



International
Labour
Office



OCCUPATIONAL SAFETY AND HEALTH IN THE REPUBLIC OF KAZAKHSTAN

NATIONAL PROFILE





International
Labour
Organization

OCCUPATIONAL SAFETY AND HEALTH IN THE REPUBLIC OF KAZAKHSTAN

NATIONAL PROFILE

ILO MOSCOW SUBREGIONAL OFFICE

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REPUBLIC OF KAZAKHSTAN: NATIONAL OSH PROFILE

Introduction to the National Profile

Kazakhstan straddles the boundary between two continents, Europe and Asia. With an area of 2,717,300 square kilometers (1,048,300 square miles), it is the ninth largest country in the world. The population of the Republic of Kazakhstan at the beginning of 2007 was 15.4 million.

For the purpose of government administration the Republic of Kazakhstan is divided into oblasts, regions, cities, city districts, aul okrugs, villages, and auls.

In recent years Kazakhstan has experienced economic growth and an industrial upsurge. Economic growth and an increase of commerce have greatly improved the budget situation, including the local budgets.

The favourable budget and economic situation has made it possible to incur in a timely manner all the social expenditure, to create new jobs, increase the financial resources in the government and private sectors, launch the work to develop cities and repair roads, the production and social infrastructure.

The main principles of independence and of Kazakhstan's political system were proclaimed in the first Constitution passed in 1993 and sealed in the new Constitution approved in the nation-wide referendum in August 1995. The bedrock principles of the Kazakhstan state are social harmony and political stability, economic development for the benefit of the whole people, patriotism, the solution of key national issues by democratic methods including votes in the republican referendum or in parliament. The Republic of Kazakhstan is a unitary state with the presidential form of government.

Kazakhstan has reached a new stage of development and awareness of its place and role in the modern world. The main measures to switch the country to the new market system have been implemented. Kazakhstan today can be said to be more competitive and promising as an independent economic power.

In accordance with the Development Strategy Kazakhstan-2030 the health of the citizens of Kazakhstan is a long-term priority.

World experience shows that a key factor that influences public health is the government's measures to prevent diseases, including occupational diseases.

Concrete statistics will be found in Supplement 12, Sections A and B.

1. REGULATORY BASE OF THE OSH SYSTEM

1.1. Constitution of the Republic of Kazakhstan

The main law of the Republic of Kazakhstan is the Constitution of the Republic of Kazakhstan (adopted by the nationwide referendum on August 30, 1995).

The Main Law seals every citizen's rights and obligations.

Under Section 2 of Article 24 of the Constitution "everyone has the right to labour conditions that meet the requirements of safety and hygiene, to remuneration for work without any discrimination and to social security against unemployment".

1.2. Main OSH Laws

The main law of the Republic of Kazakhstan that provides the legal framework in the field of OSH is the Labour Code of the Republic of Kazakhstan (Astana, Akorda, May 15, 2007, No. 251-III), hereinafter LC RK, which came into force on June 1, 2007.

Its introduction superseded the laws of the RK on labour in the Republic of Kazakhstan, on collective agreements, on social partnership in the Republic of Kazakhstan and on occupational safety.

The LC RK, because it incorporates the provisions of the laws that have lost their force and effect, has a bigger volume, containing 40 chapters and 341 articles (the old Labour Law had 12 chapters consisting of 109 articles) and contains many novel features, in particular, those that are clearly regulated by specific chapters and articles:

- ◆ the principles of labour legislation;
- ◆ the competences of all the government bodies in the field of labour relations;

- ◆ grounds on which labour relations arise;
- ◆ the main rights and obligations of the employee and the employer;
- ◆ procedure of concluding and terminating the employment contract (previously called individual employment contract);
- ◆ protection of the personal data of the employee;
- ◆ working hours and production rates;
- ◆ remuneration;
- ◆ professional training, retraining and upgrading of qualifications;
- ◆ guarantees and compensation payments;
- ◆ dealing with individual labour disputes;
- ◆ regulations on the work of women and other persons who have family responsibilities;
- ◆ regulations on the work of employees who work part-time, who work from home, invalids and civil servants;
- ◆ regulations on the work of employees in small enterprises (with an average annual number of workers not exceeding 25), CEOs and members of collective executive bodies of legal entities as well as some other categories of workers;
- ◆ social partnership and collective relations in the labour sphere;
- ◆ procedure of resolving individual and collective labour disputes;
- ◆ occupational safety and health matters;
- ◆ investigation and registration of occupational accidents and other work-related impairment of the health of employees;
- ◆ government and public monitoring of compliance with labour legislation;
- ◆ internal monitoring of OSH.

The main principles of the labour legislation of the Republic of Kazakhstan are:

- ◆ no restrictions on the rights of man and citizen in the labour sphere;
- ◆ freedom of labour;
- ◆ a ban on discrimination, forced labour and the worst forms of child labour;
- ◆ the right to labour conditions that meet OSH requirements;
- ◆ priority of the life and health of the employee over the results of production activities;
- ◆ the right to fair remuneration for work not below the minimum wage;
- ◆ the right to rest;

- ◆ equal rights and opportunities of the employees;
- ◆ the right of employees and employers to form associations to protect their rights and interests;
- ◆ social partnership;
- ◆ state regulation of occupational safety issues;
- ◆ the right of representatives of the employees to conduct public monitoring of compliance with the labour legislation in the Republic of Kazakhstan.

It is notable that along with the universal principles of labour legislation they also include the priority of the life and health of the worker over the results of production activities. The LC RK, unlike the earlier Law on Labour, regulates not only labour and labour-related relations but also the relations of social partnership and relations in the field of occupational safety.

The LC RK clearly delimits the powers in the regulation of labour relations between the government, the authorized government agency for labour (the Ministry of Labour and Social Security) and its territorial divisions as well as the local executive bodies.

Article 26 of the LC RK bans the signing of employment contracts for jobs that are counterindicated for the person concerned for health reasons on the basis of a medical examination.

The individual employment contract must accurately describe the workplace, including hazardous and harmful production factors, benefits and compensations for work in such an environment stipulated under the laws of the Republic of Kazakhstan on occupational safety and the collective agreement.

When hiring an employee for a hazardous or harmful job the employer is obliged to warn the employee about the possibility of an occupational disease, and under Article 315 of the LC RK employees are to have mandatory periodical medical examinations and a medical certification before every work shift as well as medical certification when being transferred to another job due to production requirements or when showing symptoms of an occupational disease.

Persons under 18 can only be employed after a mandatory medical examination and subsequently are to pass mandatory medical examination annually until they reach the age of 18.

The employer, must organize, at his own cost, periodic medical checks and examinations of the employees engaged in work with harmful or difficult labour conditions under the procedure stipulated by the laws of the Republic of Kazakhstan. Workers engaged in hazardous jobs and dealing with potentially dangerous equipment must have a medical check before every shift. The list of occupations that require a medical check before every work shift is determined by the authorized public health body. Employees who avoid medical checks and examinations are not allowed to perform their duties.

A special Section 5 of the LC RK consisting of five chapters (Articles 306-327) regulates the issues of occupational safety and health, including investigation of work-related accidents. In particular, Article 310 of that section stipulates that employment contracts with workers engaged in heavy manual labour or exposed to harmful (very harmful) and (or) dangerous labour conditions as well as working underground can only be signed after the employee passes a preliminary medical examination to be satisfied that there are no health counterindications established by special regulatory acts. Under the LC RK all these occupational safety and health measures are to be financed by the employer who may use, for this purpose, not only his own resources, but any other sources not banned under the laws of the RK. Employees do not incur any expenditure for these purposes.

Under the LC RK compliance with labour legislation and occupational safety requirements is monitored by State Labour Inspectors, public occupational safety inspectors elected by the trade union committee or a general meeting (conference) of employees, and internal OSH services created at production facilities that employ more than 50 workers which enjoy broad rights for these purposes.

Simultaneously with the adoption of the LC RK the Law of the Republic of Kazakhstan of May 15, 2007 No. 253-III was adopted and came into force on June 1, 2007. It is the law On Introducing Amendments and Additions to some legislative acts of the Republic of Kazakhstan on Labour Regulation which introduces corrections and additions to Article 87 of the Code of the Republic of Kazakhstan on Administrative Offenses which envisages administrative liability of the employer and relevant officials.

For the purpose of regulating social relations arising in the field of mandatory insurance of the civil-legal responsibility of the employer for causing damage to the life and health of the employee during the performance of his duty and es-

establishing legal, economic and organizational principles of insurance, the law of the Republic of Kazakhstan On Mandatory Insurance of the Civil-Legal Liability of the Employer for Causing Harm to the Life and Health of the Employee When Performing His Duties and a number of supportive regulatory acts were passed in February 2005.

Legislative principles on the protection of the health of the able-bodied population and occupational safety are sealed in:

- ◆ the Law of the Republic of Kazakhstan of June 4, 2003, No. 430-II On the Public Health System (with amendments and additions made on July 27, 2007);
- ◆ the Law of the Republic of Kazakhstan of December 4, 2002, No.361-II On Sanitary-Epidemiological Safety of the Population.

The Law of the Republic of Kazakhstan on the public health system regulates social relations in the sphere of public health and lays down the legal, organizational, economic and social principles of the public health system in the Republic of Kazakhstan to ensure the constitutional rights of citizens to the protection of their health and guarantee compliance therewith.

The main principles of the government's public health policy:

- ◆ regarding public health as a factor of national security;
- ◆ citizens' rights in the field of public health supported by state guarantees;
- ◆ accessibility of medical assistance to everyone irrespective of social and financial position;
- ◆ sanitary and epidemiological safety of the population;
- ◆ state regulation and life-long state monitoring of the health of citizens;
- ◆ social justice and equality of citizens in accessing medical assistance;
- ◆ responsiveness of the public health system to the health needs of citizens;
- ◆ responsibility of government bodies for creating conditions that ensure the health of citizens.

The state guarantees to the citizens of the Republic of Kazakhstan:

- ◆ a guaranteed volume of free medical assistance;
- ◆ equal access to primary medical-sanitary aid;
- ◆ access to paid medical assistance by government and private medical organizations as well as by natural persons engaged in private medical practice;
- ◆ sanitary-epidemiological safety;

- ◆ provision of medicines, medical and sanitary-hygienic supplies;
- ◆ the quality, content and amount of medical assistance rendered free and (or) for a fee according to uniform medical standards;
- ◆ the right to free entrepreneurial activities in delivering medical help, production and sale of pharmaceuticals.

The law of the Republic of Kazakhstan on Sanitary-Epidemiological Safety is based on the following principles:

- ◆ exercise of the right of citizens to the protection of their health, a favourable environment and sanitary-epidemiological safety ensured through a complex of organizational, economic, legal and educational measures;
- ◆ activities to prevent adverse environmental factors from affecting people's health;
- ◆ mandatory compensation of damage to health caused by enterprises, institutions, organizations and citizens as a result of failure to comply with sanitary rules and norms and hygienic standards;
- ◆ free access to information on the sanitary-epidemiological safety of the population.

The State Sanitary-Epidemiological Service of the Republic of Kazakhstan is an integrated centralized system of bodies and institutions with a chain of command headed by the Chief Sanitary Officer of the Republic of Kazakhstan.

The State Sanitary-Epidemiological Service monitors the sanitary-epidemiological situation and compliance by enterprises, institutions, organizations, officials and citizens with sanitary rules and norms, hygienic standards, sanitary legislation, warns, reveals and takes measures to eliminate unfavourable factors that impact the sanitary-epidemiological situation and public health.

The State Sanitary-Epidemiological Service:

- ◆ is the state sanitary-epidemiological supervisory body;
- ◆ raises the issues of sanitary-epidemiological safety with government bodies;
- ◆ takes part in developing national programs of sanitary-epidemiological safety;
- ◆ approves the sanitary rules and norms and hygienic standards;
- ◆ monitors, registers and records sanitary-epidemiological statistics;
- ◆ conducts measures of hygienic awareness and promotes the healthy way of life;

- ◆ organizes sanitary-epidemiological assessments;
- ◆ coordinates the norms for designing, state standards, supervisory methods, curricula, work and study load, the regime of studies and conditions of children in preschool and teenage institutions, secondary schools, higher and secondary educational establishments;
- ◆ coordinates research activities of the hygienic and epidemiological institutes;
- ◆ interacts with other government supervisory bodies to ensure sanitary-epidemiological safety of the population.

The legal relations in ensuring safe exploitation of hazardous production facilities and prevention of accidents in hazardous production facilities, the capacity of organizations to localize and liquidate the consequences thereof, guarantee compensation of damage caused by accidents to physical and legal persons, the environment and the state and legal regulation in the field of fire safety are ensured by:

- ◆ the Law of the Republic of Kazakhstan of April 3, 2002 No. 314 On Occupational Safety in Hazardous Production Facilities;
- ◆ the Law of the Republic of Kazakhstan of November 22, 1996 No. 48 On Fire Safety;
- ◆ the Law of the Republic of Kazakhstan of July 5, 1996 No. 19 On Natural and Technogenic Emergency Situations;
- ◆ the Law of the Republic of Kazakhstan of November 9, 2004 No. 603 On Technical Regulation.

Laws on social protection of citizens include:

- ◆ the Law of the Republic of Kazakhstan of July 13, 1999, No. 414-I On Special State Allowance to People Who Have Worked Underground and in Opencast Mining, Jobs with Hazardous and very Hard Labour Conditions (with amendments and additions introduced on December 15, 2005);
- ◆ the Law of the Republic of Kazakhstan of June 16, 1997, No. 126-I On State Social Allowance for Invalids, in the Event of Loss of Breadwinner and On Grounds of Age in the Republic of Kazakhstan (with amendments and additions as of December 15, 2005).

1.3. Main Supporting Legal Acts on Occupational Safety

Pursuant to the LC RK, the Government and the Ministry of Labour and Social Security of the Republic of Kazakhstan have introduced the following intersectoral supporting regulatory acts in the field of OSH valid throughout the territory of the Republic of Kazakhstan:

- ◆ Rules for the adoption of regulatory legal acts in the field of OSH by corresponding authorized bodies. Decree of the Government of the Republic of Kazakhstan of August 21, 2007 No. 721;
- ◆ Rules of submitting information and keeping government OSH statistics. Decree of the Government of the Republic of Kazakhstan of August 21, 2007, No. 720.
- ◆ Rules of organizing and conducting government oversight in the field of OSH. Decree of the Government of the Republic of Kazakhstan of September 27, 2007, No. 851;
- ◆ On approving the list of medical psychiatric counterindications for specified types of professional activities as well as hazardous jobs. Decree of the Government of the Republic of Kazakhstan of June 18, 2002, No.668;
- ◆ List of organizations and facilities which must have a fire service on a mandatory basis. Decree of the Government of the Republic of Kazakhstan of February 27, 2004, No. 239;
- ◆ List No. 1 of operations, works, occupations, positions and indicators in underground and opencast mining, in hazardous and very hard labour conditions. Decree of the Government of the Republic of Kazakhstan of December 19, 1999, No. 1930;
- ◆ Rules of the conduct of obligatory periodic attestation of production facilities in terms of labour conditions. Executive order of the Ministry of Labour and Social Security of the Republic of Kazakhstan of August 23, 2007, No.203-p;
- ◆ Instructions on the application of the List of Production Facilities, Workshops, Occupations and Positions with Harmful (Very Harmful) and (or) Hard (Very Hard) Hazardous (Very Hazardous) Labour Conditions in jobs that entitle the holder to short hours and an additional annual paid leave.

Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 182-p.

- ◆ List of production facilities, workshops, occupations and positions with harmful (very harmful) and (or) hard (very hard), hazardous (very hazardous) labour conditions in job whose holders are entitled to shorter hours and an additional annual paid leave. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No.1820-p;
- ◆ Rules and norms of the issue of milk and preventative nutrition to workers at the employer's expense. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007;
- ◆ List of jobs in which the application of the labour of workers under the age of 18 is prohibited, the maximum loads that are allowed to be lifted and moved by workers under 18. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No.185-p;
- ◆ List of jobs in which women's labour is prohibited, maximum allowable weights that can be manually lifted and moved by women. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 186-p.
- ◆ Rules for providing workers with work clothes, special footwear and other individual and group protection means, sanitary and service premises and devices at the employer's expense. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 184-p;
- ◆ Rules of training, instruction and testing of the workers' knowledge of OSH matters. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of August 23, 2007, No. 205-p;
- ◆ Model regulations on the security and OSH service within an organization. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of August 22, 2007, No. 200-p;
- ◆ The form of statistical reports on occupational accidents. Executive order of the Chairman of the Statistical Agency of the Republic of Kazakhstan of December 6, 2001, No. 60-c;

- ◆ Rules for developing and approving OSH instructions by the employer. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 16, 2007, No. 157-p;
- ◆ Instructions on maintaining the list of specialized organizations. Executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan of March 4, 2005, No. 61-p;

Supporting OSH-related regulatory legal acts:

- ◆ on the procedure of mandatory preliminary and periodic medical examination of workers exposed to harmful, hazardous and unfavourable production factors and confirmation of occupational fitness. Executive order of the Public Health Committee of the Ministry of Public Health, Education and Sport of the Republic of Kazakhstan of May 24, 1999, No. 278;
- ◆ on approving the list of harmful production factors and occupations for which preliminary and periodic medical examinations are obligatory and instructions on the application and preliminary and periodic mandatory medical examination of workers exposed to harmful, hazardous and unfavourable production factors. Executive order of the Minister of Health of the Republic of Kazakhstan of March 12, 2004, No. 243;
- ◆ list of occupations that require medical examination before every work shift. Approved by Executive order of the Minister of Health of the Republic of Kazakhstan of February 11, 2005, No. 48;
- ◆ rules of registration and investigation of occupational diseases and poisonings, records and reporting thereof. Executive order of the Minister of Health of the Republic of Kazakhstan of June 23, 2005, No. 294.

In addition, sectoral standards, norms, rules and regulations on OSH are developed and approved under established procedure by the relevant government bodies and agencies and organizations (more than 800).

1.4. Ratified conventions of the ILO and other international OSH-related treaties

The Republic of Kazakhstan has ratified the following OSH-related conventions of the International Labour Organization.

- ◆ ILO Convention of December 18, 1989 On Elimination of All Forms of Discrimination Against Women;
- ◆ ILO Convention No. 135 Concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (Geneva, June 23, 1971);
- ◆ ILO Convention No. 129 On Labour Inspection in Agriculture (Geneva, June 25, 1969);
- ◆ ILO Convention No. 155 On Occupational Safety and Health and the Working Environment (Geneva, June 3, 1981);
- ◆ ILO Convention No. 144 On Tripartite Consultation to Promote the Implementation of International Labour Standards (Geneva, June 2, 1976);
- ◆ ILO Convention No. 182 On the Prohibition and Immediate Measures to Eliminate the Worst Forms of Child Labour (Geneva, June 17, 1999);
- ◆ ILO Convention No. 148 Concerning the Protection of Workers Against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration (Geneva, June 20, 1977);
- ◆ ILO Convention No. 105 On the Abolition of Forced Labour (Geneva, June 25, 1957);
- ◆ ILO Convention No. 29 On Forced Labour (Geneva, June 28, 1930);
- ◆ ILO Convention No. 122 On Employment Policy (Geneva, June 17, 1964);
- ◆ ILO Convention No. 88 On Organization of the Employment Service (San Francisco, June 17, 1948);
- ◆ ILO Convention No. 81 On Labour Inspection (Industry and Commerce) (Geneva, June 19-July 11, 1947);
- ◆ ILO Convention No. 98 On the Application of the Principles of the Right to Organize and to Bargain Collectively (Geneva, June 8, 1949);
- ◆ ILO Convention No. 138 On the Minimum Age for Admission to Employment (Geneva, June 6, 1973);

- ◆ ILO Convention No. 167 On Safety and Health in Construction (Geneva, June 20, 1988);

The Decree of the President of the Republic of Kazakhstan of September 4, 1995, No. 2451 ratified the agreement on cooperation in the field of OSH between the governments of the Azerbaijan Republic, the Republic of Armenia, the Republic of Belarus, the Republic of Georgia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Turkmenistan, the Republic of Uzbekistan and Ukraine signed in Moscow on December 9, 1994.

Under the above agreement the Parties, while being fully independent in the shaping and implementation of national OSH policies:

- ◆ deem it practicable to pursue a coordinated OSH policy with due account of universally accepted international norms and standards;
- ◆ recognize OSH standards, the uniform OSH norms and regulations as interstate norms and regulations in accordance with the agreed list subject to be reviewed as the need arises in line with the national legislations of the parties and the results of joint work aimed at improving OSH systems;
- ◆ to approve agreed or jointly developed OSH rules applicable to machines, mechanisms, equipment, materials, technologies and occupational safety means traded in between the Parties;
- ◆ to apply uniform terms and definitions in the field of OSH;
- ◆ to create a joint information system with a data bank on OSH and organize publications on the issue.

