

April 2014

Dear Sirs,

We would like to inform you of significant changes in the sphere of work safety related to abolishment of the procedure of workplaces assessment with respect to working conditions. As of January 1, 2014 the procedure of assessment of workplaces with respect to working conditions was replaced by the procedure of special evaluation of working conditions. The basic principles and procedure for carrying out special evaluation of working conditions are set out in the Federal Law as of December 28, 2013 No. 426-FZ On Special Evaluation of Working Conditions (hereinafter – the «Law On Special Evaluation of Working Conditions»).

At the end of January the Ministry of Labour and Social Protection of the Russian Federation approved the procedure for carrying out special evaluation of working conditions, classifier of harmful and (or) dangerous workplace factors, report form on carrying out special evaluation of working conditions and instructions for its completion (Order of the Ministry of Labour and Social Protection of the Russian Federation as of January 24, 2014 No. 33n).

The Law On Special Evaluation of Working Conditions contains a number of novelties aimed at encouraging the employers to implement measures that improve working conditions and work safety at the workplaces as well as at increasing liability for violation of work safety laws.

Among the important novelties there are simplification of the procedure of special evaluation of working conditions with respect to those workplaces where harmful and (or) dangerous workplace factors were not detected. As a rule, these are office workplaces. With respect to such type of workplaces the employer has to submit to a declaration certifying conformity of the working conditions with the state regulatory work safety requirements to the territorial subdivision of the State Labor Inspectorate. Such declaration is valid for 5 years and is automatically renewed for the next 5 years provided that during the first five years no accident has occurred with the employee working at the workplace certified by the declaration and no professional disease caused by the impact of harmful and (or) dangerous workplace factors has been identified.

The Law On Special Evaluation of Working Conditions obliges the employer to publish at its official web-site (if any) consolidated data on the results of special evaluation of working conditions with respect to determination of classes (subclasses) of working conditions at the workplaces and list of measures for improvement of working conditions and work safety of the employees whose workplaces were subject to special evaluation of working conditions.

Following the adoption of the Law On Special Evaluation of Working Conditions related amendments have been introduced to a number of legislative acts of the Russian Federation. Amendments have been made inter alia to the Labour Code of the Russian Federation in terms of providing employees with benefits and compensations depending on the degree of harm caused by the working conditions. Also the Code of the Russian Federation On Administrative Offences was supplemented with the new Article 5.27.1 setting out liability for violation of the procedure of special evaluation of working conditions or failure to comply with it in the form of warning or administrative fine for the

employer's officials – RUR 5 000 – RUR 10 000, as well as for the legal entity – RUR 60 000 – RUR 80 000 (in case the legal entity has been already subject to liability for the same offence – RUB 100 000 – RUB 200 000 or administrative suspension of operations for up to 90 days) effective as of January 1, 2015.

The Law On Special Evaluation of Working Conditions provides for gradually transition from the procedure of assessment of workplaces with respect to working conditions to special evaluation of working conditions. Results of the assessment of workplaces carried out before implementation of the Law On Special Evaluation of Working Conditions will be valid for five years as of the date of completion of the assessment except for the cases when it may be necessary to carry out unscheduled special evaluation of working conditions. Special evaluation of working conditions of workplaces, that were created before January 1, 2014 but were not assessed, can be carried out gradually and must be completed by December 31, 2018.

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We hope that the above information is useful for you. Should you have any questions please contact the Head of the Labour and Employment practice, Partner, [Irina Anyukhina](#).

Kind regards,

ALRUD Law firm

Note: All information was obtained from publicly available sources. The author of this information letter assumes no liability for the consequences of decision-making based on such information.