

COVID-19: Back to Work

Guide for International Employers

Most people are ready to get back to work and ensure their businesses are back on the road, but the danger to health is still out there. So, the big question is how to do it safely. Some of it may involve going back to the office in a safe way and some of it may be about setting up longer term arrangements for home working. We take a look at the issues.

Our specialist employment lawyers from across the world have put together this Back to Work Guide to help international employers navigate these key issues.



We take a detailed look at the following topics across the countries in our alliance of law firms:

Our list of topics is:

1. Restrictions on national daily life

2. Local lockdowns and new national lockdowns

*New Lockdowns
Government Support*

3. How to keep workers safe in the office

*Back in the office
Setting up the workplace
Vulnerable employees
Suspected cases
Official notification
Communicating with your workforce
Return to work after recovery*

4. How to organise homeworking for the long term

Kazakhstan

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7/9/2020

1. Restrictions on national daily life

It is currently still prohibited to conduct any national or private events with mass gatherings of people (e.g. weddings and birthdays).

Employers are recommended to maintain a remote work regime for at least 80% of employees.

Key restrictive measures remain in effect on weekends and holidays, because there is the risk of mass gatherings. Shopping and recreation centres, non-food and grocery covered markets, beauty salons, health and fitness centers, amusement parks and religious facilities must suspend their activities on these days.

Educational facilities are working both remotely and in person, depending on specialties (universities, colleges) and the wishes of parents (schools). Kindergartens now have special duty groups of no more than 15 children each. Everyone must strictly comply with a robust sanitary and disinfecting regime (wearing masks and gloves, temperature monitoring, use of disinfectants, etc.) and social distancing requirements. Restrictive measures were gradually removed in Kazakhstan after the repeated quarantine (5 July – 17 August) and only the restrictions above now apply.

Business entities can resume their activities if they comply with sanitary rules

and after notifying the state commission. A prior readiness inspection with visits from the state commission members is required for certain types of activities (major trading organisations).

2. Local lockdowns and new national lockdowns

New lockdown

Quarantine was announced for the second time in Kazakhstan from 5 July until 17 August. Activities of trading companies (except for groceries) and companies in the entertainment and services sphere were completely suspended. All employers were recommended to organise remote work.

Government support

To support business, the state is maintaining its programme of tax advantages and credits with reduced rates.

3. How to keep workers safe in the office

Back to the office

An employer can require an employee to come back to work if the place of work specified in an employment contract is the employer's office and the employer's activities are permitted and carried out in accordance with sanitary requirements.

Setting up the workplace

The sanitary norms provide for individual requirements for certain types of activities, which become stricter, depending on the risk of employees contracting COVID-19. There are requirements with which employers must comply and employees must also wear masks, use sanitisers and comply with social distancing requirements.

Vulnerable groups

There are no separate rules for vulnerable employees. According to the general rules, individuals older than 65 are not recommended to go outside unless there is an urgent need to do so.

Suspected cases

If an employee is suspected to be infected, s/he must be isolated in home quarantine, and stays isolated until s/he has received a negative COVID-19 test result.

Official notification

No official form of notice is stipulated; but employers should apply to a medical organisation (hospital, doctor) or to the sanitary and epidemiological control authority.

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Communicating to the workforce

Employers can communicate information about infection within the organisation as long as they ensure the personal data of the infected employee is kept

Return to work after recovery

An employee can be having a 'closed' medical sick leave certificate from a medical organisation, which confirms that the employee is completely recovered. If an employee has any symptoms of COVID-19, the employer may send him/her for a medical examination. If the employee is admitted to work based on these medical examination results, the employer has no right to interfere with the employee's performance of his/her employment duties.

4. How to organise homeworking for the long term

In order to organise homeworking, Kazakhstan law provides a remote work regime. Neither an employee, nor an employer can compel the other to start remote working. Transition to the remote work regime is reached by way of a bilateral agreement executed as a supplementary agreement to an employment contract. The rights and obligations of the parties are similar to those under the normal on-site working regime, however, with certain specific differences.

The employer must provide the employee with communication facilities and bear the expenses associated with the installation and maintenance of these facilities. In the event the employee uses his/her own communication facilities on a permanent basis, the employer must reimburse the employee for these costs: the amount and payment procedure should be agreed between the parties. If so, the employee can be compensated for expenses associated with working from home (e.g. electricity, water and other costs).

If the employer's activities are permitted and carried out in strict compliance with the sanitary rules, an employee does not have the right to continue to work remotely. However, it can be allowed if the parties agree to it. Employees are unlikely to acquire the right to work at home if they have done it for a certain time, as this is something that can only be agreed with the employer.

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- International employment law is our core business.

In a nutshell:

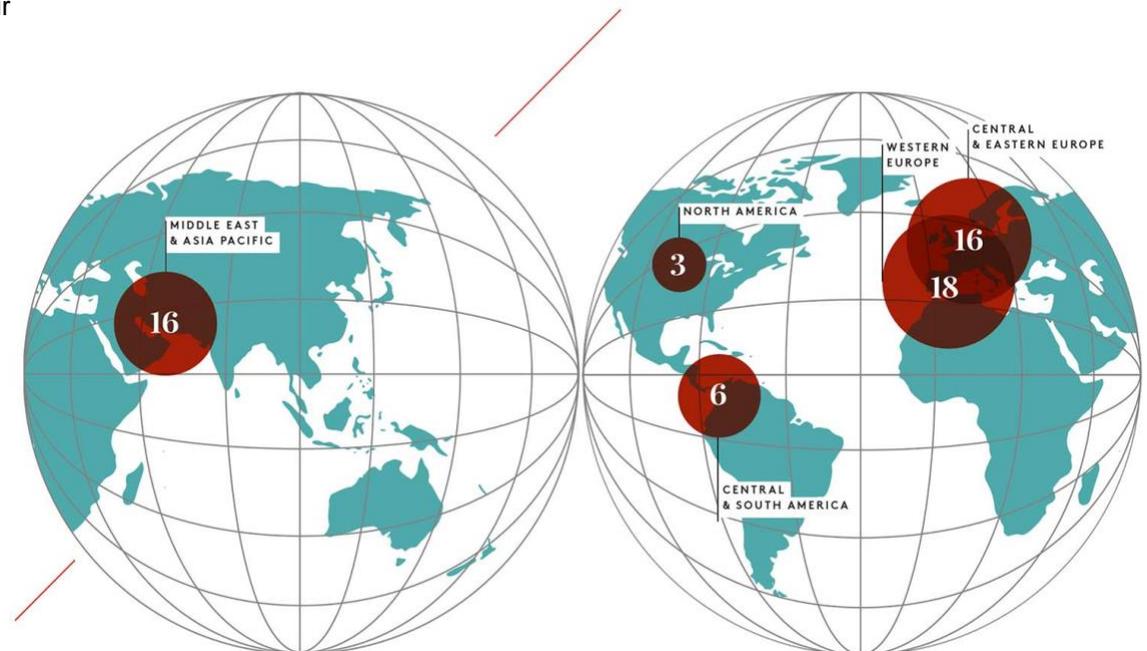
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