The Parties conduct coordinated activities in the field of OSH in the following areas:

- ◆ establishing occupational safety requirements to machines, mechanisms and other production goods, new substances, materials, technologies and facilities being designed;
- ◆ creating more effective means of individual and group protection, modern materials for the manufacture thereof, and mandatory certification of equipment and means of protection;
- ◆ development and implementation of interstate programmes and technical projects, joint conduct of critical research work; development of a system

of indicators and state reporting in the field of OSH on a coordinated methodological basis;

- ◆ training and upgrading of skills;
- ◆ improving the procedure of investigation and registration of occupational accidents as well as compensation of damage caused to workers by occupational accidents and diseases or other work-related impairment of health;
- ◆ participation in investigating occupational accidents and diseases involving the citizens of the states-signatories to this Agreement while working (on a business trip) in other states-signatories to this Agreement;
- ◆ exchange of information, the holding of interstate exhibitions, symposia, scientific and practical conferences, seminars and meetings on problems of mutual interest;
- ◆ contributing to regular contacts and consultations among the bodies of state management of OSH and monitoring in the field as well as between corresponding research organizations.

The Decree of the President of the Republic of Kazakhstan of May 25, 1995, No. 2303 ratified the Agreement on mutual recognition of the rights to compensation of damage caused by an occupational accident or disease or other work-related impairment of health among the governments of the Azerbaijan Republic, the Republic of Armenia, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Turkmenistan, the Republic of Uzbekistan and Ukraine signed in Moscow on September 9, 1994.

Under the Agreement damage caused to a worker in an occupational accident or other impairment of health (including disability as a result of an occupational accident after the victim has moved to the territory of another Party (or death) is to be compensated by the employer of the Party under whose jurisdiction the worker was at the moment of the accident, impairment of health or death.

The employer responsible for causing harm provides compensation in accordance with his national legislation.

1.5. Other OSH-Related Laws and Supporting Legislation

Hygienic norms apply nationwide. The sanitary-hygienic rules and norms are divided into republican, regional and local. The sanitary rules and norms and hygienic standards are developed by research institutes, sanitary-epidemiological stations and other specialized institutions.

Republican and regional sanitary rules and norms and hygienic standards are approved by the Chief Sanitary Officer of the Republic of Kazakhstan.

Sanitary rules and norms and hygienic standards are periodically reviewed as new scientific and practical data become available.

The tasks of sanitary-hygienic norm-setting are:

- ◆ to develop criteria of assessing the environmental factors impacting public health;
- ◆ to determine optimal or maximum allowable values, levels and concentrations of the whole combination of or individual chemical, biological, physical and radiation factors on the human organism.

The above regulatory legal acts have been approved by executive orders of the Minister of Health of the Republic of Kazakhstan.

2. REGULATORY-TECHNICAL DOCUMENTATION: STANDARDS, NORMS AND RULES

2.1. Technical Standards, Norms and Rules

The following normative and technical documents are applied in the Republic of Kazakhstan.

- ◆ Hygienic Norms (GN);
- ◆ State Classificators (GK RK);
- ◆ State Standard of the Republic of Kazakhstan (ST RK);
- ◆ Interstate Standard. System of Occupational Safety and Health Standards (GOST SSBT);
- ◆ ISO, OHSAS Standard;
- ◆ Sectoral Standard (OST);
- ◆ Safety Rules (PB);
- ◆ Fire Safety Rules and Norms (PPB, GNPB, PPBS);
- ◆ Occupational Safety Rules (POT);
- ◆ Rules of the Republic of Kazakhstan (PR RK);
- ◆ Republican Regulatory Document (RND);
- ◆ The Governing Document (RD).

Sectoral standards, norms, rules and normative-technical documentation on OSH are developed and approved under established procedure by the relevant state bodies and agencies within their scope of authority:

- ◆ the Ministry of Health (Sannadzor);
- ◆ the Ministry of Industry and Commerce (Standardization and Certification Committee);
- ◆ the Ministry for Emergency Situations (Gosgortekhnadzor and Fire Safety);
- ◆ the Ministry of Energy and Natural Resources (Energonadzor); and
- ◆ Other sectoral ministries and agencies.

The state standards that set requirements to the protection and safety of the products, equipment, production processes and occupational safety of the workers are developed by the Standardization and Certification Committee of the Ministry of Industry and Trade.

The Ministry of Health of the Republic of Kazakhstan develops new hygienic and sanitary standards and rules, hygienic requirements to technological processes and production equipment.

The Ministry for Emergency Situations (Gosgortekhnadzor) approves the regulations and instructions on occupational safety. Examples are:

- ◆ Procedure of transporting hazardous cargoes;
- ◆ Procedure of safe exploitation of gas facilities;
- ◆ Design of hoisting cranes and safe operation thereof;
- ◆ Instructions on occupational safety, fire safety and occupational health in a production entity.

In some cases sectoral regulations, instructions and rules on occupational safety and health are approved by the corresponding sectoral body by agreement with the Ministry of Labour and Social Security of the RK or the Ministry of Health of the RK.

The procedure of development is set by the Rules of adopting normative legal acts in the OSH field by corresponding authorized bodies approved by Decree of the Government of the Republic of Kazakhstan of August 21, 2007, No.721.

2.2. Normative Documents on OSH Management Systems

The Republic of Kazakhstan has adopted the following main normative documents regulating the use of OSH management systems at enterprise level.

ST RK 1348-2005. State Standard of the Republic of Kazakhstan. OSH management systems. Requirements. This standard is a modification of the OHSAS 18001: 1999 (Occupational Health and Safety Assessment Series. Requirements).

This standard has been developed with an eye to ensuring compatibility with ST RK ISO 9001-2001 Quality Management Systems. Requirements and ST RK GOST R 14001-2000 Environment Management Systems. Requirements and Application Instructions, which may contribute to voluntary integration of the quality, environmental protection and OSH management systems. These standards are based on the methodology known as PDCA: Plan-Do-Check-Act.

It has to be noted that creating a system to this standard is not obligatory and depends on the commitment of the organization to improving its OSH performance.

The OSH system that meets the requirements of this standard is intended to enable the organization to pursue its policy and goals in the field of OSH and its assessment by outside organizations and internally.

The development and introduction of the OSH management system depend on the nature of the organization's activities, its concrete tasks, the products and services provided as well as the technological processes, equipment, individual and group protection means and the practical experience in the field of OSH.

The successful functioning of the system depends on the commitments assumed at all levels of management by all the divisions of the organization, especially the management.

This standard contains requirements that lend themselves to objective verification for the purpose of self-assessment, declaration of compliance or certification.

2.3. Information Materials Based on Technical Standards and Practical Rules of the ILO

ST RK 12.0.001-2005. State Standard of the Republic of Kazakhstan. The system of occupational and health standard. General requirements to the system of OSH management.

This standard is a modification of the GOST RK 12.0.006-2002 SSBT. General requirements to OSH management in an organization and ILO-OSH 2001.

This standard sets the general requirements to the OSH management system within an organization. The requirements of this standard are applicable to any organization regardless of its legal form if it intends:

- ◆ to create an effective OSH management system adapted to international standards;
- ◆ to introduce, operate and progressively improve the OSH management system; and
- ◆ to review the effectiveness of the current OSH management system and its compliance with the declared OSH policy.

3. MECHANISMS OF SHAPING THE NATIONAL OSH POLICY

3.1. Guidelines of State OSH Policy

Pursuant to Article 4 of the Labour Code of the Republic of Kazakhstan state policy in the field of occupational safety and health is aimed at:

- ◆ developing and adopting regulatory legal acts of the Republic of Kazakhstan in the OSH field;
- ◆ developing national, sectoral and regional OSH programmes;
- ◆ creating and introducing systems of economic incentives to develop and improve labour conditions, to develop and introduce safe technologies, to produce occupational safety means, and means of individual and group protection of employees;
- ◆ monitoring of OSH;
- ◆ conducting research into OSH problems;
- ◆ establishing a uniform procedure of registration of occupational accidents and diseases;
- ◆ state supervision and monitoring of compliance with the laws of the Republic of Kazakhstan in the field of OSH;
- ◆ sealing in legal documents the procedure of independent monitoring of compliance with the rights and legitimate interests of employees in the field of OSH within an organization;
- ◆ protection of the legitimate interests of workers who became victims of occupational accidents and diseases and members of their families;
- ◆ introducing the payment terms for hard work or work in harmful (very harmful) and hazardous labour conditions that cannot be eliminated given the current technological level of production and labour organization;
- ◆ disseminating advanced domestic and foreign experience in improving OSH;
- ◆ training and upgrading the skills of OSH specialists;

- ◆ organizing state statistical reporting of occupational accidents and diseases;
- ◆ operating a single information system in the field of OSH; and
- ◆ international cooperation in the field of OSH.

OSH is managed and monitored by the Government of the Republic of Kazakhstan, the authorized government agency on labour and other authorized government bodies within their competence.

For the purpose of comprehensive assessment of labour conditions in the workplace, reducing the rate of occupational injuries and preventing occupational accidents the authorized labour agency and its territorial branches monitor and assess risks in the sphere of OSH.

3.2. Law-Making and Rule-Making Mechanisms

The features of the development and submission, adoption, registration, introduction, amendment, addition, termination or suspension and publication of laws and other regulatory legal acts are determined, in accordance with their level, by the laws that regulate the activities of government bodies that adopt normative legal acts, enactments that determine the legal status of these bodies, including the regulations on the same and their rules and other normative legal acts, by the Law of the Republic of Kazakhstan of March 24, 1998, No. 213-1 On Normative Legal Acts.

The procedure of adopting normative legal acts in the field of OSH by corresponding authorized bodies is determined by the rules of adopting normative legal acts in the field of OSH by the corresponding authorized bodies approved by the Decree of the Government of the Republic of Kazakhstan of August 21, 2007, No. 721.

The normative legal acts in the field of OSH must meet the following requirements:

- ◆ establish the priority of the life and health of the employees over the results of production activities;
- ◆ ensure the right of employees to labour conditions that meet OSH requirements;

- ◆ contain the rules, procedures and criteria aimed at securing the life and health of employees at work;
- ◆ establish uniform OSH requirements;
- ◆ distribute the rights and obligations among employees, officials and the CEO of an organization in accordance with the labour legislation of the Republic of Kazakhstan in the field of OSH;
- ◆ ensure coordinated actions in the field of OSH by authorized government labour agencies, representatives of the employers and employees; and
- ◆ correspond to the laws and other higher-level normative legal acts in the field of OSH, including the international treaties ratified by the Republic of Kazakhstan.

Draft normative legal acts in the field of OSH are prepared by corresponding authorized government agencies within their competence.

The corresponding authorized government agency that drafts a normative legal act in the field of OSH creates a working group for drafting or charges the task to one of its divisions which performs the functions of a working group.

The working group, depending on its purpose, may include representatives of government bodies, non-governmental groups and research institutions concerned.

A government body may outsource the preparation of the draft normative legal act to a subordinate government body or organization or commission its preparation on a contractual basis, including through a contest, to experts, research institutions, individual scientists or groups thereof.

The normative legal acts in the field of OSH are approved by corresponding authorized government agencies by agreement with the authorized government labour agency and other government bodies concerned.

Normative legal acts are developed and adopted with due account of the requirements of the Law of the Republic of Kazakhstan on Normative Legal Acts. Normative legal acts in the field of OSH are subject to state registration with the Justice Ministry of the Republic of Kazakhstan and come into force on the day of their official publication.

3.2.1. Mechanisms of Law Enforcement Regulation – Labour Inspection and Other Types of State Supervision and Monitoring

Within the Ministry the functions of state management and monitoring of compliance with the laws and other normative legal acts on OSH are performed by the State Labour Inspection Directorate (a staff of 13).

The number of state inspectors in the Republic of Kazakhstan in 2006 was 341, the number of inspections carried out in 2006 was 21,377, the number of issued prescriptions and sanctions was 25,742.

In accordance with Article 329 of the Labour Code of the Republic of Kazakhstan the activities of the State Labour Inspection comply with the following principles:

respect and protection of the rights and freedoms of employees, legality, objectivity, independence and openness.

The main tasks of the State Labour Inspection are:

to ensure state monitoring of compliance of organizations with the labour legislation of the Republic of Kazakhstan;

to ensure compliance with and protection of the rights and freedoms of the employees, including the right to safe labour conditions; and

to consider referrals, applications and complaints from employees and employers on issues of labour legislation of the Republic of Kazakhstan.

It is the duty of state labour inspectors to monitor compliance within organizations with the labour legislation of the Republic of Kazakhstan.

State labour inspectors include:

- ◆ the Chief State Labour Inspector of the Republic of Kazakhstan is the head of the State Labour Inspection of the authorized government labour agency of the Republic of Kazakhstan;
- ◆ the senior labour inspectors of the state labour inspection are officials of the state labour inspection of the authorized state labour agency;

- ◆ the senior state labour inspector of an oblast or city under republican jurisdiction is the head of the oblast and city division of the State Labour Inspection of the authorized state labour agency;
- ◆ state labour inspectors are officials of the territorial division of the state labour inspection agency in an oblast or city under republican jurisdiction.

Persons that obstruct the state labour inspector in the performance of his duties are liable under the laws of the Republic of Kazakhstan.

State labour inspectors must:

- ◆ monitor compliance with the labour legislation of the Republic of Kazakhstan;
- ◆ conduct timely and quality checks of compliance with the labour legislation of the Republic of Kazakhstan;
- ◆ inform employers (representatives thereof) about the revealed violations of labour legislation for the purpose of eliminating such violations, make submissions on the punishment of guilty parties;
- ◆ give timely consideration to the submissions of employees and employers on issues of the application of labour legislation in the Republic of Kazakhstan;
- ◆ reveal the causes and circumstances that lead to violations of labour legislation, issue recommendations for the elimination thereof and redress of violated labour rights;
- ◆ take part in investigations of occupational accidents and diseases;
- ◆ gather, analyze and summarize the causes of violations of the labour legislation, take part in developing and introducing measures aimed at enhancing work to prevent violations of labour legislation in the Republic of Kazakhstan;
- ◆ not disclose information that constitutes state secrets, in-house, commercial or other protected secrets to which they have become privy in the performance of their duties;
- ◆ conduct educational work on the application of labour legislation in the Republic of Kazakhstan; and
- ◆ interact with citizens and representatives of employees in monitoring compliance with OSH requirements.

State control over safe conduct of work in the field of occupational safety is carried out by state inspectors of the Republic of Kazakhstan in the field of OSH,

by the Ministry for Emergency Situations of the Republic of Kazakhstan whose powers have been determined by the law of the Republic of Kazakhstan.

The official who monitors on behalf of the state the situation in the field of OSH has the right to:

- ◆ access the documents necessary for checking compliance with OSH requirements;
- ◆ issue prescriptions on elimination of the revealed violations of OSH requirements; and
- ◆ in exceptional cases when violations clearly threaten the life and health of workers, suspend the operation of a facility for a term of not more than three days during which time a court case must be brought. The statement suspending the operation is in force until a court ruling is delivered.

State sanitary supervision of conditions in the workplace, the conduct of preventative medical measures to bring down the level of occupational diseases is carried out by the State Sanitary Epidemiological Service. The service proceeds under the law of the Republic of Kazakhstan On Sanitary-Epidemiological Safety.

3.3. Shaping of National OSH Programmes

Pursuant to Section 6.3.3 of Action Plan to implement the Programme of the Government of the Republic of Kazakhstan for 2003-2006 approved by Decree of the Government of the Republic of Kazakhstan of September 5, 2003 No. 903 a Programme of ensuring occupational safety and health in the Republic of Kazakhstan for 2005-2007 has been developed and approved by the Kazakhstan Government's Decree of January 27, 2005, No.67.

The aim of the Programme is to secure the right of employees to safe labour conditions.

The Programme is a complex of industrial, research, social, economic, organizational and other measures to improve occupational safety and reduce occupational risks, which can only be implemented given the necessary material and financial resources and qualified executors.

The main tasks of the Programme are:

- ◆ providing the normative legal framework for OSH;
- ◆ improving the OSH management system;
- ◆ training employees in OSH matters;
- ◆ information support in the field of OSH;
- ◆ institutional development of the system of state supervision and monitoring of compliance with OSH legislation;
- ◆ scientific support of OSH; and
- ◆ international cooperation in the field of labour relations.

The guidelines provide for safe labour conditions, prevention of occupational accidents, preservation of the life and health of employees during work through the development and implementation of legal, organizational-technical and socio-economic measures.

As part of the Republic's preparation for joining the WTO it is necessary to harmonize the republican normative legal acts with international requirements and to form a body of legislation in the field of OSH standardization.

Among the many diverse methods the most effective methods in market economies are:

- ◆ introduction in the Republic's organizations of a system of OSH management, the OSHAS-18001 and the occupational management system recommended by the ILO in accordance with the Instructions on OSH system management ILO-OSH 2001;
- ◆ attestation of production facilities in terms of labour conditions.

The system of programme measures integrates work in the following main areas:

- ◆ Normative legal support of OSH;
- ◆ Improvement of the OSH management system;
- ◆ Educating employees in OSH matters. Information support in the field of OSH;
- ◆ Institutional development of the system of state supervision and monitoring of compliance with OSH legislation;
- ◆ Scientific support of OSH; and
- ◆ International cooperation in the field of labour relations.

The implementation of the Programme is expected to significantly reduce the impact of harmful and hazardous factors in production. Safe labour conditions

will be created through the reconstruction and modernization of production, greater incentives and responsibility of employers and accelerated adoption of international standards in Kazakhstan.

The implementation of the programme permitted by the end of 2007:

- ◆ to create an entirely new legislative and regulatory framework for OSH with due account of the requirements of the market economy and international standards;
- ◆ expand scientific research in the field of OSH and introduce its achievements in production;
- ◆ improve the provision of workers with work clothes and footwear and other means of individual protection, organize the building of new and expansion of existing sanitary and welfare facilities for the workers, expedite the provision of organizations with new technical means, safety and measuring instruments that match international standards;
- ◆ improve the supervisory and monitoring functions of the state labour inspectors, improve the material and technical basis of the regional branches of the state labour inspection;
- ◆ tighten control over compliance with OSH legislation;
- ◆ introduce in industry the OSH management system recommended by the ILO in accordance with the guidelines on occupational safety system management ILO-OSH 2001;
- ◆ reduce the level of occupational accidents and diseases by 2-3%;
- ◆ reduce the number of employees working in conditions that do not meet sanitary and hygienic standards by 5-6%;
- ◆ reduce idle time by 4-5%;
- ◆ reduce the cost of treatment, rehabilitation and compensation of damage to victims of occupational accidents by 5-6%.

In 2006 the Republic of Kazakhstan jointly with the ILO developed and approved a national Decent Work Programme for the Republic of Kazakhstan for 2007-2009 (Astana, November 22, 2006).

The national Decent Work Programme in the Republic of Kazakhstan (hereinafter, the Programme) aims to promote decent labour as the main component of the development strategy and as the goal of government policy implemented by the government and its social partners.

The Programme was developed as part of the broader approach formulated in several international development projects such as the Millennium Development Goals and the UN Development Assistance Framework (UNDAF). The Programme is also based on the provisions and principles of the national development strategy.

Reforms in the OSH sphere are aimed at tightening control over compliance with OSH legislation, broader use of market methods of ensuring occupational safety, in the first place in high-risk industries: coal and mining, construction and agriculture. Such specific problems as child labour, young workers and migrant workers get their due share of attention.

Additional measures need to be taken to render the work of OSH specialists more effective, including the improvement of the training system and the introduction of a systemic approach to OSH at small enterprises. Particular attention will be paid to harmonizing the OSH management system with international standards.

The Programme's number one priority is improvement of the occupational safety system:

Result 1.1: improvement of the national legislation in the field of OSH and harmonizing it with international OSH standards.

Indicators:

- ◆ for the purpose of improving the life and health of workers in the construction industry the country ratified the ILO Convention No. 167 of 1988 On Safety and Hygiene in Construction;
- ◆ the occupational safety and health management system ILO-OSH 2001 has been introduced in the national OSH system, including the creation of OSH committees at enterprises;
- ◆ an analysis has been carried out of additional legislation on occupational safety and health, including legislation on the use of child labour and the labour of young persons in hazardous occupations, as well as legislation on occupational diseases.

Result 1.2: the use of international and national OSH standards to create proper labour conditions at enterprises.

Indicators:

- ◆ in conjunction with other OSH organizations the tasks and functions of the National Occupational Safety Institute have been revised;
- ◆ an advisory council consisting of social partners has been created at the National Occupational Safety Institute;
- ◆ a Tripartite Coordinating Council on Occupational Safety has been set up under the Republican Tripartite Commission;
- ◆ the systems of training labour inspectors, members of OSH committees and OSH specialists from amongst social partners has been improved; and
- ◆ labour inspection has been granted free access to work places in accordance with Convention No. 81.

Result 1.3: introduction of OSH management systems in some high-risk industries to ensure safe labour conditions.

Indicators:

- ◆ labour inspectors and social partners have been trained in methods of introducing ILO-OSH 2001 standards;
- ◆ the labour inspection is contributing to the introduction of the ILO-OSH 2001 standards at enterprises;
- ◆ the National Occupational Safety Institute organizes training in a systemic approach to improving labour conditions;
- ◆ some enterprises have introduced an OSH management system; and
- ◆ teaching and explanatory materials on OSH management systems have been developed.

Programme management and implementation mechanism.

