

# **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**



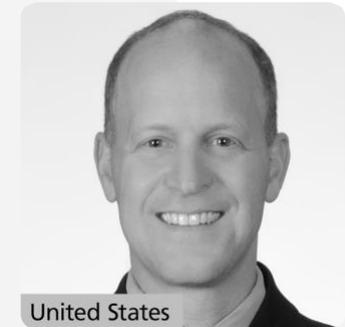
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### Our Global Taskforce

Get in touch with our coronavirus team for all queries about employment and the coronavirus in any of our 59 countries. The team can put you directly in touch with partners in the countries you need to know about.

**The coronavirus** is still spreading very fast, but people also want to get back to work. How to square the circle and get back to work without jeopardising the health of employees? We provide a detailed Guide.

Note that we make every effort to keep this document up to date, but the landscape is changing rapidly. Before you take action based on anything we say here, please verify it with a specialist employment lawyer. There are plenty to choose from – at the end of each country's text you will find contact details.

You can also visit our Coronavirus Resource Page and find all the information and tools you need to manage your workforce safely.

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to go directly to it:

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# Kazakhstan

Last updated:  
04/11/2020

## 1. Restrictions on national daily life

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

The activities of entertainment venues (nightclubs, karaoke bars, children's playgrounds and attractions and other indoor establishments) have been completely stopped. Shopping and recreation centres, non-food and grocery covered markets must suspend their activities on Sundays and holidays.

Passengers arriving in Kazakhstan by international air flights must have a COVID-19 test certificate with a negative result. Without this certificate, foreign citizens will not be allowed to board an aircraft, and Kazakhstan citizens, once they arrive in Kazakhstan, are sent for seven-day quarantine until they have obtained a negative test result. The number of domestic air flights and rail trips has been reduced.

Employers are recommended to maintain a remote work regime for at least 50% of employees.

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.

Currently, almost all types of commercial activities are allowed with certain restrictions. 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

After two lockdowns (April-May, July-August), Kazakhstan is preparing for the second wave of COVID-19 with a view to the worldwide increase in the number of COVID-19 cases and is taking preventive measures. If the incidence rate exceeds permissible levels, the Government will declare a strict quarantine again and prohibit activities contributing to the spread of COVID-19.

### 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 in 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

In the event an employee is suspected to be infected, s/he must be isolated in home quarantine, and stays isolated until s/he receives a negative COVID-19 test result. If an employee has any symptoms of COVID-19, the employer may send him or 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 or her employment duties.

## Contact our specialists in Kazakhstan



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### **Official notification**

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

### **Communicating with your workforce**

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

### **Return to work after recovery**

An employee can be readmitted to work if they have a 'closed' medical sick leave certificate from a medical organisation, which confirms that the employee is completely recovered.

## **4. How to organise homeworking for the long term**

In order to organise homeworking, Kazakhstan legislation provides for a remote work regime. Please note that neither an employee, nor an employer can compel the other to start using remote work. Transition to a 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 or her own communication facilities on a permanent basis, the employer must reimburse the employee for these costs: the amount and payment procedure should be established by agreement between the parties. If agreed upon between the parties, the employee can be compensated for other expenses associated with working for his/her employer (electrical energy, water supply and other costs).

Where the employer's activities are permitted and carried out in strict compliance with the sanitary rules, an employee cannot demand to continue to work remotely. However, this is allowed if the parties agree on it.

Employees will not automatically acquire the right to work from home if they have done so for a certain time during the COVID-19 pandemic: this is only allowed if agreed upon with the employer.

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