

**General Agreement between the Government of the Kyrgyz Republic,
The Trade Union Federation of Kyrgyzstan and
The Republican Associations of Employers
for 2009-2011**

The Government of the Kyrgyz Republic (hereinafter “the Government”), the Trade Union Federation of Kyrgyzstan (hereinafter “the Trade Unions”) and the Republic Association of Employers (hereinafter the Employers) elsewhere referred to as the Parties, in accordance with the Labour Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic On Social Partnership in the Field of Labour Relations in the Kyrgyz Republic, guided by the principles of equality and mutual respect and responsibility for fulfilling the obligations assumed, and by the main provisions of the National Development Strategy (NDS) for 2009-2011 and the Country Decent Work Programme of the Kyrgyz Republic for 2009 have concluded this General Agreement for 2009-2011.

Main Areas of Cooperation Between the Parties

I. In the economic sphere the Parties have agreed:

1. In accordance with the National Development Strategy for 2009-2011 to ensure the implementation of:

1.1. Strategies and programmes of the development of priority economic sectors, including:

- agriculture and the processing sector;
- mining, metallurgical, gold mining and coal industries;
- the light industry;
- the trade and services sphere.

1.2. Programmes of accelerated development of remote regions and small towns.

1.3. Programme of measures to reduce the share of the informal economy

Parties

2. To create favourable conditions for the improvement and development of business.

Government

3. To use the institutional mechanisms of tripartite cooperation with the participation of the civil society to improve the system of regulation of prices and tariffs for electricity and heat, natural gas and fuel as well as services rendered by business entities included in the roster of natural and allowed monopolies in the fuel and energy sector.

Government

4. In discussing the draft republican budget of the Kyrgyz Republic to achieve annual growth of spending and allocations on the social sphere compared with other areas.

Parties

5. To make domestic goods more competitive:

- conduct systematic work to upgrade the quality of domestic goods and services and promote the export thereof;
- to initiate reduction or lifting of import customs duties on raw and other materials used in production and excise on fuel and lubricants;
- form “quality circles” at all enterprises.

Employers

Trade Unions

6. Introduce international standards of certification of domestic producers and voluntary certification of quality, human resources and services by Employers’ Associations

Employers

II. In the field of remuneration and social security:

1. To incrementally increase the minimal wage to bring it in line with the cost of living.
Government
2. To fix and include in sectoral agreements the size of the minimum wage in the corresponding sector.
Employers
Trade Unions
3. To take measures to redeem and prevent arrears on wages and leave pay to employees.
Parties
4. To initiate the ratification of the Convention of the International Labour Organization (ILO) On Social Security Minimum Standards (No.102) of 1952.
Government
5. To annually increase the size of the basic pension by 12% of the average wage in the Republic in the previous year.
Government
6. To annually increase pensions by no less than the inflation level in the previous year.
Government
7. To introduce the provisions of the ILO Job Creation in Small and Medium-Sized Enterprises Recommendation No. 189.
Parties

III. In the field of the labour market and employment the Parties undertake to:

1. Ensure the fulfillment of the guidelines of the programme of the National Employment Policy of the Kyrgyz Republic until 2010.
Government
Employers
2. In developing sectoral tariff and territorial agreements and collective contracts to include measures to guarantee job preservation, occupational training and retraining of employees.
Employers
Trade Unions
3. To expand the practice of awarding state orders to the enterprises of the Central Board of the Kyrgyz Society of the Blind and Deaf for goods for the needs of the military, security, education ministries, etc.
Government
4. To ensure monitoring of compliance with the fixed quota of bringing in and use of foreign labour in the Kyrgyz Republic.
Parties
5. To seek to improve the mechanism of temporary employment of young people including the small and medium-sized enterprises.
Parties
6. To enhance the effectiveness of existing and to create new jobs.
Employers
7. To promote through the mass media the trades and specialities in which not enough people are trained considering the demands of the labour market.
Employers
Trade Unions
8. To take measures towards closer interaction and cooperation between higher education institutions, vocational training institutions and employers in organizing on-the-job training, employment of graduates promoted by employers, provision of young specialists after training with jobs in a specified enterprise and a specified speciality.
Parties
9. Provide the authorized agency with information on vacancies.
Employers

10. To create and develop a system of training of workers in production, to revive the system of “mentorship” in organizations and enterprises for the purpose of sharing experience with young employees.