The cooperation programme will be implemented by the ILO Subregional Bureau for Eastern Europe and Central Asia and by the Bureau's staff member who is the national correspondent of the ILO in Almaty with the support of the ILO European Bureau and the technical departments at the ILO headquarters in Geneva. The subregional Bureau and the national ILO correspondent will coordinate the work to implement the Programme. ILO will continue cooperation with other international organizations active in Kazakhstan.

The goals of the Programme will be achieved through implementing technical cooperation projects, provision of consultancy and information services, organi-

zation of seminars aimed at building the capacity of national partners. Additional money will be requested for the implementation of the Programme. ILO will monitor the fulfillment of the Programme assessing the achievement of the goals and priorities.

3.4. Economic Methods of Regulating the Employer's Activities

The Labour Code of the RK approved on May 15, 2007 has provisions regulating the employer's financial and economic activities.

Labour relations between employer and employee are established under an employment contract. Under the employment contract the employee performs work corresponding to his qualification for a remuneration and the employer pays the employee remuneration in a timely manner and in full and makes other payments stipulated under the labour legislation. The Labour Code of the RK provides for state guarantees in the field of wages, namely:

- ◆ minimum wage (it cannot be lower than the minimum size of the monthly wage);
- ◆ the minimum hourly pay;
- ◆ minimum standards of remuneration;
- ◆ payment for overtime (at least 1.5 times);
- ◆ payment for work on holidays and days off (double);
- ◆ payment for night work;
- ◆ limits on the size of deductions from the employee's wage;
- ◆ state monitoring of full and timely payment of wages and implementation of state guarantees in the field of remuneration; and
- ◆ the procedure and timeframe of payment.

Chapter 13 of the Labour Code of the RK stipulates guarantees and compensation payments when employees perform state or public duties, pass medical examinations; for workers who are blood donors; for employees sent on business trips; in connection with job loss and others. Under Article 159 the employer must pay the employees social benefits in the event of temporary disabil-

ity, pregnancy and child birth, during leave to women (men) who have adopted newborn babies.

Besides, the Labour Code of the RK makes the employer financially liable for:

- ◆ damage caused when a worker is illegally deprived of an opportunity to work in his workplace;
- ◆ damage caused to the worker's property; and
- ◆ damage caused to the life and (or) health of the worker.

Moreover, in accordance with the Rules of mandatory periodic attestation of workplaces in terms of labour conditions approved by executive order of the Minister of Labour and Social Security of the Republic of Kazakhstan No. 203-p of August 23, 2007 the results of attestation of production facilities are used:

- ◆ to determine the insurance premium of the insurer (employer) when insuring the liability of the employer for causing harm to the life and health of the worker while performing his duties;
- ◆ to determine remuneration and the benefits and compensations due to workers engaged in harmful and hazardous jobs in accordance with the labour legislation of the Republic of Kazakhstan.

As of January 1, 2005, under the law On Mandatory Insurance No.405-II of April 25, 2003, the country has a system of mandatory insurance which offers a mechanism of protection against material need in the event of social risk occurrences.

At present mandatory social insurance covers three types of social risk: disability, loss of breadwinner and lost of a job. Thus all the persons employed at enterprises and organizations of any form of ownership as well as self-employed persons, with the exception of working pensioners in the event of disability, loss of breadwinner or loss of a job are entitled to social benefits out of the State Social Insurance Fund.

A person covered by the system of mandatory social insurance is entitled to social benefits on grounds of disability if a medical-social examination has established the degree of disability.

A person covered by the system of mandatory social insurance, in addition to receiving a state invalid's allowance, is entitled to social benefits in the event of disability.

The size of the social benefit in the event of disability depends on the size of the income from which social deductions were made, the degree of disability and the length of participation in the system.

Social benefits in the event of the loss of breadwinner are due to the members of the family of the deceased insured person (or recognized as missing by the law court) who had been his dependents. In addition to the state allowance in connection with the loss of breadwinner the dependents of the participant in the mandatory social insurance system are entitled to social benefits in connection with the loss of breadwinner paid out of the State Social Insurance Fund. Social benefits in the event of job loss are due to a participant of the system of mandatory social insurance if social deductions on his behalf have been made for at least 6 months and if he has been officially registered as unemployed with the employment office. Thus a participant in the system of mandatory social insurance, in addition to reemployment assistance, professional retraining and offer of public works supported by the local budget, has the right to receive social benefits in connection with the job loss out of the State Social Insurance Fund.

The size of social payments in the event of job loss depends on the size of the income from which social deductions were made and the length of participation in the system.

Since the system of mandatory social insurance was introduced the sum of social payments out of the State Social Insurance Funds as of July 1, 2007 was 448,624,000 tenge, of which:

- ◆ due to disability – 295,265,300 tenge;
- ◆ due to loss of breadwinner – 146,544,800 tenge;
- ◆ due to job loss – 6,813,900 tenge.

(The average exchange rate is 120 tenge to 1 USD, established by the National Bank of the RK in November this year).

In the first half of 2007 the total social payments out of the State Social Insurance Fund amounted to 243,339,700 tenge, which is 4 times the amount paid in the first half of 2006. Social benefits due to disability, loss of breadwinner and job loss in the first half of 2007 amounted respectively to 160,123,000 tenge, 60,509,800 tenge and 63,900 tenge, which is also a fourfold increase on the previous year.

Attaching great importance to the social protection of motherhood and childhood, the head of state in his Address to the nation “The New Kazakhstan in the New World” directed that as of January 1, 2008 mandatory social insurance of pregnancy, child birth and motherhood be introduced for working women. The social disbursements under these types of social insurance will be made from the State Social Insurance Fund.

Thus, as of January 1, 2008 the State Social Insurance Fund will also pay social benefits in the event of pregnancy and childbirth and social childcare benefits until the child reaches the age of 1. Such benefits will be available only to working women for whom the employer has paid social deductions as well as self-employed women who have paid social deductions for themselves.

As of January 1, 2008 social benefits in the event of pregnancy and childbirth are available to a participant in the system of mandatory social insurance from the beginning of the maternity leave as indicated in the disability certificate for all the calendar days of the maternity leave under established procedure. Thus, as of January 1, 2008 instead of the maternity leave payments made by the employer there will be social benefits from the State Social Insurance Fund.

Social benefits in the event of pregnancy and childbirth are to be equal to the average monthly wage of the working woman.

Social benefits in the event of childcare until the child reaches the age of one are available to the participant in the system of mandatory social insurance who takes care of the child beginning from January 1, 2008. Thus, instead of the government-provided social childcare benefit the working woman will receive social benefits from the State Social Insurance Fund.

Social payments for childcare until the age of one are to be equal to 40% of the income from which social deductions were made. In addition, while previously no pension deductions were made for women on maternity leave, with the introduction of mandatory social insurance of pregnancy, childbirth and motherhood pension deductions will continue while the woman is on childcare leave.

Timely and regular payment of social deductions is essential for the size of social benefits. Therefore each worker for whom social deductions are made has the right to request and receive free of charge information from the payer and

the State Pension Payment Center on full and timely payment of social deductions for the worker.

Because taxes form the basis of the state budget there is the “social reimbursement” of taxes whereby the money collected from the population in the shape of taxes is returned in the shape of free education, healthcare and all sorts of government payments (pensions, allowances, etc). So all the taxes in one way or another are relevant to labour protection. The main tax payments directly linked to the workers’ pay are the individual income tax and pension contributions, taxes included in the cost of products (services) and OSH-related taxes, that is, the social tax and social deductions to the Social Insurance Fund.

The payers of individual income tax and pension contributions are natural persons who have taxable income (in most cases wages). The social tax and social deductions are paid by the employers.

Tax legislation identifies non-taxable incomes. These incomes are directly related to OSH, namely:

- ◆ targeted social assistance, allowances and compensations paid out of the budget;
- ◆ compensation for damage to the life and health of a natural person;
- ◆ payments under the laws of the RK on the social security of citizens;
- ◆ one-off payments out of the budget;
- ◆ payment for medical services, at the birth of a child and for funerals;
- ◆ social payments out of the Social Insurance Fund;
- ◆ social maternity allowances;
- ◆ the cost of issued work clothes and footwear,
- ◆ other individual protection means; and
- ◆ pension contributions, etc.

The social tax is calculated at the rates established by the Tax Code of the RK and is reduced by the sum of social deductions to the State Social Insurance Fund.

As of 2007 social deductions amounted to 3% of the sum from which deductions are made under the Law on Mandatory Social Insurance. The sum from which social deductions are made is the cost of paying income to the employees.

The concept of “employee income” is used for the purpose of social deductions in accordance with tax legislation (Articles 149, 150 and 151 of the Tax Code of the RK).

Pensioners and foreign workers who have no residence permit in Kazakhstan may not be subjects of mandatory social insurance. Self-employed persons, i.e. individual entrepreneurs, lawyers, private notaries public and social notaries public are to pay a monthly 3% of their income. In accordance with the clarifications of the Tax Committee of the RK Finance Ministry No. NK-UM-3-19/2366 of March 16, 2005, in this case social deductions are made from the incomes declared by the self-employed person.

3.5. Social and Psychological Methods of Management

To enhance the professional standards of state inspectors, employees, employers and OSH specialists upgrading courses are conducted.

This year saw the launching of a pilot project in the South Kazakhstan Oblast aimed at promoting social partnership.

Plans are afoot to hold reviews and contests among organizations for the best organization of OSH work and fire safety.

The relevant experience of developed countries is being analyzed and studied.

4. SOCIAL PARTNERSHIP AND COORDINATION MECHANISMS

Social partnership in the Republic of Kazakhstan pursues the following goals:

- ◆ to create an effective mechanism for regulating social, labour and corresponding economic relations;
- ◆ to ensure social stability and harmony by fairly addressing the interests of all the social strata;
- ◆ to contribute to the guarantees of the labour rights and to protect these rights;
- ◆ to contribute to the process of consultations and negotiations between social partners at all levels;
- ◆ to contribute to the resolution of collective labour disputes; and
- ◆ to work out proposals regarding the implementation of the state policy in the field of social and labour relations.

The following are the main principles of social partnership:

- ◆ authorization of the representatives of the parties;
- ◆ equality of the parties;
- ◆ free choice of the issues discussed;
- ◆ voluntary assumption of obligations;
- ◆ respect of the interests of the parties;
- ◆ mandatory compliance with collective agreements, contracts;
- ◆ liability of the parties and their representatives for non-compliance, through their fault, with obligations under the agreement;
- ◆ the state contributes to promoting social partnership; and
- ◆ the decisions taken are made known to the public (glasnost).

Social partnership is ensured through interaction of the parties, through the social partnership bodies:

- ◆ at the republican level by the Republican Tripartite Commission on Social Partnership and Settlement of Social and Labour Disputes (hereinafter the Republican Commission);
- ◆ at the sectoral level, by sectoral commissions on social partnership and settlement of social and labour disputes (hereinafter the Sectoral Commission);
- ◆ at the regional (oblast, city, district) level, by oblast, city, district commissions on social partnership and settlement of social and labour disputes (hereinafter, the Regional Commission);
- ◆ at the level of organizations, in the shape of agreements or collective contracts that stipulate the concrete mutual obligations in the labour sphere between representatives of the employees and the employer, and in organizations with foreign participation by residents of the Republic of Kazakhstan on the basis of international treaties (agreements) and the laws of the Republic of Kazakhstan.

Social partnership is exercised in the following forms:

- ◆ collective negotiations to prepare draft collective contracts and agreements and to sign them;
- ◆ mutual consultations (negotiations) to settle labour and related disputes, guarantee the labour rights of workers and improve labour legislation in the Republic of Kazakhstan;
- ◆ participation of the representatives of employees and employers in out-of-court settlement of labour disputes.

Parties in social partnership.

The parties in social partnership are the state as represented by the corresponding executive bodies, employees and employers represented by their properly authorized representatives.

4.1. The National Level

Organization of social partnership at the republican level.

The Republican Commission is a permanent body to ensure coordination of interests of the social partners through consultations and negotiations which render corresponding decisions.

The members of the Republican Commission are authorized representatives of the Government of the Republic of Kazakhstan, republican associations of employees and republican associations of employers.

The authorized representatives of republican associations of employees are associations which have structural subdivisions (branches and offices) in more than half of the oblasts and republican-jurisdiction cities in the Republic of Kazakhstan.

The authorized representatives of republican associations of employers are representatives of the republican union (association) of associations of private entrepreneurs, the republican association of small enterprises, and the republican sectoral associations of private entrepreneurs.

The representation of the said unions (associations) is proportional, depending on the number of republican associations that are their members.

Under Article 275 of the LC RK a General Agreement is signed at the republican level between the Government of the Republic of Kazakhstan, the republican associations of employers and the republican associations of employees.

The content of the General Agreement is determined by the Republican Commission based on the drafts of General Agreements submitted by all or one of the social partners.

The agreements must include the following provisions:

- ◆ the effective term;
- ◆ procedure of monitoring compliance;
- ◆ procedure of introducing amendments and additions to the agreement;
- ◆ the liability of the parties in the event of non-performance of obligations.

Besides, agreements may contain provisions on:

- ◆ remuneration, OSH, the regime of work and rest. The minimum size of the wage (salary) by sector is determined by sectoral agreements;
- ◆ the mechanism of regulating remuneration proceeding from the level of prices and inflation, the living minimum and fulfillment of indicators set by the agreement;
- ◆ payment of compensations;
- ◆ promotion of employment, professional training and retraining of employees;
- ◆ organization of OSH by creating favourable labour and rest conditions and the proper environment;
- ◆ measures to promote a healthy way of life;
- ◆ special measures of social security for workers and members of their families;
- ◆ social security for employees in the event of suspension of production;
- ◆ prevention of conflicts and strikes and the strengthening of labour discipline;
- ◆ conditions for the activities of the representatives of the employees;
- ◆ other provisions on social and labour matters consistent with the laws; and
- ◆ the development of the social infrastructure.

Organization of social partnership at the sectoral level.

The Sectoral Commission is a permanent body for coordinating the interests of social partners through consultations and negotiations which render corresponding decisions. For the purpose of this Code the Republican Commission determines the list of sectors.

The members of a Sectoral Commission are authorized representatives of authorized government agencies in corresponding spheres of activity, representatives of employers and employees.

The authorized representatives of sectoral associations of employees are sectoral trade unions which have structural subdivisions (branches and offices) in oblasts and republican-jurisdiction cities.

The authorized representatives of employers are representatives of sectoral organizations.

4.2. Regional/ Territorial Level

The Regional Commission is a permanent body for coordinating the interests of social partners through consultations and negotiations which are formalized in corresponding agreements and decisions.

The members of Regional Commissions are corresponding authorized representatives of the local executive bodies, representatives of employers and employees.

The authorized representatives of regional associations of employees are associations of trade unions at the oblast, city and district levels.

The authorized representatives of employers at the regional level are:

- ◆ at the oblast level, oblast associations of private entrepreneurs, the oblast association of small enterprises;
- ◆ at the city and district levels, the city and district associations of small enterprises.

Under Article 275 of the LC RK regional (oblast, city, district) agreements are signed at the regional level between the local executive bodies and the authorized representatives of the employers and employees.

The content of the sectoral and regional agreements is determined by the sectoral and regional commissions on the basis of the drafts of agreements submitted by all or one of the social partners.

The said agreements must include or may include provisions stipulated in the General Agreement.

Sectoral and regional agreements signed at the oblast level are subject to be registered by the authorized government labour agency.

Sectoral and regional agreements signed at the city and district levels are subject to be registered by local executive power bodies.

4.3. Corporate/ Employer Level

For the purpose of regulating social and labour relations, collective negotiations and drafting and signing of the collective agreement, the discussion of the drafts of the employer, the said drafts are published with due account of the opinion of or by agreement with the representatives of employees and to monitor compliance with the collective agreement on an equal basis a commission is formed by decision of the parties from amongst properly authorized representatives of the parties.

The employer, in accordance with the terms of the collective agreement, provides conditions for the activities of the local trade union active within the organization.

By agreement among the parties and given written statements by the employees who are members of the trade union, the employer may make monthly deductions from the wages of workers as trade union membership fees into the trade union account.

The LC RK has a whole chapter devoted to the collective agreement.

Thus, under Article 281 the following are the principles of collective bargaining:

- ◆ equality and respect of the interests of the parties;
- ◆ free choice of the issues that form the content of the collective contract or agreement;
- ◆ voluntary assumption of obligations by the parties;
- ◆ compliance with the labour legislation of the Republic of Kazakhstan.

Under Article 282 any party may initiate the drafting of a collective agreement.

The party which has received notification from another party proposing to start negotiations on a collective agreement must consider the proposal and enter into negotiations within ten days.

For the purpose of collective bargaining and drafting a collective agreement the parties set up a commission on the basis of parity. The number of members of the commission, the personal composition and the deadlines for developing the draft and signing the collective agreement are agreed upon between the parties.

The employer provides, by agreement among the parties, the conditions required for drafting and signing the collective agreement.

The employees who are not members of the trade union have the right to authorize both the trade union body and other persons to represent their interests in the relations with the employer.

If the organization has several representatives of employees, they may create a single representative body to take part in the commission and sign the collective agreement. Each of them has the right of representation within the single collective bargaining body on the basis of proportionality depending on the number of employees they represent.

The draft collective agreement prepared by the Commission must be discussed by the employees in a form of discussion that the employees themselves determine. The draft is finalized by the commission with due account of the remarks and proposals made.

If the parties reach agreement the collective agreement is drawn up in at least two copies and signed by the representatives of the parties.

If differences arise between the parties on certain provisions of the collective agreement the parties must within a month of the start of collective bargaining sign a collective agreement on agreed terms while simultaneously drawing up a list of differences.

Amendments and additions to the collective agreement may be made only by mutual agreement of the parties in accordance with the procedure of its signing set forth in this article.

The parties to collective bargaining have no right to disclose the information they have obtained if such information constitutes state secrets, in-house, commercial or other secret protected under the law.

The participants in collective bargaining may be relieved of their duties during the course of the bargaining while retaining their monthly pay. The time of bargaining is included in their seniority. The representatives of the parties must within a month submit the collective agreement signed by the parties to the territorial subdivision of the authorized labour agency for the purpose of monitoring.

The representatives of the parties must periodically inform the employees on their compliance with the collective agreement.

Under Article 283 the parties to the collective agreement are the employees and the employer.

The collective agreement may be signed within organizations as well as branches and representative offices.

Article 284 determines the content and structure of the collective agreement. The collective agreement must include the following provisions.

- ◆ on rate-setting, forms and systems of remuneration, the size of rates and salaries, increases to the same, including to the workers engaged in hard jobs, work in harmful (very harmful) and (or) hazardous labour conditions;
- ◆ on indexation of wages, the payment of allowances and compensation, including additional compensations in the event of accidents;
- ◆ on the allowable ratio between the maximum and minimum wages in a corresponding profession and position within the organization;
- ◆ on the establishment of coefficients between different grades of employees;
- ◆ on working hours and time of rest and leaves;
- ◆ on creating safe and healthy conditions of labour and life, the extent of financing OSH measures, guaranteed medical insurance of employees and their families and on environmental protection;
- ◆ on coefficients for different categories of skills in the corresponding sector.

The collective agreement may include mutual obligations of the employees and the employer on the following issues:

- ◆ on improvements of labour organization and enhancing productivity;
- ◆ on regulations of the work schedule and work discipline;
- ◆ on ensuring employment, training and upgrading of skills, retraining and reemployment of employees;
- ◆ on guarantees and benefits for employees who study part-time;
- ◆ on improving the housing and welfare conditions of employees;
- ◆ on health, treatment at sanatoria and holiday resorts and the leisure of employees;

- ◆ on the registration of the motivated opinion of the trade union when the labour agreement with employees who are members of the trade union is terminated;
- ◆ on guarantees to the employees elected as members of the trade union;
- ◆ on conditions for the activities of employee representatives;
- ◆ on conditions for the activities of the trade union;
- ◆ on the insurance of employees;
- ◆ on monitoring compliance with the collective agreement and the procedure of introducing amendments and additions thereto;
- ◆ on preventing the employer from terminating a labour contract because of a strike;
- ◆ on the liability of the employees and the employer for the damage they cause;
- ◆ on the liabilities of the parties for non-compliance with the collective agreement;
- ◆ on voluntary occupational pension contributions; and
- ◆ any other issues as determined by the parties.

The collective agreement must not worsen the position of the employees in comparison with the labour legislation, the General, Sectoral and Regional Agreements. Such provisions are deemed to be null and void.

4.4. Organization of Public Monitoring

Under Article 340 of the Labour Code of the Republic of Kazakhstan occupational safety and health matters within an organization are monitored by the public Labour Inspector elected by the trade union committee of the organization and, if there is no trade union, by the general meeting (conference) of employees.

If such a right is sealed in collective agreements and contracts, sectoral and regional associations of employees perform the function of public control of compliance with labour legislation within organizations.

Under Article 341 of the Labour Code of the Republic of Kazakhstan the public labour inspector protects the rights of workers to occupational safety with re-

gard to the employer through public control of the compliance of the employer with the OSH requirements, agreements and collective contracts that oblige the employer to provide normal labour conditions and safe workplaces within organizations.

The public labour inspector takes part in the investigation of occupational accidents and comprehensive OSH reviews conducted by state labour inspectors. He has the right to obtain information and clarifications, including in written form, from employers and other officials of the organization required for the performance of his functions.

