



New regulations on distance work

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If you are interested in additional information, please contact us.

In brief

The Law of the Republic of Kazakhstan dated No. 61-VII July 1, 2021 (the “Law”) introduced amendments to the Labour Code related to the concept of distance work.

The main focus of the Law is to eliminate gaps in the regulation of distance work during the period of emergency, and to prevent discrimination in remuneration of employees who work distantly. The new amendments to the Labour Code will help to protect the rights of employees, resolve conflicts on a timely manner and ensure safe working conditions.

In details

Previously, distance work was defined as work that was carried out outside employer's location on an ongoing basis. Therefore, the employee had no legal opportunity to combine stationary work (i.e. work at the employer's location) and distance work. According to the Law there are new concepts as “distance work” and “combined distance work”, which allow employees to work both at and outside employer's location.

Now, the Labour Code, includes new provisions. For example:

- right of the employee and the employer to agree work options (i.e. distance work or combined distance work)
- responsibility of the employer to provide the employee with equipment necessary for performance of labour duties
- possibility to send the employee to a business trip from the place of actual performance of labour duties.

Moreover, the Law stipulates electronic formats of interaction between employer and employee. Now, it is possible to use electronic documents certified by electronic digital signature (and other electronic formats verifying authorization/identity of employer/employee) while preparation of notifications or explanatory notes.

The employer can send such documents via courier mail, postal service, facsimile transmission, e-mail or via other information and communication technologies. Also, the words “in written form” are excluded in certain Articles of the Labour Code.

The Law stipulates no discrimination in wages for employees who work distantly. Also, the employer cannot demand employees who work distantly to be available during non-working hours. On the other hand, the employer now has a right to conclude agreement on protection of confidential information that employee use during distance work.



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Are you interested in this topic?

- We would be pleased to discuss with you the above amendments and how they can impact your business
- We can analyze and implement possible steps to ensure compliance with the new requirements
- We can assist you with the development of tailored HR documents

If you are interested in additional information, please contact PwC specialists working as part of a group serving your company, or to any of the persons listed.

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