



Faculty
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Legal regulation of relations regarding the prevention of psychosocial risks in the application of remote labour in Russia

Research executive summary



Researchers at the HSE Faculty of Law, at the initiative of the Institute of National and Comparative Legal Studies conducted a study on the need for special legal protection for remote workers against the effects of psychosocial risks and/or their consequences in Russia.

Researchers revealed Russians' attitudes towards remote working. Most assessed working from home during the pandemic as positive, despite the risk of increased anxiety and stress.

Since 2020, societal relations in different countries have been undergoing constant change to adapt to the new circumstances dictated by the pandemic caused by the spread of a new coronavirus infection. Such changes can be seen in almost all spheres, including labour sphere.

One of the most striking changes in the labour sphere has been the widespread use of remote working. Employees' reactions to remote working have been mixed, as for many the transition to a new form of relationship organisation has been a forced one.

Safe and healthy working
conditions are fundamental to decent work
(ILO Centenary Declaration for the Future of Work, 2019)

Remote workers are exposed to specific factors that have psychosocial risks associated with them. If these risks are not properly assessed and managed, workers are more likely to experience physical and mental health problems.

In this context, researchers have proposed **hypotheses** that (1) involuntary remote working is associated with high levels of stress and (2) special legal protections are needed for workers who work remotely on both a temporary and permanent basis.

The **aim** of the research was to identify ways to improve the regulation of social relations regarding the use of distant labour in Russia, taking into account the need to reduce the impact on the worker of factors associated with psychosocial risks.

The following objectives were set out for the researchers:

- Identifying the link between remote working and higher levels of anxiety and stress than office work, and identifying the main psychosocial factors that accompany such work;
- Analysis of the legal infrastructure for preventing workers from being exposed to various factors of psychosocial risks in Russia;
- A comparative legal analysis of the regulation of relations to prevent (minimise) the impact of different psychosocial factors in remote working in selected countries.

Psychosocial factors are the result of the interactions between and among work environment, job content, organisational conditions and workers' capacities, needs, culture personal extra-job considerations that may, through perceptions and experience, influence health, work performance and job satisfaction
([joint ILO-WHO report, 1984](#))

Psychosocial risk is the likelihood that psychosocial factors will have a harmful effect on an employee's health through their perception and experience, and the severity of the painful condition caused by them
([European Standard PAS 1010:2011, 2011](#))

1. The main psychosocial factors that affect Russian remote workers during the COVID- 19 pandemic.

As part of the study, a survey of Russian residents was conducted to empirically identify the main factors of psychosocial risks in the transition to remote working during a period of increased anti-epidemiological measures.

The survey took place between June and August 2021. The questions were related to the period January- April 2020, when many Russian cities introduced a lockdown, leading to a mass transfer of employees to remote working. A characteristic feature of this transfer was its forced nature. The questions posed to the respondents related to general working conditions.

It should be noted that the majority of respondents assessed the experience of distance working as positive despite the external social conditions (Figure 1).

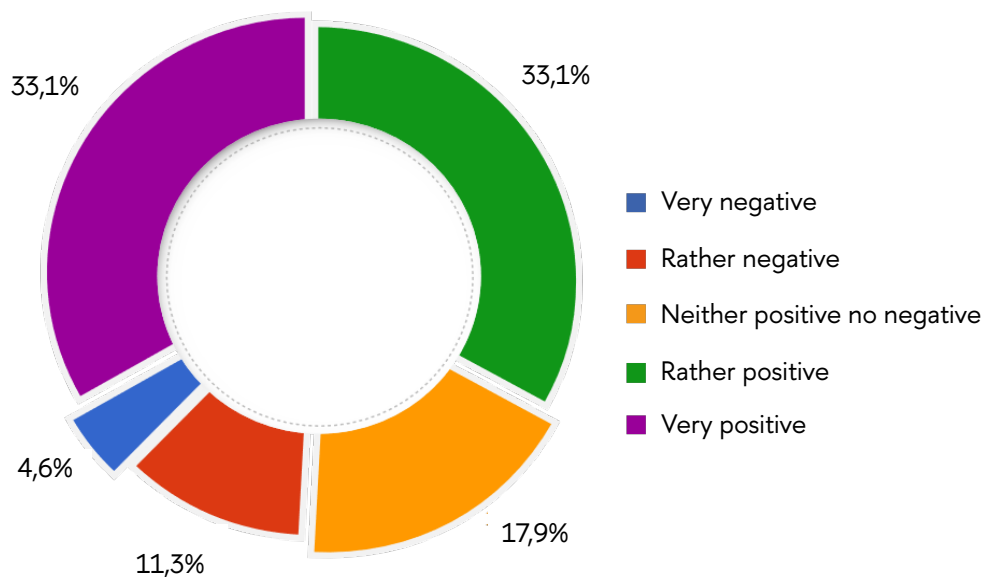


Fig. 1. Respondents' evaluation of the remote working experience.

Keep in mind that 21% of the respondents who rated the experience as negative were transferred to distant working without their consent. This factor may have influenced the workers' rating.

Importantly, despite seemingly positive perceptions of remote working experience, a significant proportion of respondents (33.8%) marked that they felt their health had deteriorated during a relatively short period of distant working (Figure 2).