The public labour inspector inspects the compliance by employers with the obligations under the collective agreements regarding OSH and, based on the results of the inspection, submits proposals on the elimination of the violations revealed to the relevant executives. He has the right to take part in the work of the commissions that test and accept production facilities and means of production, develop normative legal acts on OSH and to table proposals of his own.

The public labour inspector has the right to appeal to the relevant state bodies demanding the punishment of employers and other officials of organizations who violate the laws of the Republic of Kazakhstan on OSH, the provisions of agreements and collective contracts concerning OSH, and conceal occupational accidents and diseases.

The public labour inspector takes part in adjudicating labour disputes connected with a change of labour conditions, violation of the OSH-related laws of the Republic of Kazakhstan, non-performance of obligations under agreements and collective contracts as well as employment contracts in terms of occupational safety and health. He has the right to file law suits on behalf of an employee to protect the right of the employee to compensation of damage caused by occupational injury or other work-related impairment of health and in other cases when the right of employees to safe and healthy labour conditions is infringed upon.

5. ORGANIZATION OF OSH SYSTEM.

MEANS AND AGENCIES

5.1. Competent State Bodies Responsible for OSH Issues

5.1.1. National Management Bodies

OSH issues are managed, supervised and monitored on behalf of the state by the Government of the Republic of Kazakhstan, the authorized state labour agency and other authorized state agencies within their competence.

In accordance with Article 15 of the LC RK the Government of the Republic of Kazakhstan:

- ◆ lays down the guidelines and secures the implementation of the state policy on OSH;
- ◆ causes the development and fulfillment of state programmes in the field of OSH;
- ◆ establishes the procedure of organization and conduct of state OSH monitoring;
- ◆ determines the procedure of provision of information and the keeping of state OSH statistics;
- ◆ establishes the procedure of hiring foreign labour;
- ◆ determines the size of social allowances, the procedure of awarding and paying the same;
- ◆ approves the list of diseases that may be grounds for awarding temporary disability status for a period of more than two months;
- ◆ establishes a uniform procedure of calculating the average pay;
- ◆ approves the Model Regulations on Terms of Remuneration and Bonuses of Top Executives of National Companies, and joint stock companies in which the state holds a controlling stake;

- ◆ determines the procedure of joining the civil service and the contests to fill vacancies in the civil service;
- ◆ determines the list of civil service positions;
- ◆ concludes a General Agreement with the republican associations of employers and republican associations of employees;
- ◆ establishes the procedure of adopting normative legal acts related to OSH by corresponding authorized agencies;
- ◆ approves the system of remuneration for the employees of public sector organizations;
- ◆ determines the general requirements to the professional training, retraining and upgrading of skills within the organization;
- ◆ approves the upward sectoral coefficients that are determined by sectoral agreements;
- ◆ forms a commission to investigate group occupational accidents in which more than 5 people have died.

Pursuant to Article 16 of the LC RK the authorized state labour agency:

- ◆ implements the state policy in the field of OSH;
- ◆ adopts normative legal acts of the Republic of Kazakhstan that set the general OSH requirements for all the spheres of activity;
- ◆ organizes state monitoring of compliance with the labour legislation of the Republic of Kazakhstan on employment and OSH;
- ◆ coordinates the activities of government agencies in developing the technical regulations in the field of OSH;
- ◆ coordinates and ensures interaction in the OSH field with other government bodies as well as the representatives of employees and employers;
- ◆ establishes the form, procedure of keeping and storing the labour records;
- ◆ establishes the procedure for replacement and revision of recommended labour norms and rates;
- ◆ establishes the procedure of submitting, review and approval of labour norms within organizations whose services (goods) are subject to state tariff regulation (prices, rates of levies);
- ◆ establishes the procedure for submitting, review and approval of the parameters of the remuneration system for the employees of organizations

whose services (goods) are subject to state regulation of tariffs (prices, rates of levies);

- ◆ registers sectoral agreements and regional agreements concluded at the level of oblast (city under republican jurisdiction and capital);
- ◆ provides training and attestation of state labour inspectors;
- ◆ monitors timely and unbiased investigation of occupational accidents in line with the procedure set forth by the laws of the Republic of Kazakhstan;
- ◆ engages in international cooperation in the field of labour relations regulation;
- ◆ develops programmes of research into OSH problems;
- ◆ develops and approves the procedure and norms of issue to the workers of milk, special preventive nutrition, work clothes and footgear and other individual protection means and establishes the procedure of the provision of collective protective means, sanitary and auxiliary premises and devices at the employer's expense;
- ◆ determines the procedure of development, revision, approval and application of reference materials and qualification characteristics;
- ◆ reviews and approves model job descriptions of executives, specialists and other officials of organizations engaged in various types of economic activities;
- ◆ establishes the procedure of approval of model labour norms and regulations by the authorized state agencies in corresponding spheres of activity;
- ◆ by agreement with the authorized public health state body determines the list of jobs in which workers under 18 are forbidden to work, maximum weights that may be carried and moved by workers under 18;
- ◆ by agreement with the authorized state public health body determines the list of jobs in which women are forbidden to work and the maximum weights that may be manually lifted and moved by women;
- ◆ determines the list of production activities, divisions, professions and positions, the list of hard manual jobs and jobs with harmful (very harmful) and (or) hazardous labour conditions;
- ◆ organizes monitoring and assessment of risks in the field of OSH;
- ◆ establishes the procedure of mandatory periodic OSH attestation of production facilities; and
- ◆ approves the Model Regulations on OSH service within an organization.

Pursuant to the Regulations on the Ministry of Labour and Social Security of the RK approved by the Decree of the Government of the RK No.983 of July 20, 2001 the main tasks of the Ministry (the authorized state labour agency) is to develop and implement the main guidelines of the state labour policy, to ensure state monitoring of compliance with labour and OSH legislation.

5.1.2. National Agencies for Supervision and Monitoring of Compliance with Labour Legislation

Pursuant to the regulations on the Ministry of Labour and Social Security of the RK approved by the Decree of the Government of the RK No. 983 of July 20, 2001 the main tasks of the Ministry are to develop and implement the guidelines of the state labour policy, to ensure state monitoring of compliance with labour and OSH legislation.

Within the Ministry, the functions of state management and monitoring of compliance with labour and OSH legislation are performed by the State Labour Inspection Directorate (which has a staff of 13).

Compliance of organizations with the labour legislation of the Republic of Kazakhstan is monitored on behalf of the state by the state labour inspectors.

State labour inspectors include:

- ◆ the Chief State Labour Inspector of the Republic of Kazakhstan is the head of the State Labour Inspection of the authorized state labour agency of the Republic of Kazakhstan;
- ◆ Senior State Labour Inspectors are officials of the state labour inspection of the authorized state labour agency;
- ◆ the Senior State Labour Inspector of the oblast and city under republican jurisdiction is the head of the oblast or city division of the state labour inspection of the authorized state labour agency;
- ◆ State Labour Inspectors are officials of the division of the state labour inspection in the oblast or city under republican jurisdiction.

In 2006 there were 341 state inspectors in the Republic of Kazakhstan, 21,377 inspections were carried out and 25,742 prescriptions and sanctions were issued.

5.1.3. National Bodies of Social Insurance Against Occupational Accidents and Diseases

The Ministry of Labour and Social Security of the Republic of Kazakhstan (hereinafter the Ministry) is the central executive body in the Republic.

The Ministry, proceeding under the laws in the sphere of social insurance:

- ◆ performs the strategic functions that are necessary for the framing of state policy;
- ◆ takes part in developing the state policy and normative legal acts on social insurance matters;
- ◆ develops the methodology of awarding social payments out of the State Social Insurance Fund;
- ◆ performs the functions of implementing the state policy, monitoring and supervisory functions;
- ◆ awards social benefits out of the State Social Insurance Fund;
- ◆ performs state monitoring of compliance with social insurance legislation;
- ◆ monitors timely and full award and payment of social benefits; and
- ◆ regulates the activities of the State Social Insurance Fund.

Under the Decree of the RK Government the joint stock company State Social Insurance Fund was created in 2004.

The State Social Insurance Fund is a participant in the system of mandatory social insurance.

The main aim of the Fund is to introduce a system of mandatory social insurance in the Republic of Kazakhstan, to ensure that social deductions are preserved and used as targeted.

The following are the main areas of the Fund's activities:

- ◆ accumulation of social deductions;
- ◆ disbursement of social payments to the participants in the system of mandatory social insurance in the event of insured occurrence, including dependent members of the family in the event of loss of the breadwinner who is a participant in the system of mandatory social insurance;
- ◆ investing the assets of the Fund in financial instruments through the National Bank of the Republic of Kazakhstan.

5.1.4. National Bodies of Supervision and Monitoring Public Health, Industrial and Transport Safety, etc.

The law of the Republic of Kazakhstan On the Public Health System regulates social relations in the field of public health and determines the legal, organizational, economic and social principles of the operation of the public health system in the Republic of Kazakhstan for the purpose of securing the constitutional right of citizens to protection of health.

The main principles of state policy in the field of public health are as follows:

- ◆ public health is a factor that ensures national security;
- ◆ the rights of citizens in the field of public health are guaranteed by the state;
- ◆ medical assistance is accessible irrespective of the social and financial status of citizens;
- ◆ a safe sanitary epidemiological environment is ensured;
- ◆ lifelong state regulation and monitoring of the health of citizens;
- ◆ social justice and equality of citizens in terms of access to medical assistance;
- ◆ response of the public health system to the public health needs of citizens;
- ◆ responsibility of state bodies for creating conditions for the preservation and strengthening of the health of citizens.

The state guarantees the citizens of the Republic of Kazakhstan:

- ◆ a guaranteed minimum of free medical assistance;
- ◆ equal access to primary medical-sanitary assistance;
- ◆ access to paid medical services rendered by government and private medical institutions as well as by physical persons engaged in private medical practice;
- ◆ sanitary-epidemiological safety;
- ◆ provision with medicines, medical and sanitary-hygienic supplies;
- ◆ the quality, content and volume of medical assistance rendered on a free and (or) paid basis of a uniform medical standard;
- ◆ the right to freedom of entrepreneurial activities in rendering medical assistance, the production and sale of pharmaceutical products.

The following healthcare organizations are active within the public health system in the Republic of Kazakhstan:

- ◆ organizations that provide out-patient and in-patient medical assistance to citizens;
- ◆ children's out-patient and in-patient medical organizations;
- ◆ ambulance organizations;
- ◆ health organizations active in the field of sanitary and epidemiological safety;
- ◆ public health organizations engaged in pharmaceutical activities;
- ◆ public health research organizations;
- ◆ public health education organizations;
- ◆ public health organizations active in the field of blood services and forensic medicine; and
- ◆ other healthcare organizations envisaged under the laws of the Republic of Kazakhstan.

The following types of medical activities are pursued in the Republic of Kazakhstan: medical assistance; ambulance aviation; sanitary-hygienic and anti-epidemic activities; promotion of the healthy way of life; sanatoria and health resorts; folk medicine; the blood service; forensic medicine; the sale of medicines; research in the field of public health; public health education; any other types of activities consistent with the laws of the Republic of Kazakhstan.

The law of the Republic of Kazakhstan On Sanitary-Epidemiological Safety (with amendments and additions introduced under the laws of the RK No.283-1 of July 10, 1998; No.488-1 of November 29, 1999; No.346-II of August 9, 2002).

The following are the principles of sanitary-epidemiological safety:

- ◆ implementation of the right of citizens to protection of their health, a favourable environment and sanitary-epidemiological safety through a complex of organizational, economic, legal and educational measures;
- ◆ the preventative character of activities to prevent the exposure of the population to adverse environmental factors;
- ◆ mandatory compensation of damage to health caused by enterprises, institutions, organizations and citizens due to violation of sanitary rules and norms and hygienic standards; and
- ◆ informing the public about sanitary-epidemiological safety matters.

The State Sanitary-Epidemiological Service of the Republic of Kazakhstan is a centralized system of agencies and institutions with a chain of command headed by the Chief State Sanitary Officer of the Republic of Kazakhstan. The procedure of managing the State Sanitary Epidemiological Service is determined by the Government of the Republic of Kazakhstan. The State Sanitary-Epidemiological Service monitors the sanitary-epidemiological situation and compliance of the enterprises, institutions, organizations, officials and citizens with sanitary rules and norms and hygienic standards, sanitary legislation, as well as prevents, reveals and takes measures to eliminate the unfavourable factors that affect the sanitary-epidemiological situation and people's health.

The State Sanitary-Epidemiological Service:

- ◆ conducts state sanitary-epidemiological supervision;
- ◆ submits to the state bodies issues of sanitary and epidemiological safety of the population;
- ◆ takes part in developing state programmes of sanitary-epidemiological safety;
- ◆ approves sanitary rules and norms and hygienic standards;
- ◆ effects sanitary-epidemiological monitoring, maintains registration and statistics;
- ◆ conducts hygienic education and promotes the healthy way of life;
- ◆ organizes sanitary-epidemiological assessment;
- ◆ agrees the norms for design, state standards, control methods, curricula, study and work loads, the regime of studies and conditions in preschool and teenage institutions, schools, higher and secondary education establishments;
- ◆ coordinates research activities of hygienic and epidemiological institutes; and
- ◆ interacts with other state supervisory bodies in ensuring sanitary and epidemiological safety of the population.

The hygienic standards apply on a national scale.

Sanitary-hygienic rules and norms are divided into republican, regional and local. Sanitary rules and norms and hygienic standards are developed by research institutions, sanitary-epidemiological stations and other specialized institutions.

Republican and regional sanitary rules and norms and hygienic standards are approved by the Chief State Sanitary Officer of the Republic of Kazakhstan.

Sanitary rules and norms and hygienic standards are periodically revised when new scientific and practical data emerge.

The following are the tasks of sanitary-hygienic norm-setting:

- ◆ development of criteria for assessing the impact of the environment on public health;
- ◆ determining optimal or maximum allowable values, levels and concentrations of the totality or individual chemical, biological, physical and radiation factors that affect the human organism.

Safety in industry and mining is monitored on behalf of the state by state inspectors of the Ministry of the Republic of Kazakhstan for Emergency Situations whose powers are set forth in the law of the Republic of Kazakhstan On Occupational Safety at Hazardous Production Facilities (2002).

The Law of the Republic of Kazakhstan On Occupational Safety at Hazardous Production Facilities regulates the legal relations pertaining to safe operation of hazardous production facilities and is aimed at preventing accidents at hazardous production facilities, ensuring the capacity of organizations to localize and eliminate the consequences thereof, guaranteed compensation of damage caused by accidents to physical and legal entities, the environment and the state.

More than 800 sectoral rules and standards regulating OSH issues are to be adopted in 2005-2007 to replace the occupational safety rules developed by the ministries and agencies of the former USSR. These no longer meet the requirements of the market economy and international standards in many ways.

In the period between 2003 and 2007 the Committee on Standardization and Certification under the Ministry of Industry and Commerce will develop and approve 75 state standards in the field of protection and safety of products, equipment, the production processes and occupational safety means.

The Health Ministry of the Republic of Kazakhstan has revised the current and developed new hygienic standards, sanitary norms and rules and hygienic requirements to the organization of technological processes and to production equipment.

The Ministry of the Republic of Kazakhstan for Emergency Situations has approved regulations and instructions on occupational safety. Examples:

- ◆ Procedure of transportation of dangerous cargoes;
- ◆ Procedure of safe exploitation of gas facilities;

- ◆ Design of hoisting cranes and their safe operation;
- ◆ Instructions on OSH, fire safety and sanitary safety in a production unit.

In some cases sectoral regulations, instructions and OSH rules are approved by the relevant sectoral body by agreement with Gosgortekhnadzor, the Ministry of Labour and Social Security and the Health Ministry.

5.1.5. Regional Bodies of Management, Supervision, Monitoring and Insurance

The Ministry of Labour and Social Security of the Republic of Kazakhstan has regional bodies in oblasts, the cities of Astana and Almaty.

The functions of the departments exercised under the law in the field of OSH are as follows:

- ◆ state monitoring of compliance with the legislation of the Republic of Kazakhstan on labour, occupational safety and employment;
- ◆ analysis and study of the causes of violation of legislation on labour, occupational safety and employment;
- ◆ investigation of group, fatal and serious occupational accidents and analysis of the rate of occupational accidents and diseases;
- ◆ protection of the labour rights of workers when an organization is liquidated or the employer, a natural person, is shut down as well as against illegal actions of employers and officials who violate the provisions of collective agreements and employment contracts;
- ◆ testing the knowledge of OSH matters by CEOs and persons responsible for OSH within organizations in accordance with the rules approved by the authorized OSH body;
- ◆ monitoring and assistance to retraining and upgrading of skills of OSH specialists of organizations irrespective of the form of ownership;
- ◆ organizational and methodological guidance and medical-social assessment and rehabilitation of invalids, analysis of invalids' statistics;
- ◆ monitoring timely and full award of social benefits and the payment thereof out of the State Social Insurance Fund;

- ◆ determining the degree of general and occupational disability of participants in the system of mandatory social insurance in the event of an insured social risk occurrence and of the persons who have suffered an occupational accident or contracted an occupational disease, and the degree of need for additional social protection measures;
- ◆ establishing death in an occupational accident or due to occupational disease and other circumstances that entitle the family of the deceased to social benefits in accordance with the laws of the Republic of Kazakhstan; and
- ◆ development and monitoring of implementation of the individual programme of rehabilitation of invalids (determine the types, the form, time-frame and scale of medical, social and occupational rehabilitation measures) and determining the effectiveness of such measures.

The Ministry for Emergency Situations of the Republic of Kazakhstan (hereinafter “the Ministry”) is the central executive body. One of the Ministry’s tasks is to shape the state policy in the field of industrial safety, occupational safety at dangerous production facilities, supervision of industrial safety. The Committee for State Control of Emergency Situations and Industrial Safety under the Ministry for Emergency Situations of the Republic of Kazakhstan (hereinafter “the Committee”) is an agency of the Ministry for Emergency Situations of the Republic of Kazakhstan which performs implementation and oversight functions in the field of occupational safety.

The main tasks of the Committee are state control of industrial safety, monitoring full and effective fulfillment of the plans and activities, compliance with the norms, standards and rules, and the capacity of officials, personnel, and assets to prevent and eliminate the aftermath of natural and technogenic emergency situations.

The Committee has its territorial bodies in the oblasts, in the cities of Astana and Almaty.

Within its frame of reference the Committee performs the following functions of oversight and implementation of state policy:

- ◆ state control in the field of prevention and elimination of the aftermath of emergency situations, industrial safety, civil defense, OSH at hazardous facilities in any organizations regardless of their forms of ownership or affilia-

tion, monitoring occupational safety, mining and fulfillment of civil defense measures;

- ◆ controls on behalf of the state the compliance by the owners of the facilities that pose a danger of causing harm to third persons with their duty to conclude a mandatory agreement to ensure the civil-legal responsibility of the owners of facilities whose activities pose the danger of causing harm to third persons and their compliance with the law;
- ◆ sets the main requirements to the identification of hazardous production facilities and referral of assets to the category of hazardous production facilities;
- ◆ determines the procedure of providing information on occupational safety;
- ◆ controls the work to localize and eliminate the aftermath of accidents at hazardous production facilities unless a different procedure is envisaged under the plan of eliminating the aftermath of the accident developed in accordance with occupational safety rules;
- ◆ monitors the certification of homogenous products and equipment used in technological processes in hazardous production facilities and the issue of permits to create and operate production and technological facilities;
- ◆ checks at the manufacturing plants, repair facilities and during operation the compliance with the standards, rules and norms of the safety of machines, mechanisms and equipment which are required to meet higher safety standards as well as electrical engineering explosion-dangerous facilities;
- ◆ monitors compliance with the rules of acceptance of hazardous production facilities, organizes the work of commissions to test industrial explosives, new models of equipment, organizes work on certification of products and equipment (processes, services) used in the technological processes at hazardous production facilities;
- ◆ monitors the planning and conduct of activities to prevent accidents and occupational injuries at dangerous production facilities and the capacity of organizations to prevent and eliminate the aftermath of accidents;
- ◆ monitors geological and land surveying support of safe mining and prospecting when depleted mines and natural underground cavities are used for economic purposes and the processing of minerals;

- ◆ checks correct demarcation of the boundaries of the safe mining area, measures to prevent and eliminate the harmful impact of mining work on the state of buildings and structures and to prevent the penetration of water, harmful and hazardous substances into coal mines and ore mines;
- ◆ monitors operational and technical preparedness of paramilitary mountain rescue, gusher-fighting, gas rescue services and units to eliminate the aftermath of accidents at organizations of whatever form of ownership and their conduct of preventative, rescue and other emergency work;
- ◆ monitors compliance of organizations with current and future plans of mining work, compliance with the technical and local project of developing minerals for sites, requests for design and projects for construction and reconstruction of facilities for the extraction and processing of mineral raw materials, the burial of harmful substances, production waste and discharge of drainage water when mining facilities are suspended or liquidated in terms of occupational safety;
- ◆ monitors compliance of organizations and test laboratories (centers) for certification of hazardous products (processes, services) with the rules of certification and establishes their technical competence;
- ◆ checks at hazardous production facilities compliance with the procedure of instructing and training personnel, permits to work, the existence of documents that entitle specialists to manage mining, drilling, demolition, surveying, electrical engineering, gas and other works, and the possession by workers of permits to engage in demolition, gas-dangerous and other hazardous jobs;
- ◆ checks the knowledge of occupational safety and health rules and standards; and
- ◆ investigates the causes of accidents jointly with the central executive bodies concerned within their competence.

