on assessment reports and aligns some of the assessment procedures with the up-to-date digital standards.

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**Summary**

The implementation of Section X of the Labour Code entails a large-scale revision of the OHS regulatory framework. The Ministry of Labour has prepared a number of regulations that elaborate on the key changes and processes introduced by the amendments to the Labour Code.

Taking into account the changes, employers must evaluate their existing OHS systems to make sure they effectively prevent hazards and manage occupational risks and redesign their processes, if necessary, in accordance with the new requirements to ensure employee safety. They may also identify OHS processes that can be automated and optimised using the EDF and digital technologies.

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We hope that you will find the information presented in this issue useful and informative.

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Please feel welcome to contact us with questions and queries on this subject.

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