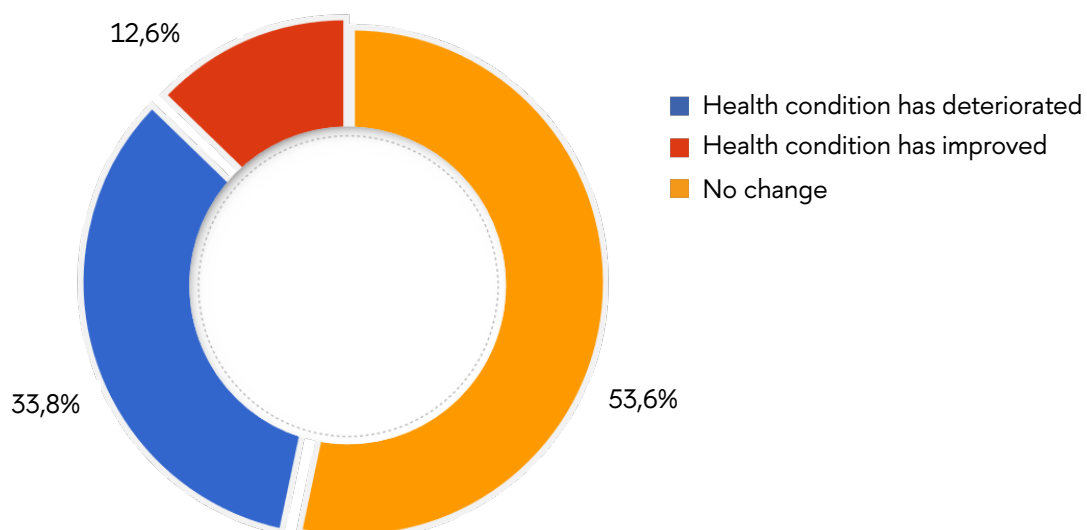


Figure 2. Respondents' evaluation of changes in health while working remotely.

Analysis of the responses shows that during this period, some of those interviewed experienced serious discomfort due to the risk of spreading disease, inability to lead their usual lifestyle (including outdoor activities) and other circumstances due to the restrictions imposed by the authorities. However, the survey also revealed an increased level of stress from certain remote working conditions.

The study confirmed the researchers' hypothesis (1) that forced remote working is associated with high levels of stress.

The analysis of the survey results made it possible to identify the main stressors accompanying remote work in lockdown conditions. These factors, according to the degree of their characteristic for the remote format of work, can be divided into three groups:

Group 1 Factors specific to distance and non-distance work

uncertainty in the job function
monotony of work

Group 2 Factors specific to temporary and permanent distance work

screen time increase
the difficulty of striking a balance between work and private life (between work and leisure)
monitoring of employee activities
professional insulation/isolation
lack of working conditions that meet the objectives of the job function
increasing the intensity of work (in terms of working hours)

Group 3 Factors specific to distance work in emergency situations (e.g., a lockdown)

combining work and family responsibilities for childcare
deficiencies in communication between the parties to the employment contract
social exclusion/isolation
increasing the intensity of work (in terms of workload)

The fact that some of the factors are identified as a characteristic of remote work in general, as well as the number of respondents who identified this group of factors as a stressor, supports hypothesis (2) that there is a need for special legal protection for workers who work remotely, both on a temporary and permanent basis.

2. Legal regulation of relations related to the protection of workers from the effects of psychosocial factors in the application of distance working.

Researchers have analysed the experience of legal regulation of psychosocial risks in Russia and selected foreign countries. This analysis made it possible to identify the main models of legal regulation and to propose ways of improving Russian legislation in this area.

The results of a comparative legal study of the legislation of countries such as Australia, Belgium, Bulgaria, Canada, France, Germany, Japan, Russia and Spain, conducted in order to study the experience of legal regulation of psychosocial risk management, led to the conclusion that there are three main models of such regulation:

Model 1

States where the right to mental health care for workers is not only enshrined in legislation but also ensured through legal safeguards.



Australia, Belgium, Germany, Spain, France, Japan

Model 2

States that enshrine the employee's mental health rights in the workplace, as well as special remedies for the employee against harassment, which is a specific type of psychosocial risk.



Bulgaria, Canada

Model 3

States where the employee's right to mental health protection is not enshrined in national legislation, that are binding for both parties.



Russia, some countries of the former Soviet Union

As shown above, the Russian experience is attributed to the third model. Despite amendments to the Russian Labour Code relating to occupational health and safety, which will come into force on 1 March 2022, the occupational health and safety management system remains focused on occupational risks of a physical nature. A literal interpretation of the Code's provisions shows that the employer is not obliged to manage psychosocial risks. At the same time, the employer's obligations to protect remote workers are reduced to a minimum which does not protect the latter not only

from psychosocial but also from physical work-related factors.

Comprehensive regulations to protect workers from psychosocial risks at both national and local levels can change this state of affairs.

Based on the analysis of the survey results, the research of the legal basis for preventing workers from being exposed to various factors of psychosocial risks in Russia, and a comparative legal analysis of the regulation of such relations in foreign countries, the researchers substantiate their **conclusions on the need to amend Russian legislation**, including the following:

- to enshrine the right to mental health protection for employees;
- to develop the rules obliging employers to assess and manage the psychosocial risks for distant work;
- to enshrine the right of distant employees to disconnect (the employee's right to rest time, in which the employer has no right to interfere) and the guarantees for its realisation;
- to grant a full-time remote worker the right to be transferred from remote work on request.

The study did not identify the need for new legal provisions aimed solely at overcoming the psycho social factors specific to remote work in emergency situations, such as the COVID-19 pandemic, natural or man-made disasters, industrial accidents and others.