5.2. National Research and Design Institutions (Institutes, Centers, Laboratories) in the OSH Field

5.2.1. State Research and Design Institutions (Institutes, Centers, Laboratories) in the Field of OSH

The republican state-owned and operated enterprise the Republican Occupational Safety Research Institute of the Ministry of Labour and Social Security of the Republic of Kazakhstan was created pursuant to the Decree of the Government of the Republic of Kazakhstan No. 854 of August 13, 2004 (hereinafter “the Institute”). The Institute is subordinate to the Ministry of Labour and Social Security of the Republic of Kazakhstan.

Under its Statute the main areas of the Institute’s activity are:

- ◆ applied and fundamental research into OSH problems;
- ◆ attestation of production facilities in terms of OSH;
- ◆ training of CEOs and enterprise experts to upgrade their OSH qualifications;
- ◆ development of intersectoral and sectoral normative legal acts on OSH; and
- ◆ development, printing and distribution of materials on OSH problems.

In **2006** 10 research projects were carried out on the following topics:

1. The Impact of Production Factors on the Health of Women of Childbearing (Fertile) Age

The aim of the study:

To reveal the characteristics of the work of women engaged in crushing and ore-dressing factory processing chromium ore which may lead to mutagenic and other remote consequences for the health of women of the childbearing (fertile) age and develop scientific and methodological approaches to determine the effectiveness of the measures of occupational safety and health and prolongation of the work career.

The novelty of the study:

The study assesses the impact of industrial and social-hygienic factors on the health of women engaged in a crushing and dressing factory that processes chromium ore.

Results obtained:

The study conducted at the enterprises of TNK Kazkhrom (Aktyubinsk Ferrous Alloys Plant, the Don Ore Dressing Plant) involved a comprehensive social and hygienic study of the labour conditions and occupational safety for women: microclimate (temperature, relative humidity, velocity of air movement), lighting, noise, vibration; the physical effort required to perform the job; analysis of morbidity leading to temporary disability over three years (2004, 2005, 2006) based on medical records; sociological survey of (fertile age) women to find out how they perceive the impact of industrial and social factors on their state of health and working capacity.

Physiological studies have been carried out of:

- ◆ cardiovascular system, systolic arterial pressure, diastolic arterial pressure, heartbeat rate of workers;
- ◆ breathing functions (volume per minute, breathing rate);
- ◆ functions of the central nervous system;
- ◆ hearing and motor reactions;
- ◆ sight and motor reactions;
- ◆ thermometry;
- ◆ dynamometry (grip strength and muscle fatigue).

The harmful factors of chromium production have been identified and their harm and hazards assessed.

The labour conditions of women in ore dressing factories reveal a series of adverse factors: the high dust content, relative air humidity, bad lighting, high noise, and high physical, mental and emotional stress.

Practical implications:

methodological recommendations have been developed on improving the labour conditions and promoting and preserving the health of women of child-bearing (fertile age) at chromium producing enterprises.

Recommended areas of application:

enterprises of TNK Kazkhrom (the Aktyubinsk Ferrous Alloy Plant, the Don Ore Dressing Plant).

2. The Impact of Labour Conditions on the Rate of Occupational Accidents in Key Sectors of the Economy of the Republic of Kazakhstan.**The objective of the study:**

Comprehensive assessment of labour conditions and the rate of occupational accidents in various sectors of industry in the light of modernization and introduction of new equipment and technological processes and proof of the effectiveness of measures to reduce the rate of occupational accidents.

The novelty of the study:

Comprehensive hygienic studies of labour conditions were carried out (temperature, relative humidity and speed of air movement, dust concentration) at the Zhezkent Ore Dressing Plant to assess the degree of occupational hazard.

Results obtained:

For the purpose of comprehensive hygienic assessment of labour conditions measurements have been taken of the microclimate (temperature, relative humidity and the speed of air movement); dust concentration; gas content; lighting; noise; and vibration.

The character of work was assessed in hygienic and physiological terms based on chronometry studies throughout the work shift: data on morbidity leading to temporary disability for 2003, 2004 and 2005 were studied based on medical records, data on the level of occupational injuries and diseases for 2002, 2003, 2004 and 2005 were studied and interviews were held to find out how workers themselves perceive the impact of production factors on their working capacity and health.

The functional state of the main systems of the workers' organisms was studied throughout the work shift to reveal the degree of fatigue and decline of working capacity, analysis of work-related occupational diseases was carried out.

Practical significance:

Scientific methodological recommendations have been developed to determine the optimum measures to reduce occupational accidents and disease in key areas of Kazakhstan's economy (*the methodological recommendation has been submitted for approval to the Scientific Council of the Health Ministry of the Republic of Kazakhstan*).

Recommended areas of application:

Enterprises of the corporation TOO Kazakhmys, AO Kaztsink and AO Aluminiy Kazakhstana. The results of this work are brought to the knowledge of the workers in different sectors through permanent upgrading courses on OSH. The total economic effect of this project is 5 million.

3. Study of the effectiveness of restoration mechanisms of adaptation to the regime and labour conditions through the use of medical-preventative nutrition and vitamins by workers in hazardous occupations.**The objective of the study:**

Comprehensive assessment of medical-preventative nutrition with physiological nutritional norms adjusted for gender, age, the character of work of employees in harmful and hazardous mining industry conditions.

The novelty of the study:

A comprehensive assessment has been carried out of the healthful and dietary meals served to workers at AO Kaztsink with assessment of the restoration and adaptation of the organism to the labour conditions.

The tasks of the study:

- ◆ to assess the actual diet and the nutritional status of the main categories of workers in the mining and metallurgical industry engaged in hazardous work;
- ◆ to identify the main shortcomings in the structure of nutrition and their link to the state of health;
- ◆ to analyze the methods of medical preventative nutrition;
- ◆ to determine the main principles of rational nutrition; and
- ◆ to develop scientifically valid recommendations on enhancing the effectiveness of the medical-preventative nutrition of workers in hazardous occupations.

Results obtained:

Physiological norms of nutrition of workers at the enterprises of AO Kaztsink have been adjusted for age and the character of work with due account of unfavourable production factors. A comprehensive assessment has been made of the medical-preventative nutrition of workers with due account of the effectiveness of adaptation and recuperation functions of the organism in the labour conditions at AO Kaztsink enterprises. An assessment has been given of the validity of the medical preventative nutrition, the actual energy release has been determined and a comprehensive assessment has been made of the impact of the adverse environmental factors on the organism leading to health problems, and the nutrition status of the main categories of workers.

Recommended areas of application:

Enterprises with hazardous labour conditions.

Practical significance:

Normative-methodological and patent and licensing support of enterprises with hazardous labour conditions has been provided.

The research methodologies used have been certified in the Republic of Kazakhstan. The Academy possesses the necessary complement of normative-technical documents for the conduct of research to assess the nutrition and food status, the nutritional and biological value of food rations, the medical preventative foods and biological additives to food.

The results of the work have been brought to the knowledge of employees in various sectors through permanent upgrading courses on OSH. The total economic effect from the application of the results is 5 million.

4. Development of criteria for diagnosis and correction of impaired adaptation of the worker's organism to changing labour conditions.**The objective of the study:**

Assessment of the risk of industrial stresses among workers of operational and dispatcher services whose job involves work with video terminals to establish the degree of harmfulness and stressfulness of the work processes.

The novelty of the study:

The risks of industrial stresses and methods of lifting them have been studied for locomotive drivers, operational and dispatcher and other services of AO Kazakhstan Temir Zholy.

Tasks of the study:

- ◆ Patent search on the problems of mental and physiological stress under extreme production conditions and avoidance of accidents on railway transport;
- ◆ Psychological attestation of occupational safety for transport workers.

Results obtained:

- ◆ an automated programme has been developed for computing integral indicators of peripheral hemodynamics to assess the adaptation indicator of Kazakhstan Temir Zholy employees;
- ◆ the character of work at 3 units of the Karaganda Carriage division has been studied;
- ◆ the workers have been methodologically grouped by type of activity;
- ◆ the stressfulness of labour processes in different subdivisions and sections of production facilities has been registered; and
- ◆ psycho-physiological tests have been carried out on employees during the shift with the use of the equipment complex UPDK-MK and Varicard.

The analysis of stress resistance and functional state of workers during work has shown that there were few errors in response to signals towards the end of the shift, which attests to the high level of professional fitness of the workers tested. At the same time because of the stressful character of work during the shift, which involves an alternation of the processes of excitation and inhibition of the higher system with an increase of emotional reactivity, reaction to complicated and simple visual and audio irritants revealed signs of fatigue, which affected labour productivity. A psychic profile for professional groups has been developed which may be used in recruiting railway transport workers at AO Kazakhstan Temir Zholy.

Practical significance:

On the basis of research methodological recommendations have been developed to assess the fitness and stress resistance of dispatchers to ensure railway

transport safety (*approved by the Scientific Council of the Health Ministry of Kazakhstan on February 20, 2007*).

A joint conference was held between AO NK Kazakhstan Temir Zholy and RGKP RNIOT MTSZN RK on the introduction of the main results of the research at AO NK Kazakhstan Temir Zholy. *A statement on the introduction of the results in the economy* has been received from the director of the branch of AO NK Kazakhstan Temir Zholy of the Karaganda railway transport division of August 6, 2006.

Recommended applications:

Railway transport enterprises.

5. Development of systems of psycho-physiological diagnosys of functional stress of employees during the work process.

Objective of the study:

Comprehensive assessment of the mental and physiological state of the organism of employees in stressful occupations (engineers, operators, dispatchers) depending on the type of professional activity and correction of functional deviations through biomanagement sessions).

Scientific novelty:

The study investigated the mental activity of the operators at a thermal power plant during the workday and timed the work processes. Labour conditions have been determined for various groups of employees in terms of microclimate and the labour conditions and nature of the work of predominantly brain workers have been studied among the employees of TETS-3 TOO Karaganda-Zhylu.

The tasks of the study:

- ◆ analysis of labour conditions and timing of work activities;
- ◆ comparative analysis of the functional state of regulatory systems of brain workers during the shift; and
- ◆ analysis of morbidity has been carried out.

Results obtained:

During the course of the study the activity of the operatives at the thermal power plant were studied throughout the working day and work timing has been carried out.

The work environment has been determined for occupational groups of employees in terms of microclimate and an analysis has been carried out of the conditions and character of work of persons predominantly engaged in work by brain at TETS-3 TOO Karaganda Zhylu. An analysis of morbidity leading to temporary disability was made. From the results of the study the impact of labour conditions on the work capacity of persons in various age groups among the operatives of the thermal power plant has been given and the functional state of regulatory systems among brain workers during the work shift has been studied.

On the basis of physiological studies a comprehensive assessment of the health and adaptation capacity of the organism when exposed to various environmental factors and in the process of various labour operations has been provided.

Practical significance:

Methodological recommendations on prevention and reduction of occupational accident risk and stress situations among workers in the energy sector have been developed.

Recommended areas of application:

Central heating enterprises.

6. Current OSH problems at small and medium enterprises in Almaty

Objective of the study:

to develop occupational safety and health standards at small and medium enterprises in the food and light industry and city transport in Almaty.

The novelty of the study:

the organization, forms and methods of OSH work at small and medium enterprises in Almaty have been studied.

Results obtained:

during the course of the study the organization, forms and methods of OSH work at small and medium enterprises in the food and light industry and city transport of the city of Almaty has been studied.

Typical shortcomings revealed at all the enterprises are: lack of OSH documentation at the enterprise; the personnel are ignorant of OSH issues; workers are

not fully provided with individual and group protection means; the employers and their representatives are not competent enough on OSH issues; concealment of occupational accidents; violations of the law On Labour on the part of employers; lack of a plan of measures to improve labour conditions; the enterprise cost estimate does not include the cost of occupational safety measures.

Analysis of occupational injuries warrants the conclusion that most occupational accidents happen due to poor organization which can be improved without particularly large financial outlays, due to lack of proper organization, labour discipline and violation of safety rules.

Practical significance:

Recommendations have been developed to improve occupational safety at small and medium enterprises in the food and light industries and city transport.

Recommended areas of application:

Small and medium enterprises.

7. Preventing occupational accidents and diseases at industrial enterprises in the Republic.

Objective of the study:

To develop a set of measures to prevent occupational diseases and injuries at the polymetallic ore processing enterprises in Eastern Kazakhstan.

The novelty of the study:

A complex of measures to prevent occupational accidents and diseases has been developed.

Results obtained:

A study has been made of harmful factors of the work environment at industrial enterprises and the features of occupational diseases, availability of health services to workers at the polymetallic ore processing enterprises in the East Kazakhstan Oblast (the Rudnensky Ore Dressing Complex, Zyrjanovsky Ore Dressing Complex, Zheskensky Ore Dressing Complex, AO Kaztsink, the Copper-Chemical Plant of the Branch of the Zhezkazgan Ore Dressing Plant, the Belousovsky and Beryozovsky Ore Dressing Plants of TOO Kazakhmys Corporation.

Parameters of microclimate were measured, the technological process was assessed in terms of the hazard presented by harmful factors, and morbidity was analyzed based on temporary disability certificates.

During the study of working conditions at polymetallic ore processing enterprises workers were found to be exposed to various harmful occupational factors, such as: highly fibrogenic silicon dust, industrial noise, the lifting and moving of heavy weights, prolonged periods of work in uncomfortable poses, exposure to harmful gases (hydrogen, carbon bisulphide, hydrogen bisulphide).

The availability of medical service to workers at the above mentioned polymetallic ore processing plants has been studied. The structure of occupational diseases of workers in ore dressing and metallurgical plants has been established.

Practical significance:

Based on the results obtained measures to prevent occupational diseases and injuries and render OSH more effective have been developed.

Recommended areas of application:

Industrial enterprises in the Republic of Kazakhstan.

8. Development of safety criteria for OSH management systems.

Objective of the study:

To determine risks for the purpose of creating an OSH management system at mining and metallurgical enterprises.

The novelty of the study:

Work has been carried out to study occupational risks to assess hazards on the basis of attestation of industrial enterprises of the Kazakhmys Corporation, AO Kaztsink and AO Aluminiy Kazakhstan.

Results obtained:

During the course of the research occupational risks were studied based on the results of attestation of industrial enterprises: the Kazakhmys Corporation, AO Kaztsink and AO Aluminiy Kazakhstan. The studies and the assessment of occupational risks show that occupational safety and health are an objective necessity and that the current OSH system needs further improvement.

Practical significance:

From the results of the study recommendations on improving occupational safety and health have been developed.

Recommended areas of application:

Enterprises of the corporation TOO Kazakhmys, AO Kaztsink and AO Aluminiy Kazakhstana.

9. Creation of a data base on occupational accidents and diseases.**Objective of the study:**

To develop a programme of automated gathering, analysis and processing of data on occupational injuries and diseases at enterprise level.

Novelty of the study:

An interface of database on occupational injuries and diseases has been developed adjusted to Form H-1 reporting in DELPHI programme environment has been developed, a scheme of computerization of the gathering, keeping, retrieval, analysis of data on occupational accidents and diseases at enterprises has been developed, a programme for recording and analysis of occupational accidents for enterprises has been created.

Results obtained:

During the project an interface of a database on occupational injuries and diseases corresponding to the Form H-1 Report in the DELPHI programme environment has been developed. The programme ensures close integration with the base of normative-legal information, normative-legal documentation on OSH, offering a possibility of multi-criteria search for information, openness and compatibility with other external systems of heterogeneous composition, architecture and function.

Practical significance:

The programme ensures computerized processing of occupational accident and disease processing at enterprise level.

Recommended areas of application:

Departments of MTSZN RK and the Health Ministry of the RK.

10. Development of methodology of determining the number of OSH workers for industrial enterprises.

Objective of the study:

To determine the volume of functions and tasks of the OSH service with reference to OSH management in the mining and metallurgical enterprises.

Novelty of the study:

The OSH system operation has been analyzed.

Results obtained:

The organization of OSH systems has been studied at the mining and metallurgical enterprises – the corporation Kazakhmys, AO Kaztsink and AO Aluminiy Kazakhstana.

Various OSH management systems have been analyzed, the organization of the work and job descriptions of OSH specialists have been reviewed, occupational accidents have been analyzed to reveal the main causes of accidents in mining and metallurgical enterprises.

Practical significance:

Recommendations have been developed on organizing OSH service with reference to the enterprises in the mining and metallurgical sector: the corporation Kazakhmys, AO Kaztsink and AO Aluminiy Kazakhstana.

Recommended applications:

Enterprises of the corporation TOO Kazakhmys, AO Kaztsink and AO Aluminiy Kazakhstana.

5.2.2. Non-governmental research and design institutions (institutes, centers, laboratories) in the field of OSH.

The Republic of Kazakhstan does not have nongovernmental research institutions. But the following specialized organizations deal with occupational safety and health matters:

- ◆ TOO Tsayug
- ◆ TOO Vostok-Ekologiya

- ◆ TOO Union KR Plus
- ◆ TOO Asar Co
- ◆ TOO Health Protection and Ecodesign Center
- ◆ OAO Tynyz
- ◆ OAO NIPI Kaspiymunaigaz
- ◆ TOO Hygiene-2
- ◆ Production Cooperative PROMKHIMECO
- ◆ TOO Altaitekhenergo
- ◆ TOO ARDABIL
- ◆ TOO Promservice-Otan
- ◆ TOO Oil Gas Consultants Investigation
- ◆ TOO Shek 2006
- ◆ TOO Nezir-NS
- ◆ Small enterprise AN-NI
- ◆ Mister Doors Atyrau

5.2.3. OSH centers that render non-educational services in the field of OSH

The Committee on State Monitoring of Emergency Situations and Occupational Safety under the Ministry for Emergency Situations of the Republic of Kazakhstan (hereinafter “the Committee”) is the agency of the Ministry for Emergency situations of the Republic of Kazakhstan that implements and monitors occupational safety measures.

The Committee has government agencies Interregional State Inspection on Occupational Safety in the Nuclear Energy Complex, the city of Stepnogorsk, State Inspection of Occupational Safety in Oil Operations Offshore and in Inland Waters of the Republic of Kazakhstan, the city of Atyrau. They have the status of regional agencies.

The main tasks of the Committee are state control of occupational safety, ensuring full and effective compliance with the plans and measures, with norms, standards and rules, and the capacity of officials, personnel and assets and their actions to prevent and eliminate the aftermath of natural and technogenic emergency situations.

5.2.4. Occupational pathology centers

RGKP National Labour Hygiene and Occupational Health Center of the Health Ministry of the Republic of Kazakhstan (hereinafter RGKP NTsGTPZ MZRK) under executive order No. 113 of the Kazakhstan Health Ministry of February 3, 2004 performs the following functions in the field of research into sanitary and epidemiological safety and occupational health:

- ◆ the conduct of fundamental and applied research within the Center's range of activities;
- ◆ rendering highly specialized medical assistance to sufferers from occupational diseases;
- ◆ training highly skilled personnel in the field of hygiene, occupational health and toxicology;
- ◆ development of methodological normative documents on hygiene and occupational health;
- ◆ training doctors specializing in occupational health for all the regions of the Republic;
- ◆ methodological assistance to medical institutions in delivering medical services to workers in industry and agriculture; and
- ◆ upgrading the qualifications of doctors specializing in occupational pathology.

Since 1993 the NTsGTPZ MZRK has had a Dissertations Council D.53.42.01 for the defense of Doctoral and Candidate's dissertations in speciality 14.00.07 Hygiene, 14.00.50 Occupational Health.

RGKP NTsGTPZ MZRK has branches in: Eastern Kazakhstan, Southern Kazakhstan and Western Kazakhstan.

5.3. Vocational training, retraining and upgrading of OSH skills. Information and educational work.

OSH specialists in the republic are trained at the following higher education institutions:

- ◆ Satpayev Kazakh National Technical University;
- ◆ Karaganda State University;

- ◆ Kazakh State Construction and Architecture Academy;
- ◆ Taraz State University;
- ◆ East Kazakhstan State University;
- ◆ Dzheskazgan University;

Occupational safety courses are taught at technical and economic higher and secondary specialized education institutions.

The Satpayev Kazakh National Technical University annually turns out 15 engineers specializing in OSH.

They are graduates of the Occupation Safety and Health Chair which was organized as Labour Protection Chair in 1967 and became a graduating chair since 2000. It is the largest chair at the University comprising 11 professors, 16 associate professors (Candidates of Sciences), 5 senior lecturers and 18 assistant professors. The chair is licensed to have postgraduate and doctorate courses in the speciality 052601 “Labour Protection” and also has an MA course. The chair’s scientists (Doctors of Sciences, Candidates of Sciences, postgraduates and engineers) pursue studies in the following areas:

- ◆ noise abatement;
- ◆ fire safety;
- ◆ study of gas concentrations in the workplace; and
- ◆ noise abatement in cities.

One area of the activities of the state enterprise Republican Research Occupational Safety Institute under the Ministry of Labour and Social Security of the Republic of Kazakhstan is to organize courses for training and upgrading in the field of OSH (hereinafter, “the Institute”).