Employers

11. To upgrade the standard of professional training to create enlarged commissions including at least half of the employers and employees to take part in the certification of personnel.

Employers
Trade Unions

12. To develop and submit proposals on creating specialized training centres and conduct occupational guidance based on the results of the forecast of the economic development of regions.

Employers

13. To introduce and practice the module training system “Start Your Own Business”, “Improve Your Business”, “Learn About Business” and similar programmes.

Employers

14. In the system of vocational technical education provide optional classes on the topic “Productivity and Competitiveness of Employers in the Kyrgyz Republic”. Hold a conference for Partners, the chairpersons of parliamentary commissions on the topic: “The Realities and Mechanisms of Enhancing Productivity and Competitiveness of Employers: Towards Decent Work in the Kyrgyz Republic” ahead of October 16, 2009, International Employers Day.

Employers

15. To train and retrain manpower taking into account the demands of the labour market with active participation of the employers.

Government
Employers

16. To seek to create jobs for socially vulnerable strata and special jobs for invalids.

Employers

17. In rural areas to step up work to create jobs by developing processing industries, the services, small and medium entrepreneurship, consumer cooperatives and cottage industries.

Employers
Trade Unions

IV. In the social sphere and the provision of proper living conditions for the population the Parties undertake:

1. To improve conditions in sanatoria, holiday homes, children’s health camps for those in need of treatment and rest at their own cost and by attracting investments.

Employers
Trade Unions

2. To ensure timely and complete annual allocation of resources from the Republican budget for treatment of workers and members of their families at trade union sanatoria and of children at children’s health centres.

Government
Employers

3. To ensure flexible work hours, especially for employees with small children.

Employers
Trade Unions

4. To provide free consultations and legal assistance to employees at enterprises and organizations in all the regions of the Republic.

Trade Unions

5. To expand the practice of including in agreements and collective contracts a commitment of the Parties to allocate resources for mass cultural and sporting activities to the tune of at least 0.15% of the wage fund.

Employers

6. To initiate the ratification of the ILO Maternity Protection Convention No. 183 of 2000.

Trade Unions

Government

7. To envisage the possibility of personnel development, corporate crediting, mobile phone payment, voluntary medical insurance, transport fares and meals, a programme of additional private pension insurance, sanatoria and health centres, organization of summer holidays for the children of workers and corporate holidays.

Employers

V. In the field of occupational and environmental safety and protection of labour rights the Parties undertake:

1. To ensure the implementation of the Programme to improve occupational safety and health in agriculture for 2009 approved by Decree of the Government of the Kyrgyz Republic No. 61 of February 20, 2007 On the Programme to Improve Occupational Safety and Health in Agriculture for 2007-2009.

Parties

2. To develop sectoral and intersectoral regulatory documents and model instructions on occupational safety and health, certificates and use the same as the basis for introducing the modular training principle.

Parties

3. The republican Tripartite Commission, at its annual meetings on the regulation of social and labour relations, to consider the state of occupational safety and health, the rate of occupational injuries and diseases and take the relevant measures to improve the situation in these departments.

Parties

4. To contribute to the creation of OSH services at all the enterprises and organizations pursuant to the law of Kyrgyz Republic On Labour Safety and the Statute on the OSH Service and Organization.

Employers

Trade Unions

5. To secure the implementation of the National Programme of Actions of the Social Partners in eliminating the work of minors.

Parties

6. Provide free consultations and legal assistance to employees who have sustained occupational injuries or contracted occupational diseases and their families in timely and complete compensation by the employer of the harm caused to the worker by an injury or other impairment of health during the performance of his duties as well as lump sum benefit in accordance with the Kyrgyz Republic.

Government

Trade Unions

7. To contribute to preventing the spread of the HIV/AIDS epidemic, socially significant and dangerous infectious diseases, to ensure a favourable and safe working environment and labour hygiene. To conduct educational work in labour collectives and among the population on prevention of HIV/AIDS, socially significant and dangerous infectious diseases. To provide social guarantees and protection for people with HIV and AIDS and render effective assistance in overcoming the consequences of the disease.

Parties

8. To ensure prior claim to a job in the event of redundancy for workers approaching retirement age, single mothers and other socially vulnerable categories.

Employers

Trade Unions

9. Make a short-term forecast of the development of pilot regions under the Local Economic Development Programme and sign agreements with the local government bodies on further development of the region.