The Institute offers monthly courses in the following areas: “occupational safety in various sectors of the economy”, “occupational safety at enterprises”, “main provisions of the Labour Code”.

The main subjects of study programmes are: RK legislation on OSH, RK labour legislation, RK legislation on occupational safety, sanitary and hygienic legislation of the RK, international and national OSH standards.

The categories of attendees:

- ◆ the CEOs and deputy CEOs of organizations, including those in charge of OSH matters, deputy Chief Engineers for OSH, employees who are natural persons and other persons engaged in entrepreneurial activities;
- ◆ CEOs, specialists, engineers who organize and conduct work in the workplaces and production units and monitor and supervise the work;
- ◆ Members of OSH committees (commissions);
- ◆ Authorized OSH specialists of trade unions and other authorized specialists of representative bodies;
- ◆ Members of commissions to test knowledge of OSH requirements;
- ◆ Mixed groups; and
- ◆ Members of OSH management service and workers charged by the employer with organizing OSH work.

Over the past three years the Institute has graduated 818 people, including 75 in 2005, 223 in 2006 and, as of November 2007, 522 specialists from various industries in the Republic of Kazakhstan.

Qualification requirements.

OSH engineer category I: higher professional (technical) education and length of service as OSH engineer category II of not less than 3 years.

OSH engineer category II: higher professional (technical) education and length of service as OSH engineer or in other positions that require higher professional education of not less than 3 years.

OSH engineer: higher professional (technical) education without length of service requirement or secondary professional (technical) education with a length of service as technician category I of not less than 3 years or in other jobs requiring secondary professional (technical) education of not less than 5 years.

An OSH engineer must be conversant with: legislative and other normative legal acts of the Republic of Kazakhstan and methodological materials on OSH; the main technological production processes at the organization; methods of studying labour conditions in the workplace; organization of OSH management; the system of labour safety standards; psychophysiological requirements to workers depending on the degree of physical strain, restrictions on the application of the labour of women and persons under 18 and workers allowed to do only light

work; the features of the operation of the equipment used at the organization; rules and means of monitoring compliance of the technical condition of the equipment with occupational safety requirements; advanced domestic and foreign experience on OSH; procedure and timeframe of compiling reports on fulfillment of OSH measures, the basics of economics, organization of production, labour and management; and basic principles of labour legislation in the Republic of Kazakhstan.

5.3.1. Programmes of higher professional and postgraduate education

Kazakhstan has a number of higher educational institutions that train OSH specialists such as:

- ◆ Satpayev Kazakh National Technical University;
- ◆ Agrarian Technical University;
- ◆ Serikpayev East Kazakhstan Technical University;
- ◆ Amanzholov East Kazakhstan State University;
- ◆ Karaganda Technical University;
- ◆ Karaganda State University;
- ◆ Kazakh State Construction and Architecture Academy; and
- ◆ Taraz State University.

Specialists are trained at the Occupational Safety and Health Chair. The chair has a license to have postgraduate and doctorate courses in the speciality 052601 “Labour Protection”. It has an MA department. The chair’s scientists (Doctors of Sciences, Candidates of Sciences, postgraduates and engineers) pursue the following lines of research:

- ◆ noise abatement;
- ◆ fire safety;
- ◆ study of gas concentration in work places; and
- ◆ noise abatement in cities.

5.3.2. Programmes of additional professional education offered by educational institutions

The higher education institutions referred to in Section 5.3 hereunder have small enterprises dealing with OSH problems in the Republic of Kazakhstan.

5.3.3. Studies organized by employers' and employees' associations

Pursuant to Article 13 of the Republic of Kazakhstan On Trade Unions and Article 340 of the Labour Code of the Republic of Kazakhstan public monitoring of OSH within organizations is the function of the Public Labour Inspector elected by the Trade Union Committee of the organization and in the absence of a trade union, by the general meeting (conference) of employees. Professional training, retraining and upgrading of the skills of public labour inspectors (trade union functionaries) within an organization is offered by republican, sectoral and regional associations of employees. The Trade Union Federation of the Republic of Kazakhstan (Astana) has set up permanent courses. The forms of professional training, retraining and upgrading of trade union functionaries are determined by the Trade Union Federation of the RK.

5.3.4. Training organized by the employer.

Article 140 of the LC RK sets forth the rights and duties of the employer in the training, retraining and upgrading of skills.

The employer determines the need for and scope of professional training, retraining and upgrading required for the proper functioning and development of his organization.

The employer also provides professional training, retraining and upgrading courses for workers and other persons who have not entered into labour relations with him (hereinafter, students):

- ◆ internally within the organization;
- ◆ in educational institutions that offer primary, secondary, higher and post-graduate professional education.

The employer has to offer conditions for workers to take training, retraining and upgrading courses on a part-time basis.

Professional training, retraining and upgrading of skills of students sent to educational institutions by the employer is paid for out of the resources of the employer or other resources not prohibited under the laws of the Republic of Kazakhstan in accordance with the study contract.

The agreement, collective and (or) employment contracts may provide for benefits and compensation in connection with study. The study contract must contain:

- ◆ indication of the specific profession and qualification acquired by the student;
- ◆ the rights and obligations of the employer and the student;
- ◆ the term of study and the time period the student must work for the employer on a mandatory basis upon completion of the course of studies;
- ◆ guarantees and compensations connected with studies;
- ◆ liabilities of the parties.

The study contract may contain other terms agreed upon between the parties. Major enterprises have training complexes and centers which offer training, retraining and upgrading in various areas, including OSH. For example:

- ◆ AO Arselor Mittal Temirtau, personnel training department.
- ◆ AO Bogatyr Access Komir: training complex, courses for training and retraining in various professions, upgrading of qualifications, upgrading of qualifications in the field of OSH as well as attestation of work places, development of methodological recommendations, tests and examination tickets.
- ◆ AO Sokolovo-Sarbai Ore Dressing Production Association. Training center for workers which includes OSH issues in its programme.
- ◆ RD Kazmunaigaz has its Integrated Personnel Development Center which organizes courses, upgrading seminars for its employees and caters to its regional subdivisions.
- ◆ AO PetroKazakhstanKumkolResources, a study center training workers in trades directly related to the company's activities.

5.3.5. Entities engaged in information and educational work

The Ministry of Labour and Social Security of the Republic of Kazakhstan and its regional bodies perform: strategic functions that ensure the development of the labour policy; OSH policy; state monitoring of compliance with labour legislation of the Republic of Kazakhstan and OSH requirements.

Thus, at the initiative of the Ministry of Labour and Social Security of the Republic of Kazakhstan and in collaboration with social partners many cities hold annual events under the motto “Occupational Safety is Everyone’s Business” timed for the World Safety Day.

The main aim of these events has been:

- ◆ to draw the attention of employers, employees and the public to the need to take comprehensive measures to cut the rate of and prevent occupational accidents and render occupational safety prevention work more effective (especially at construction enterprises and small enterprises);
- ◆ the need for attestation of labour conditions in production facilities (workplaces);
- ◆ clarification of newly adopted normative legal acts on OSH, including regulations by the Ministry of Labour and Social Security of the Republic of Kazakhstan; and
- ◆ introduction of international OSH standards.

As part of the events the heads of the Ministry’s regional bodies hold press conferences on the implementation of the measures planned. Appeals calling for the conduct of such events are circulated among enterprises.

Many enterprises in the Republic organize OSH contests.

Advertising banners are placed in cities to attract interest to the World Safety Day and “Occupational Safety is Everyone’s Business” actions.

5.4. Specialized research, technical and medical institutions connected with various aspects of OSH

5.4.1. Standardization agencies

The Committee on Standardization, Metrology and Certification under the Ministry of Industry and Commerce of the Republic of Kazakhstan is in charge of the safety of products, processes, work and services and protection of the property of citizens and the environment:

- ◆ central staff (28 persons);
- ◆ regional state supervision directorates;
- ◆ enterprises under its jurisdiction:
- ◆ RGP Kazakhstan Metrology Institute;
- ◆ RGP Kazakhstan Institute of Standardization and Certification;
- ◆ OAO National Assessment and Certification Center; and
- ◆ OAO National Accreditation Center.

5.4.2. Insurance Agencies

Under the Decree of the Government of the RK a joint stock company State Social Insurance Fund was created in 2004. The State Social Insurance Fund is a participant in the mandatory social insurance system. The main aim of the Fund is to introduce the system of mandatory social insurance in the Republic of Kazakhstan, to ensure the safety and targeted use of social deductions.

The main areas of the Fund's activity are:

- ◆ accumulation of social deductions;
- ◆ disbursement of social payments to participants in the system of mandatory social insurance in the event of an insured risk occurrence, including members of the family, dependents in the event of the loss of breadwinner who is a participant in the system of mandatory social insurance.

5.4.3. Agencies specializing in assessment of hazards and risks

For the purpose of comprehensive assessment of labour conditions in the work places, reducing and preventing occupational accidents, the authorized state labour agency and its regional branches monitor and assess risks in the OSH sphere.

Under Section 1 of Article 317 of the Labour Code of the Republic of Kazakhstan of May 15, 2007 the employer, together with representatives of employees must carry out periodic (at least once every five years) attestation of production facilities in terms of labour conditions and mandatory attestation after reconstruction, modernization, installation of new technology in accordance with the rules approved by the authorized state labour agency.

Under Section 3 of the Rules of Mandatory Periodic Attestation of production facilities in terms of labour conditions approved by the Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan No. 203-p of August 23, 2007 attestation of production facilities in terms of labour conditions is carried out by the employer whose company has an OSH service and a laboratory for testing the production environment factors or by a specialized organization.

The Ministry of Labour and Social Security of the Republic of Kazakhstan, the Labour and Social Security Departments of Oblasts, the cities of Astana and Almaty maintain a list of specialized organizations for the attestation of production facilities in terms of labour conditions (a total of 47 organizations). The list is a systematic and periodically updated roster of independent organizations that have a laboratory for instrumental tests of the work environment and labour conditions.

5.4.4. Emergency response agencies

Under the Regulations on the Committee for State Control of Emergency Situations and Occupational Safety approved by the Decree of the Government of the Republic of Kazakhstan No. 626 of June 30, 2006 the Ministry for Emergency Situations of the Republic of Kazakhstan (hereinafter referred to as “the Committee”) implements and monitors occupational safety measures.

The main tasks of the Committee are state monitoring of occupational safety, of full and effective fulfillment of the plans and measures, compliance with the norms, standards and rules, the capacity of officials, human resources and assets and their actions to prevent and eliminate the aftermath of natural and technogenic emergency situations.

The Committee has regional bodies in the oblasts and cities of Astana and Almaty (hereinafter “Regional Bodies”) and state institutions Interregional OSH State Inspection in the Nuclear Energy Complex, city of Stepnogorsk, State OSH Inspection of Oil Operations Offshore and in Internal Waters of the Republic of Kazakhstan, the city of Atyrau which have the status of regional agencies. In accordance with its tasks the Committee performs the following functions:

- ◆ controls the activities of subordinate OSH research organizations, paramilitary mountain rescue, gas rescue and anti-gusher services and units;
- ◆ implements state policy in the field of occupational safety and health;
- ◆ analyzes the causes and conditions of accidents and occupational injuries;
- ◆ registers hazardous production facilities;
- ◆ conducts state registration of natural and technogenic emergency situations;
- ◆ under applicable legislation takes measures to secure state secrets in the field of Civil Defense;
- ◆ develops regulatory legal acts on OSH, sometimes bringing in specialized state research organizations, approves or agrees such normative legal acts;
- ◆ organizes research, awareness campaigns for the population, officials and employees of organizations in the field of occupational safety;
- ◆ conducts jointly with standardization, metrology and certification agencies accreditation of organizations and test laboratories (centers) for certification of hazardous products (processes, services);
- ◆ issues statements of mining and technical control agencies and permits to develop, manufacture, test and use technologies, machines and mechanisms and other articles (including imported ones) in sectors under its jurisdiction whose operation involves potential risk;
- ◆ reviews and agrees the statutes, regulations and schemes of deployment of paramilitary mountain rescue, anti-gusher, gas rescue services and units in the territory of the Republic of Kazakhstan;

- ◆ agrees specialized projects dealing with safety in the liquidation and closure of organizations extracting minerals or parts thereof, oil, gas, hydrothermal and mineral wells;
- ◆ agrees contracts for the use of subsoil resources in terms of occupational safety;
- ◆ agrees current and long-term plans of mining development with organizations; and
- ◆ establishes the procedure of informing the public and organizations on the state of occupational safety.

5.5. Workers involved in occupational safety and health

5.5.1. National-level government officials responsible for OSH

Members of the following structural subdivisions of the Ministry of Labour and Social.

Security of the Republic of Kazakhstan deal with OSH issues:

- ◆ labour and employment department – 36 people
- ◆ legal support and information analytical work department – 16 people.

Subordinate organizations:

- ◆ Courses for upgrading qualifications;
- ◆ Republican Occupational Safety and Health Research Institute;
- ◆ AO State Social Insurance Fund;
- ◆ AO Life Insurance Company “State Annuity Company”.

5.5.2. Regional-territorial level officials responsible for OSH

The officials of the territorial Departments of the Ministry of Labour and Social Security of the RK for oblasts and the cities of Almaty and Astana.

5.5.3. Local self-government officials in charge of OSH.

In the local executive bodies the Departments of Coordination of Employment and Social Programmes are responsible for OSH.

The main tasks:

- ◆ developing and introducing effective ways and methods of ensuring labour and other social rights of citizens, providing social guarantees for low-income citizens under the laws of the Republic of Kazakhstan;
- ◆ development and implementation of oblast social programmes and coordination of methodological support of their fulfillment;
- ◆ development and implementation of poverty reduction and employment programmes;
- ◆ measures to implement a programme of rehabilitation of invalids and rendering social assistance to them;
- ◆ development and strengthening of the network of social security institutions;
- ◆ measures to raise living standards and incomes, issues of social partnership;
- ◆ coordination of activities of authorized agencies on employment and social security; and
- ◆ organizing work of interaction with scientific and production associations on the above tasks.

Types of activity:

- ◆ methodological assistance to social security institutions;
- ◆ employment assistance;
- ◆ organization of public works;
- ◆ professional training and retraining;
- ◆ providing services to attend to lonely elderly citizens, invalids and child invalids;
- ◆ job search clubs for unemployed and job-seekers;
- ◆ organization of “youth practice”;
- ◆ securing employment in social jobs;
- ◆ work of centers for adaptation of youth to the labour market;
- ◆ providing invalids with means of transportation;

- ◆ securing places at boarding schools;
- ◆ organizing sanatorium accommodation for war veterans, participants and pensioners;
- ◆ providing targeted social assistance on housing and other types of social assistance delivered by local representative and executive bodies;

5.5.4. OSH Officers of Employers

For the purpose of internal monitoring of compliance with OSH requirements production entities employing more than 50 workers establish an OSH service. The status of that service is the same as that of all the main production services.

The model statute on the OSH service within an organization is approved by the authorized state labour agency (Executive Order of the Minister No. 200-p of August 22, 2007).

An employer who employs 50 people and less must have a trained OSH officer or charge another specialist with overseeing OSH.

The directives of the OSH service or officer are binding on all the employees of the organization concerned.

6. STATE AND DYNAMICS OF OCCUPATIONAL ACCIDENTS AND DISEASES

6.1. Basic Principles of Qualification of Injuries and Diseases as being Work-Related

Occupational accidents are investigated and registered in accordance with the Labour Code of the Republic of Kazakhstan. Subject to be registered are work-related damage to the health of workers which have led to disability or death.

Subject to be investigated and registered are occupational accidents, injuries and other impairment of the health of workers related to their work or any other actions initiated in the interests of the employer which have led to disability or death, as the case may be.

The victim or eye-witness of every accident must promptly report it to the employer or work organizer. The responsible officials of health organizations must inform the employers and the regional subdivisions of the State Labour Inspection on every instance of first referral with an injury or other impairment of health on the job as well as acute occupational diseases (poisoning) to the State Agency for Sanitary-Epidemiological Safety.

The employer is responsible for organizing the investigation and registration of occupational accidents. He registers, keeps a record of and analyzes occupational accidents and diseases. In the event of an occupational accident the employer reports it in accordance with the form established by the State Labour Agency to:

- ◆ regional subdivision of the State Labour Inspection of the State Authorized Labour Agency;
- ◆ local bodies responsible for preventing and eliminating the aftermath of emergencies due to occupational accidents;

- ◆ local sanitary-epidemiological safety body in the event of occupational disease or poisoning;
- ◆ representatives of the employees;
- ◆ the insurance organization with which an agreement has been signed on insuring civil-legal liability of the employer for causing harm to the life and health of the worker.

At the occurrence of an accident subject to a special investigation under this chapter the employer must report it to:

- ◆ the local law enforcement body in the place where the accident has occurred;
- ◆ authorized industrial and departmental supervision and monitoring bodies.

Occupational accidents, other than those subject to a special investigation, are investigated by a commission formed within 24 hours by the employer.

Subject to special investigation are:

- ◆ serious or fatal accidents;
- ◆ group accidents involving two or more workers regardless of the seriousness of the injuries sustained by the victims; and
- ◆ group cases of acute poisoning.

In the event of acute poisoning representatives of the sanitary and epidemiological safety agency take part in the investigation commission.

A representative of the insurance organization which has a contract with the employer or the victim has the right to take part in the work of the Commission.

The investigation of an accident must not take more than ten working days since the day the Commission has been established.

The investigation of road accidents is carried out on the basis of the materials provided by the traffic police investigation.

The traffic police must within five days of the road accident, at the request of the chairman of the Commission investigating accidents, provide copies of the materials of the investigation.

The accidents that have not been reported to the employer in a timely manner or which have not immediately resulted in disability (regardless of the length of time that has elapsed) are investigated upon a submission of the victim (his representative) or by prescription of the state labour inspector within ten days of the filing of the application or receipt of the prescription.

On the basis of the documents and materials collected the Commission establishes the circumstances and causes of the accident, determines the occupational nature of the accident and whether the victim was on the spot of the accident while performing his work duties, qualifies the case as being (or not being) an occupational accident, identifies the persons who have violated OSH rules and measures to eliminate the causes and prevent occupational accidents.

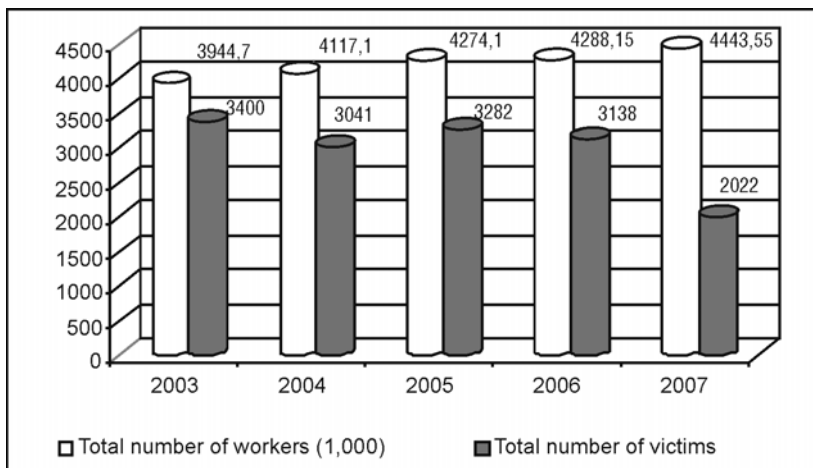
Group accidents in which at least two people have died are investigated by a commission headed by the chief state labour inspector of the oblast or city under republican jurisdiction. For accidents in human-induced emergency situations the chairman of the special investigation commission is the state inspector for the prevention and elimination of emergency situations. In that case the state labour inspector is a member of the commission.

Accidents in which between three and five people have died are investigated by a commission established by the authorized labour agency and, if more than five people die, by the Government of the Republic of Kazakhstan.

In 2006 3,138 people sustained occupational injuries and 470 people died in occupational accidents.

In spite of the large number of deaths, on the whole the rate of occupational accidents in the Republic dropped by about 7.8% between 2002 and 2004. The total number of victims dropped by 264 in 2006 and the number of deaths increased by 115 people.

6.2. Dynamics of Occupational Injuries over Time



Using relative indicators to assess the level of occupational injuries (the rate of occupational injuries is measured as the number of victims of occupational accidents per 1,000 workers and the rate of occupational accidents with a lethal outcome, i.e. the number of deaths in occupational accidents per 1,000 employees). One can consider the dynamics of occupational injuries and deaths.

Over the past five years (from 2002 through 2006) the occupational accident rate in the Republic dropped by 0.2 points (or by 21.9%) compared with 2002 to 0.71 in 2006; the death rate in occupational accidents in the same period rose by 0.01 points (11.1%) to 0.11 in 2006.

In 2006 the total number of injuries dropped by 144 on the previous year and the number of deaths increased by 72, which is an alarm signal because the number of deaths between 2002 and 2006 was 115. Among the regions, from the results of 2006 the highest rate of occupational injuries was in the Karaganda Oblast (2.45); that is 3.5 times higher than the republican average (0.71), the lowest rate is in the South Kazakhstan Oblast (0.22).

The occupational injury rate per 1,000 is above the national average in the Pavlodar Oblast (0.87), in the city of Astana (0.86) and in the East Kazakhstan Oblast (0.76).

The most serious situation is in the Karaganda Oblast where 2006 saw the highest level of deaths in occupational accidents (0.33) which is three times the average index for Kazakhstan (0.1). The lowest index is in the Almaty Oblast (0.038).

The highest rates of fatal occupational accidents as of 2006 were in the following regions: Astana (0.18), Pavlodar Oblast (0.16), Atyrau Oblast (0.16), Qostanai Oblast (0.12). The rate of deaths in occupational accidents is high in the city of Almaty (0.10).

For comparison, the rate of deaths in occupational accidents in Russia between 1997 and 2001 was 0.15-0.23 and in Kazakhstan in the same period 0.09.

6.3. Main Forms of Recording Cases of Occupational Injuries and Diseases

Every work-related accident that led to disability of a worker (workers) in accordance with the medical statement (recommendation) is recorded in a statement on the accident of a form established by the authorized labour agency in the necessary number of copies (for every victim separately). Cases of poisoning properly confirmed by a health organization are also recorded in a statement on the accident regardless of whether it has led to disability.

The statement on the accident is filled and signed by the executives of the OSH service and the corresponding division of the organization as well as by a representative of the employees and is confirmed by the employer and by the seal of the organization.

In the event of poisoning the statement on the accident is also signed by a representative of the state sanitary-epidemiological safety body. If the employer is a natural person the statement of an accident is filled and signed by the employer and certified by a notary public.

The statement must be in accordance with the materials of the investigation.

After the investigation of every accident the employer, not later than within three days, must provide the victim or the person authorized by him with the statement on the accident, with one copy of the statement sent to the insurance or-

ganization which has a contract with the employer and the other to the State Labour Inspection.

In the event of a poisoning a copy of the statement is also sent to the state sanitary-epidemiological safety body.

Every accident recorded in a statement is entered in the register of occupational accidents and impairment of health and included in the statistical report on temporary disability and occupational injuries signed by the employer and submitted to the statistical bodies in due procedure. The register is kept in a form established by the authorized state labour agency.

The employer, in accordance with the statements on accidents, must report all the accidents in his organization every month on an accrual basis for a corresponding period to the authorized statistical agency and to the regional state labour inspection bodies. Occupational accidents which with the passage of time have moved into the category of serious or fatal accidents are reported by the employer or his representative to the corresponding state labour inspection, and insured cases are reported to the insurer's executive body (in the place of the insured's registration).

6.4. Main Forms of Statistics Gathering

Every registered accident is entered in the register of occupational accidents and impairment of health and included in the statistical report on temporary disability and occupational injuries signed by the employer and submitted to the statistical bodies under established procedure. The register is kept in a form established by the authorized state labour agency.

The following forms are used in the Republic of Kazakhstan for statistical monitoring:

- ◆ form No. 7 TPZ – occupational injuries;
- ◆ form No. 4 OS – environmental protection;
- ◆ form No.2 TP – composition of the air; and
- ◆ form No. 3 – toxic waste.

6.5. The Number of Registered Occupational Accidents with a Lethal Outcome.

The total number of accidents in the republic's organizations was 2,875, with the total number of victims 3,138, which is 4% less than in 2005 (3,282), of whom 440 were women for whom the occupational accident rate dropped by 11.8% compared with 2005 (499).

The overall accident rate in 2006 was 0.71 versus 0.76 in 2005.

In spite of the overall decline of occupational accidents in 2006 fatal accidents increased by 18% on the previous year (470 deaths in 2006 versus 398 deaths in 2005).

From the results of 2006 the construction industry and the mining and metallurgical industry account for the largest number of deaths (133 and 114 respectively).

The number of female victims of occupational accidents in 2006 was 440, which is 11.8% less than in 2005. The number of deaths among women was 25, a drop of 17% on 2005. The largest number of deaths in 2006 was in the Karaganda Oblast – 112, Astana – 51, Almaty – 48, Pavlodar Oblast – 43 and the Eastern Kazakhstan Oblast – 34.

The rate of fatal occupational accidents in 2006 was 0.11 versus 0.09 in 2005.

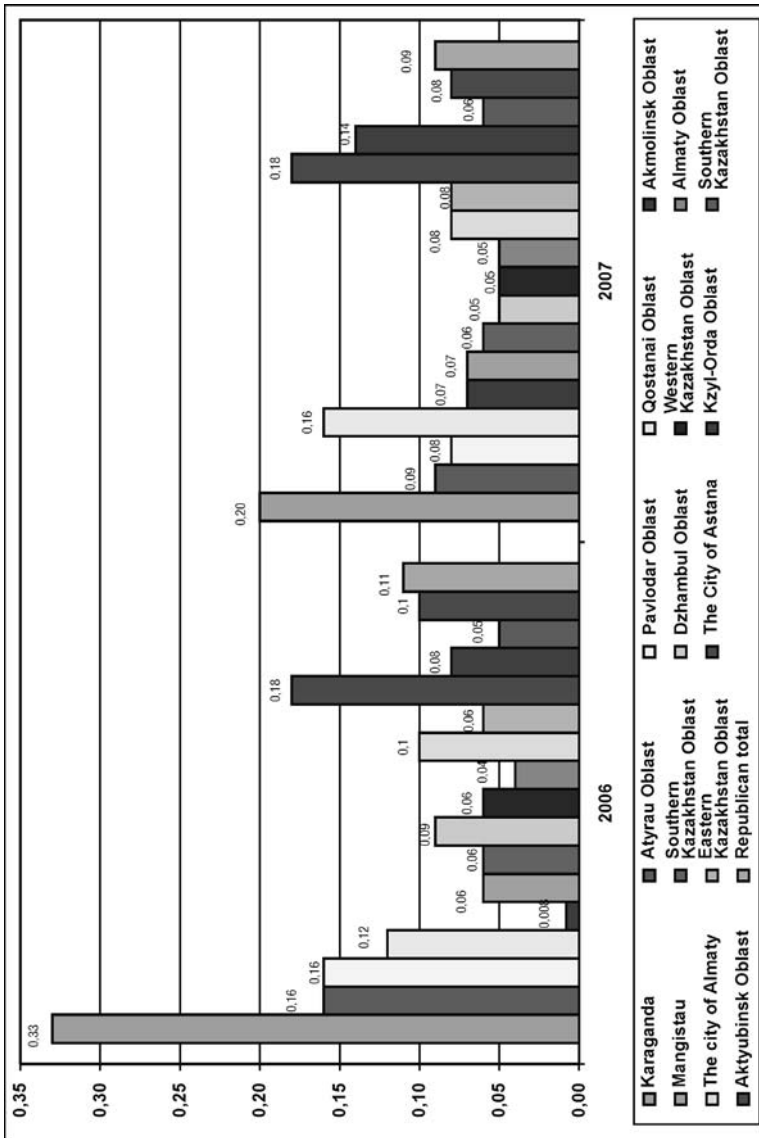
The most serious situation is in the Karaganda Oblast which reported the highest rate of fatal occupational accidents in 2006 (0.33), three times the average indicator for Kazakhstan (0.1).

The high rate of fatal occupational accidents in 2006 was registered in the following regions: Astana (0.18), Pavlodar Oblast (0.16), Atyrau Oblast (0.16), Gostanai Oblast (0.12). The rate is also high in the city of Almaty (0.10).

The dynamics of the rate of fatal occupational accidents by regions in 2002-2006 are shown in diagram 1.

In the Republic as a whole 157 group fatal accidents were registered in 2006 with 11 fatalities among women (14 in 2005).

Diagram 1



6.6. The Number of Registered Occupational Injuries.

On the whole in 2006 there were 2875 occupational accidents in the Republic which claimed 3.138 victims, 4% less than in 2005 (3,282 people), including 440 women among whom occupational injuries also dropped by 11.8% compared with 2005 (499).

The overall occupational accident rate by 2006 was 0.71 versus 0.76 in 2005.

Group occupational accidents involved 375 victims. Enterprises in the mining and metallurgical and coal as well as construction industries reported the highest occupational accident rate.

From the results of 2006 a total of 1,453 people suffered in occupational accidents in the mining-metallurgical and construction industries, which accounts for 46% of the total number of victims in the Republic.

Among the regions the biggest number of victims were in the Karaganda Oblast (837 people) and the Eastern Kazakhstan Oblast (445) as well as in the cities of Almaty and Astana (306 and 238 victims respectively).

An analysis of the Republic's economic development in 2001-2006 has revealed a 2.7 times growth of the GDP and a growth of the number of enterprises (for example between 2003 and 2006 it increased from 315,000 to 470,000). The number of workers over the five years also grew, from 3,725,200 to 4,444,500.

Against the background of economic growth in the said period the rate of occupational accidents has declined and the number of victims has dropped by 77 people. However, the number of fatal accidents has increased by 1.5 times.

Among the sectors of the economy the biggest number of victims in 2006 was registered in the mining and metallurgical industry – 820. The five years in question saw a drop of the number of victims by a total of 77.

The mining and metallurgical enterprises in the Karaganda Oblast reported 554 victims, which is 66% of the total number of victims in the oblast.

The next most accident-prone industry is construction which reported 633 victims in 2006. The number of victims rose by 276 in the period between 2001 and 2006.

Statistics show that between 2003 and 2006 the amount of construction in the city of Astana increased by 3.5 times and in Almaty by 2.5 times. The gross regional product in construction in the city of Astana increased by 5.2 times in the same period and in Almaty by 9.2 times. In 2006 these cities registered the largest number of fatal occupational accidents (169 in Astana and 117 in Almaty).

In agriculture there were 220 victims in 2006, a drop by 88 people over 5 years. Small enterprises reported 200 victims, a drop by 250 over five years.

Oil and gas industry enterprises registered 168 victims, a drop by 17 between 2001 and 2006.

According to statistics, the production of oil, including gas condensate in the Atyrau Oblast in 2006 accounted for 26.8% of the total oil output in the Republic, the Kzyl-Orda Oblast for 17.7% and Mangistau Oblast for 27.6%. These regions have a low level of fatal occupational accidents.

Workers in the oil and gas industry are provided with reliable individual and group protection means, more modern equipment and are instructed in occupational safety in a timely manner.

In the East Kazakhstan Oblast industrial output increased by 2.3 times in 2006 compared with 2003, the figures for Karaganda Oblast being 1.9 times and for the Pavlodar Oblast 1.7 times.

In the East Kazakhstan Oblast coal production increased by 493,000 tons in 2006 compared with 2003, accounting for 4.6% of the total production in Kazakhstan. The number of deaths in occupational accidents increased from 14 in 2003 to 15 in 2006.

In the Karaganda Oblast coal output increased by 894,800 tons in 2006 compared with 2003. The coal output in 2006 accounted for 27.8% of the total output in Kazakhstan.

In the Pavlodar Oblast coal output in 2006 increased by 10,443,000 tons and the number of deaths in occupational accidents rose from 3 to 5. The Oblast accounts for 67.4% of the total coal output in Kazakhstan.

Occupational injury dynamics show that in recent years there have been over 3,000 occupational accidents annually. At the same time, the Republic as a whole saw a 2.5 times drop in the overall number of occupational accidents between 1997 and 2006 (Diagram 2). The level of deaths in occupational accidents remains high. In 2006 470 people died in occupational accidents.

The causes of injuries vary between sectors. At the same time, the high level of occupational injuries in the country's enterprises is attributable to unsatisfactory OSH management, violations of labour and occupational discipline, insufficient training in safe methods of work, violations of safety rules and to a large extent to the neglect of OSH requirements by many private employers.

Analysis of the typology of serious occupational accidents in the Republic of Kazakhstan in recent years shows that one in every three workers sustained injuries or died as a result of transport accidents (29%), one in every four as a result of falling objects and materials (22%). More than 16% of workers were seriously injured or died when falling from a height.

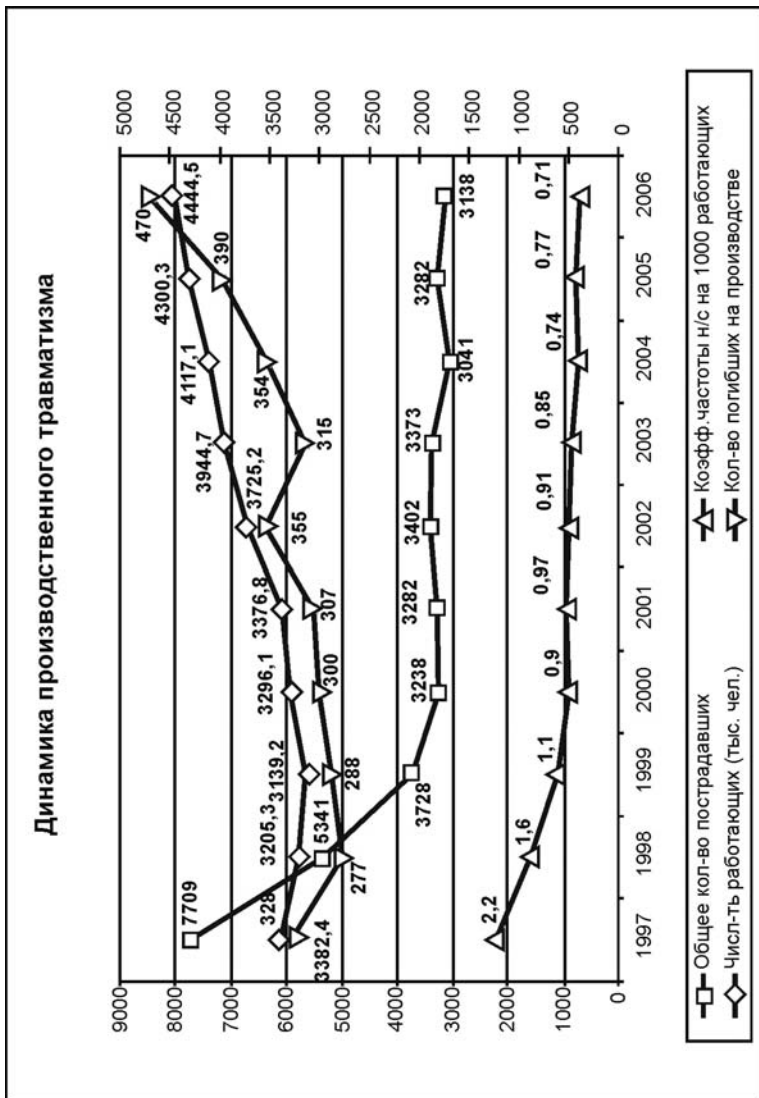
Most small enterprises do not have OSH services or officers, do not allocate funds for the attestation of production facilities in terms of labour conditions, provision of individual protection means to workers, do not have periodic medical examinations, etc. On the other hand, workers often violate elementary safety rules and instructions. This is practically everywhere attributable to a lack of industrial culture among employers and employees and a lack of risk awareness.

In some cases the people put in charge of sophisticated production processes lack the necessary experience and skills in handling the production technology.

Modernization of production, including in the basic sectors of the economy, is proceeding very slowly.

The mechanisms of regulation of the law enforcement practice, preventative work, administrative measures and government supervision of compliance with labour legislation are set forth in Section 3.2.1 of this Profile.

Diagram 2



6.7. Number of Registered Occupational Disease Cases.

In 2006, 564 people were afflicted with occupational diseases, which is 43 people more than in 2005.

The largest number of occupational disease victims were in the Karaganda Oblast (236 persons), in the East Kazakhstan Oblast (200), South Kazakhstan Oblast (99) Dzhambul Oblast (16), Pavlodar Oblast (4) and the North Kazakhstan Oblast (2).

Table 1 gives the breakdown of the number of those afflicted with occupational diseases by region.

Table 1

Names of oblasts and cities	Number of employees (,000)		Number of victims (total)		Number of occupational deaths		Number of victims of occupa- tional diseases (first discovered)	
	2006	2005	2006	2005	2006	2005	2006	2005
Akmolinsk Oblast	250426	221560	106	112	19	17	1	1
Aktyubinsk Oblast	273500	232300	147	124	26	18	0	1
Almaty Oblast	290500	290500	70	96	11	19	0	0
Atyrau Oblast	139200	127000	93	65	22	18	0	0
East Kazakhstan Oblast	584135	592456	445	506	34	37	200	155
Dzhambul Oblast	221400	183088	84	91	19	20	16	28
West Kazakhstan Oblast	199700	198600	97	105	11	7	0	0
Karaganda Oblast	341082	339408	837	869	112	79	236	226
Kzyl-Orda Oblast	131061	128500	58	40	11	12	0	2
Qostanay Oblast	191023	184308	136	200	22	27	6	1
Mangistau Oblast	161100	157600	75	76	9	12	0	0
Pavlodar Oblast	272600	265600	238	217	43	19	4	4
North Kazakhstan Oblast	179245	178943	109	123	10	11	2	2
South Kazakhstan Oblast	449164	449206	99	101	22	18	99	101
The City of Astana	276300	267200	238	223	51	41	0	0
The City of Almaty	484050	484050	306	334	48	43	0	0
Republican total	4444486	4300319	3138	3282	470	398	564	521

6.8. The Number of People Exposed to Unfavourable Working Conditions

The number of workers employed in harmful and otherwise unfavourable labour conditions by types of economic activity in 2006:

- ◆ total for the Republic – 1,458,102; of whom 558,329 are women and 899,773 men.
- ◆ total for industry – 703,376 persons of whom 208,890 women and 494,486 are men.
- ◆ total in construction – 209,854 of whom 28,710 were women and 181,114 men.

6.9. Assessment of the Scale of Underreporting

Statistical bodies base their reports on information drawn from the data bank of the authorized labour agency as well as data drawn from state OSH statistical reports. Decree No. 720 of the Government of the Republic of Kazakhstan of August 21, 2007 approved the rules of presenting information and keeping government statistics in the field of OSH developed in accordance with subsection 4 of Article 15 of the Labour Code of the Republic of Kazakhstan of May 15, 2007 and the Law of the Republic of Kazakhstan of May 7, 1997 (on state statistics).

We have looked at data on fatal occupational accidents in the period between 2004 and 2006.

According to the Statistical Agency of the Republic of Kazakhstan the total number of deaths in the Republic in 2004 was 345, in 2005, 364 and in 2006, 418. According to the State Labour Inspection, 354 people died in 2004, 390 in 2005 and 470 in 2006.

During the period referred to above the largest number of victims was in the mining and metallurgical industry and in construction.

In the mining and metallurgical industry, according to the Statistical Agency of the Republic of Kazakhstan, the total death toll in 2004 was 73, in 2005, 47, in 2006, 87. According to the State Labour Inspection, 66 people died in 2004 and 114 in 2006.

In the construction industry the Statistical Agency of the Republic of Kazakhstan reports 83 deaths in 2004, 82 in 2005 and 97 in 2006. According to the State Labour Inspection, 95 people died in 2004 and 133 in 2006.

The number of victims in the mining and metallurgical industry in 2006 was 820, a drop by 144 compared with 2003.

In 2006 the number of victims in construction was 633 people, which is 247 more than in 2003.

In agriculture the number of injuries has been decreasing. It dropped to 220 in 2006, i.e., 153 people less than in 2003.

The number of victims has been going down in the small enterprises too: 2000 people in 2006, a decrease of the number of injured by 55 compared with 2003. In the oil and gas industry there were 168 occupational injuries in 2006, 15 people less than in 2003.

Diagram 3 shows the regions with the largest number of victims in 2006 in the mining and metallurgical industry.