Employers

VI. In the field of constructive interaction and development of social partnership the Parties undertake:

1. To cause the conclusion of sectoral and regional tariff agreements at all levels and collective contracts at enterprises and organizations of all forms of ownership as well as at enterprises with foreign capital, access to information for collective bargaining.

Employers
Trade Unions

2. To cause the fulfillment of the Working Plan of Measures to Implement the Country Programme of the Kyrgyz Republic on Decent Work for 2009.

Parties

3. To conduct preliminary consultations with the social partners on draft laws and other regulatory legal acts on social and labour relations prior to submitting them to the Parliament of the Kyrgyz Republic and the Government of the Kyrgyz Republic.

Government

4. At the initiative of one of the Parties employers and trade unions organize discussions at roundtables, meetings of working groups and conferences on analysis, forecasting, social and economic studies, propose variants of solutions to the Parliament and Government of the Kyrgyz Republic.

Employers
Trade Unions

5. To contribute to the formation of tripartite (bipartite) commissions on the regulation of social-labour relations from the regional to the primary level.

Employers
Trade Unions

6. To ensure complete preparation of reports on compliance with ILO conventions in accordance with the reporting schedule.

Parties

7. Contribute to the creation of sectoral and regional associations of employers to protect the rights of employers, promote the social dialogue and conduct collective bargaining to conclude contracts of corresponding levels.

Employers
Trade Unions

8. To ensure media coverage of the issues of social partnership, progress in the implementation of the General Agreement, regional and sectoral agreements, collective contracts as well as measures being taken to prevent and resolve social and labour disputes.

Parties

9. To assist workers' representatives of all levels in collective bargaining, the drafting and signing of sectoral and regional agreements and collective contracts.

Trade Unions

10. During the effective term of the General Agreement organize the holding of national and regional seminars, conferences and roundtables on social partnership issues.

Employers
Trade Unions

11. The Republican Tripartite Commission to hear reports on the development and regulation of social and labour relations by the heads of executive bodies and local governments, associations of trade unions and employers on the social partnership work.

Parties

12. To contribute to more active work of the employers' associations down to the primary level (*ayil*, city).

Employers

13. To cause the introduction of monitoring of compliance with the republican, regional and sectoral contracts concluded.

Trade Unions

VII. Effect of the General Agreement, monitoring of compliance therewith and responsibilities of the Parties:

1. The Parties recognize this General Agreement as the main document of social partnership that establishes the guidelines and the necessary actions to implement the social and economic policy in the Kyrgyz Republic in 2009-2011 and commit themselves to following the General Agreement and complying with all its terms.

2. During the effective period of this General Agreement amendments and additions to it may only be introduced by the Parties following their examination by the Republican Tripartite Commission for the settlement of social and labour and related economic relations and after corresponding protocols are executed which come into force on the day of their signing.

3. Each of the Parties, within a month after the signing of this General Agreement, shall develop and submit for approval of the RTC a plan of measures to implement the assumed obligations and, once in every six months, report to the Republican Tripartite Commission on progress in fulfilling its measures.

4. The decisions (recommendations) of the Republican Tripartite Commission constitute a form of the implementation of this General Agreement.

5. Compliance with the General Agreement shall be monitored in accordance with the law of the Kyrgyz Republic On Social Partnership in the Field of Labour Relations in the Kyrgyz Republic and the Statute on the Republican Tripartite Commission.

6. After the signing of the General Agreement the Parties shall within a week cause its publication in the mass media.

7. This General Agreement shall come into force from the time of its signing and shall remain in effect until a new one is signed.

8. This General Agreement is open for signing by other republican employers' associations.

Done in the city of Bishkek «_____» _____ 200 in three authentic copies in Kyrgyz and Russian languages. Each signatory has one copy of this General Agreement.

This General Agreement has been signed by:

For the Government of the Kyrgyz Republic

Deputy Prime Minister of the Kyrgyz Republic, U.Abdullayeva

For the Trade Union Federation of Kyrgyzstan

Chairman of the Trade Union Federation of Kyrgyzstan, B. Imanaliyev

For the Employers' Association

President of the National Employers' Confederation of the Kyrgyz Republic, E.Salymbekov.

President of the National Association of Goods Providers of Kyrgyzstan K. Alymkulov

President of the Board of the GDK, M.Rumyantseva

Managing Director of the Association of Education Institutions "Education Network"

N.Bragina