Diagram 3

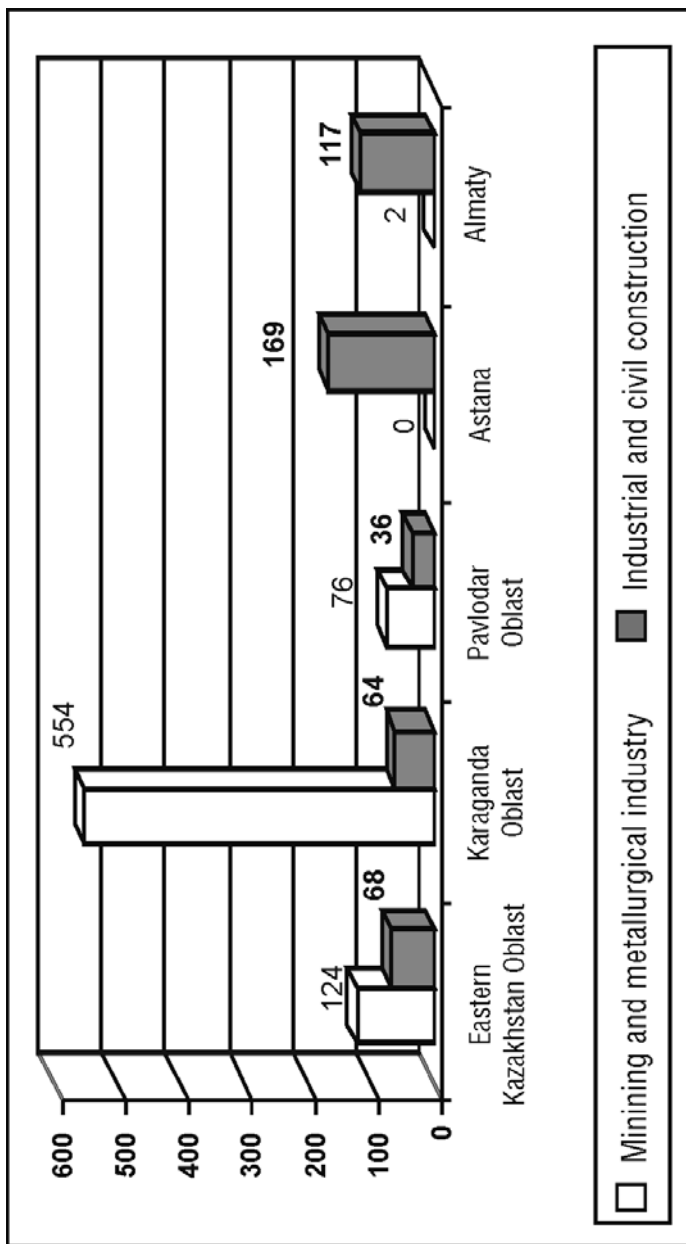


Diagram 4

Growth of amount of construction and fatal occupational accidents

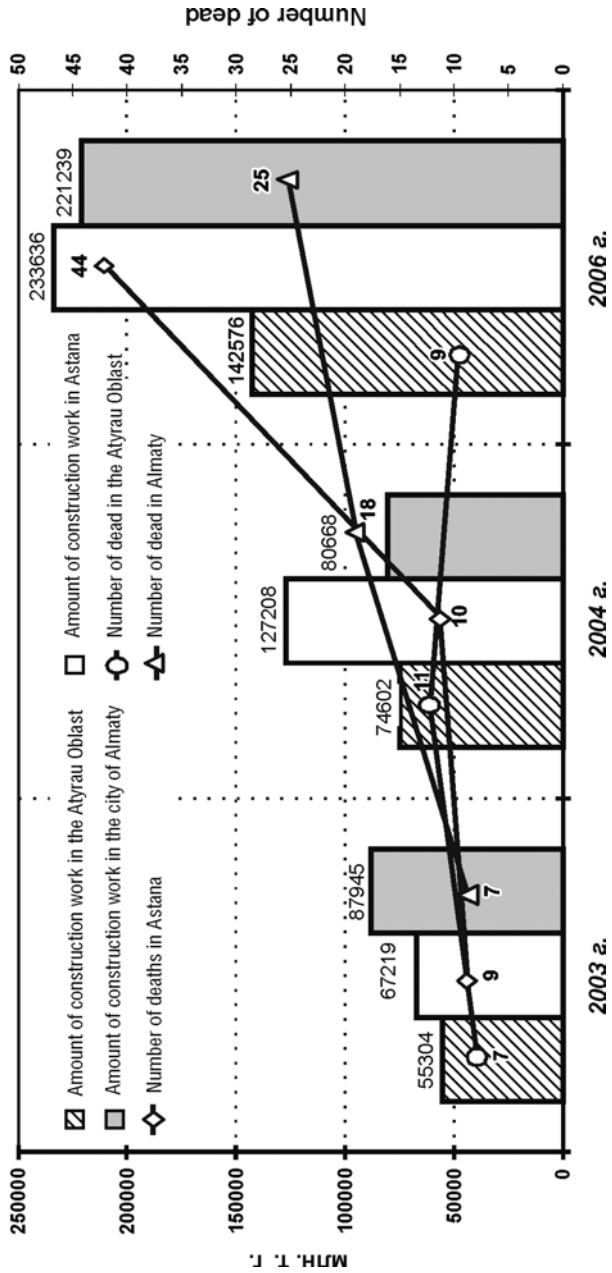
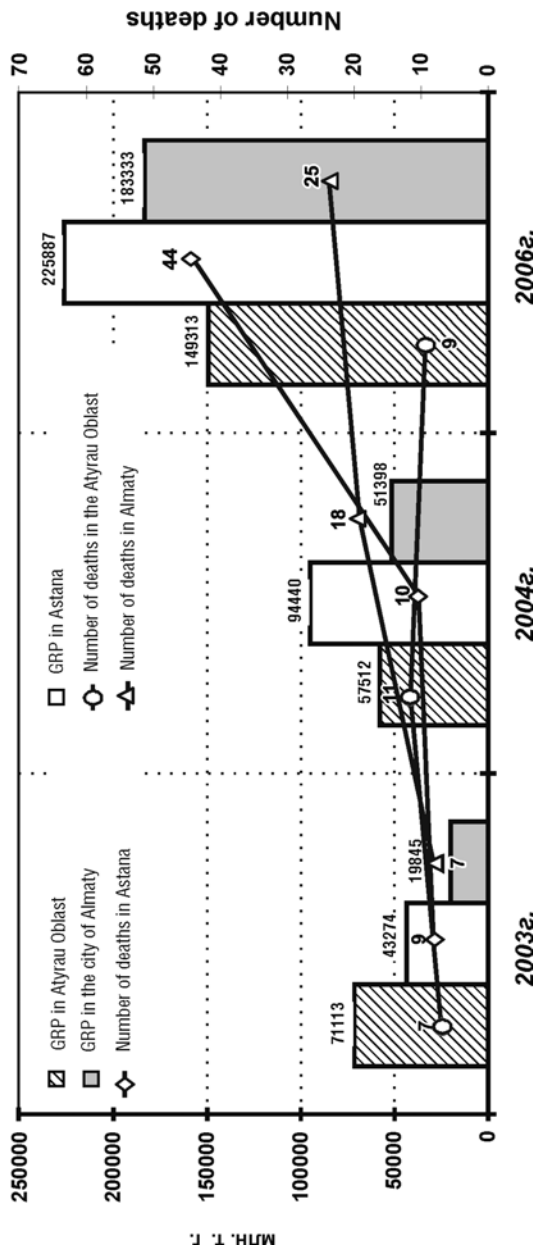


Diagram 5

Growth of GRP and the rate of fatal occupational accidents



7. REGULAR MEASURES AND ROUTINE WORK IN THE FIELD OF OSH: SPECIFIC EXAMPLES

7.1. Regular Measures at the National Level.

The Ministry of Labour and Social Security of the Republic of Kazakhstan has carried out measures to implement the OSH programme of the Republic of Kazakhstan for 2005-2007 approved by the Government Decree No.67 of January 27, 2005 and aimed at improving labour conditions and reducing the rate of occupational accidents.

A robust effort is underway in the Republic to introduce OSH standards: “The System of Occupational Safety and Health Management. Requirements” (ST RK 1348-2005) and “General Requirements to the System of OSH Management in an Organization” (GOST R 12.0.006-2002).

The above state standards are modifications of the international ILO-OSH-2001 Standard.

To improve labour conditions in construction, ILO Convention 167 on Safety and Health in Construction was ratified in 2007.

Pursuant to its obligations under ILO Convention No.182 the Republic has been implementing since the year 2005 a three-year ILO programme to eliminate child labour (IPEC).

Compliance with labour legislation is monitored by the State Labour Inspectors of the Ministry of Labour and Social Security of the Republic of Kazakhstan and its territorial agencies.

In 2006 alone they carried out 21,377 inspections which revealed 132,002 violations. State labour inspectors suspended the operation of 1775 machine tools, items of equipment and mechanisms that posed a real threat to the life and

health of workers, shut down 60 industrial facilities, and imposed 7,795 fines to the tune of 119 million tenge.

For more than ten years the top advisory body of social partners, the Republican Tripartite Commission on Social Partnership and Settlement of Social and Labour Disputes (RTC), has been active in Kazakhstan. The meetings of RTC, oblast and sectoral commissions discuss a wide range of issues, including employment.

Every year a national tripartite General Agreement is signed in the Republic of Kazakhstan which addresses the more topical issues of social and labour relations such as the creation of new jobs, cutting unemployment, improvements of the wage and OSH systems. The document sets down the social obligations of employers in line with the principles of social responsibility of business.

To create an effective system of social-labour relations that harmonizes the interests of workers, employers and the state in the Republic of Kazakhstan bipartite and tripartite cooperation must be further strengthened and dialogue must be promoted at the level of sectors, regions and enterprises.

Scientific-practical conferences and seminars on OSH are held jointly with the republican state enterprise Republican Occupational Safety and Health Research Institute under the Ministry of Labour and Social Security of the Republic of Kazakhstan.

For example, in June 2007 the Institute held a republican conference in Ust-Kammenogorsk on the topic: "Current Issues of Occupational Safety and Health". Taking part in the conference were representatives of government bodies, higher education institutions, scientists from corresponding institutes of Kazakhstan and the Russian Federation, the heads and experts of major industrial enterprises in charge of occupational safety and health. As part of the Conference an exhibition of individual worker protection means was mounted by TOO Yutaria.

A collection of articles and summaries of reports on OSH was published in time for the conference. The articles were contributed by members of specialized research organizations dealing with OSH problems, including the Higher School of Public Health (Almaty), the All-Russia Occupational Safety and Labour Economics Research Institute under the Federal Agency for Public Health and Social Development of Roszdrav (Moscow). The Serikbayev East Kazakhstan State

Technical University (city of Ustkamenogorsk), the National Occupational Health Centre of the Health Ministry of the Republic of Kazakhstan (Karaganda), the International Training, Research and Consultancy Center Denservice (Astana), the Nutrition Academy and others.

The main focus of the conference was on prevention of occupational diseases and injuries, improvement of medical service in industry and prospects for the use of medical-preventative nutrition methods.

To prevent occupational accidents and diseases, upgrading courses for OSH specialists are organized at the Republican OSH Research Institute under the Kazakhstan Ministry of Labour and Social Security.

Under the Occupational Safety Programme of the Republic of Kazakhstan for 2005-2007 the Institute produces posters, books and pamphlets on OSH, normative-legal and technical documentation.

7.1.1. National Initiatives

Pursuant to the government policy in the field of occupational safety and health the Government of the Republic of Kazakhstan issued Decree 67 of January 27, 2005 that introduced the Programme of Occupational Safety and Health of the Republic of Kazakhstan for 2005-2007 (hereinafter “the Programme”).

One of the Programme’s main tasks is to provide legal support for non-governmental organizations in the field of OSH aimed at improving OSH management and the scientific basis, institutional development of the system of state monitoring of compliance of employers with the labour legislation.

As part of the action plan to implement the Programme in 2006 the Ministry and its regional bodies conduct an extensive educational work to introduce national and international standards.

For example, in November 2006 the Ministry, jointly with the ILO, held an international seminar on the introduction of international OSH standards and government verification.

Taking part in the international seminar were deputies of the Kazakhstan parliament, social partners in Kazakhstan and the heads of labour inspections of Kazakhstan, Azerbaijan, Turkey, Tajikistan, Kyrgyzstan and Uzbekistan.

The seminar discussed the practicability of ratifying ILO Convention 167 and introducing new state standards in the Republic of Kazakhstan “Occupational Safety and Health Management System. Requirements” (ST RK 1348-2005) and “General Requirements to the OSH Management System in an Organization” (GOST R 12.0.006-2002).

7.1.2. Initiatives in Industry.

To reduce the rate of occupational injuries in construction the Republic of Kazakhstan ratified ILO Convention No. 167 On Safety and Health in Construction which has been recognized as highly relevant by all the ministries and agencies concerned. The sectoral convention covers all types of construction activities including any processes and operations on the construction site and its focus is on occupational safety in the construction industry. Among other ILO documents adopted are ILO Convention 148 on Protection of Workers against Occupational Hazards and Convention 155 On Occupational Safety and Health.

From the results of 2006 the Republican Tripartite Commission on Social Partnership and Settlement of Social and Labour Disputes (RTC) considered the following topical issues:

- ◆ On compliance with OSH legislation at automobile and aviation transport enterprises;
- ◆ On the current status and development of social partnership in education;
- ◆ On the current status and development of social partnership in the mining and metallurgical industry;
- ◆ On the minimum sectoral wage in the mining and metallurgical industry;
- ◆ On implementing the OSH programme of the Republic of Kazakhstan for 2005-2007;
- ◆ On participation of foreign investors in social partnership;
- ◆ On the current status and development of social partnership in the oil and gas sector; and
- ◆ On progress in the implementation of the Employment Programme for 2005-2007.

Social and labour relations are regulated through social dialogue by the conclusion of the General, sectoral and regional agreements as well as collective contracts among social partners.

Thus at the Republican level the General Agreement was signed in late 2006 between the Government of the Republic of Kazakhstan, the Republican associations of trade unions and employers for 2007-2008 with a view to introducing the principles of the UN Global Treaty on Responsibility of Transnational Corporations.

7.1.3. Trade Union Activities and Initiatives in the Field of OSH

The Trade Union Federation of the Republic of Kazakhstan has developed a statute on national public OSH reviews at enterprises and organizations. Under the Statute such reviews are held every year on International Safety Day. Republican competitions focus the attention of trade union bodies and employers' organizations and enterprises in various sectors on the state of OSH. Such measures help to involve CEOs, engineers, workers and blue-collar staff and the trade union activists in preventing accidents, timely identification and elimination of violations of OSH rules, bringing down occupational accidents and diseases by stepping up administrative and public monitoring of compliance with OSH rules.

The Trade Union Federation of the Republic of Kazakhstan holds annual sectoral republican seminars for OSH specialists, ministries and agencies dealing with labour issues.

A number of agreements have been signed between the Government, the Trade Union Federation and employers: the Eurasian Industry Association, the Union of Producers and Exporters, etc. The parties assumed a number of obligations based on the law On Social Partnership in the RK, the President's address "The Strategy of Making Kazakhstan One of the Fifty Most Competitive Countries in the World" and other documents.

Verifications of labour conditions at enterprises are regularly held together with state inspectors of the Ministry of Labour and Social Security of the Republic of Kazakhstan.

7.2. International Cooperation

7.2.1. World Occupational Safety Day

Various events are held in Kazakhstan to mark the World Safety Day.

In 2006 the Labour Department in the capital held a Month under the motto “Occupational Safety Is Everyone’s Business” timed for the World Safety Day. The aim of the Month was to draw the attention of employers, employees and the public to the need to take measures to reduce and prevent occupational accidents. In 2007 the city of Astana staged an action under the motto “Decent Work – Safe Labour”. The event was organized by the city authorities, the Prosecutor’s Office and a department of the Labour and Social Security Ministry. A wide-scale awareness campaign on labour legislation was mounted. Video materials, outdoor advertising were displayed, articles were published and television appearances were made.

The World Safety Day is also marked at enterprises. Thus TOO BAK held an event under the motto “Safe and Healthy Work Places: Let Us Make Decent Work a Reality”. The company mounted a major effort. It organized a number of contests: for the best work place or work site, the best wall newspaper and other contests. The Eurasian Energy Corporation has been holding a Safety Month for a third year in a row on the eve of the World Safety Day. Contests are organized among workshops and subdivisions for best occupational safety, best knowledge of normative-legal documents on OSH, and delivery of first aid. Seminars have been held for State Labour Inspectors.

7.2.2. Cooperation Agreements and Projects with ILO, Other International Agencies or States (Alliances of States).

Kazakhstan has been cooperating with the International Labour Organization since it joined the ILO in 1993. Representatives of our country have taken part in ILO events in order to bring the laws of Kazakhstan in line with international labour law.

Occupational safety and health is a key sphere of cooperation between the ILO and Kazakhstan. Thus in 2004, a National Occupational Safety Information Center was

created with ILO support. Premises have been made available for it in the building of the Kazakhstan Ministry of Labour and Social Security, furniture and office equipment have been provided. Since the center was created the upgrading courses at the Ministry of Labour and Social Security of the Republic of Kazakhstan (hereinafter, MTSZN RK) have regularly provided training for labour inspectors and other persons concerned. In June 2007 the Center was transferred under the jurisdiction of the Republican Occupational Safety Research Institute under the MTSZN RK which has a solid training and methodological basis on occupational safety issues and maintains its own website. Links will be resumed with the ILO OSH Information Center and its network. A databank and a reference information fund are to be created on the basis of the Institute's materials on occupational safety and health. The information will be distributed via the Internet among persons and organizations concerned (employers, trade unions, employees).

As part of cooperation between the Ministry of Labour and Social Security of the RK and the International Labour Organization (ILO) joint events are held. Thus, a seminar on labour inspection audit was held in Taraz, Kazakhstan, on October 26-27, 2005. Taking part in the seminar were representatives of the labour ministries, associations of employers and trade unions and chief labour inspectors from Kyrgyzstan, Uzbekistan and Tajikistan. The ILO was represented by the ILO Moscow Office Chief OSH Specialist Viking Husberg. Convention 167 On Occupational Safety and Health in Construction was presented at the seminar. ILO representatives noted that the ratification of the Convention is particularly important for Kazakhstan which is witnessing a construction boom, as well as for other CIS countries where construction is developing rapidly. ILO experts called for the introduction of internationally recognized OSH management systems such as the ILO-OSH 2001 requirements, at medium and large enterprises.

An international seminar on "The Introduction of International Occupational Safety Standards and Government Control" was held in Shchuchinsk on November 23-24, 2006 under the aegis of the Ministry of Labour and Social Security and the International Labour Organization. The aim of the seminar was to disseminate world best practices in the introduction of international management standards as an effective instrument of making Kazakhstan's products more competitive.

The seminar also discussed the issues of ratification of ILO Convention No. 167 On Safety and Health in Construction and the introduction of the OHSAS 18001: 1999 standard "Occupational Health and Safety Assessment Series. Require-

ments”, the ILO-OSH 2001 OSH management system as well as state standards of the Republic of Kazakhstan “Occupational Safety and Health Management System. Requirements” (ST RK 1348-2005) and “General Requirements to the OSH System in an Organization” (GOST R 12.0.006-2002).

Taking part in the two-day seminar were specialists of the ILO, representatives of ministries and agencies, deputies of the Kazakhstan parliament, chief labour inspectors from Kazakhstan, Azerbaijan, Turkey, Tajikistan, Kyrgyzstan and Uzbekistan, OSH specialists of leading industrial enterprises as well as representatives of the Trade Union Federation and the National Union of Entrepreneurs and Employers of Kazakhstan.

In May 2007 the Parliament of Kazakhstan (Majilis) approved a draft law On the Ratification of the Convention on Safety in Construction (Convention 167).

An important sphere of cooperation between Kazakhstan and the ILO is the elimination of the worst forms of child labour (hereinafter IPEC). After the Republic of Kazakhstan ratified ILO Convention No. 182 on IPEC the country organized consultations of ILO-IPEC experts and national experts on the child labour situation. With the support of the MTSZN two national roundtables were held in 2004 with interested partners to determine the need for ILO technical support in the elimination of child labour. On the basis of consultations with partners, ILO-IPEC experts developed a draft document for the regional ILO-IPEC project to support the elimination of child labour in Central Asian Countries.

7.2.3. Activities of the National and Collaborating ILO OSH Information Centers.

On instructions from the Ministry of Labour and Social Security of the Republic of Kazakhstan research is being conducted in 2006-2008 to create a database on occupational accidents and diseases.

The aim of the Programme is to develop a system of computer gathering, analysis and processing of data on occupational accidents and diseases at enterprise level.

And interface of the database on OSH has been developed in line with Form H-1 reporting in the DELPHI environment, a scheme for computerizing the gathering,

introduction, storage, search, analysis and systematization of data on occupational accidents and diseases at enterprises has been developed and a programme of registration and analysis of occupational accidents at enterprises has been put in place.

The Programme ensures close integration, in all events, with the legal framework and legal documents on OSH and supports multi-criteria search for information, ensures openness and interaction with other external systems of diverse character, architectural solutions and function.

A Regional ILO-IPEC Office and the Country Office of the Project in the RK was opened in Almaty in 2005; a National Working Conference in Astana was attended by the key partners in the project: the government bodies concerned, the organizations of employers, trade unions and non-governmental organizations, with the Labour Ministry playing the coordinating role.

In March 2007 the Republican OSH Research Institute under the Ministry of Labour and Social Security of the RK, with the support of the ILO-IPEC, a National Information Resource Center on Child Labour was created.

The Center gathers and disseminates information on child labour among members of departments of labour and social security, labour inspectors, social workers, teachers, psychologists and inspectors for the affairs of minors.

The Center organizes training sessions and seminars on issues of child labour as well as thematic training of experts at the upgrading courses to enable them to pursue purposive and systematic work to prevent child labour, expose the use of child labour, help children involved in child labour and conduct educational work with parents and the public. The target group of the training seminar on "Child Labour and Exploitation of Children: Problems and Legal Issues" consists of state labour inspectors, inspectors for the affairs of minors, social workers, experts in regional departments of the Ministry of Labour and Social Security of the Republic of Kazakhstan.

The Center also conducts educational work among the population and the media.

The Center plans to launch a website which will carry information on child labour. All the information accumulated at the center is to be made available on the website.

8. ANALYSIS OF THE STRENGTHS AND WEAKNESSES OF THE NATIONAL OSH MANAGEMENT SYSTEM

The Republic of Kazakhstan is making a robust effort to improve labour legislation. This year saw the introduction of the Labour Code of the Republic of Kazakhstan which regulates not only labour relations but the relations of social partnership.

Pursuant to the Labour Code 19 regulatory acts have been passed, including 5 decrees of the Government of the Republic of Kazakhstan and 14 Executive Orders of the Minister of Labour and Social Security of the Republic of Kazakhstan.

The strong side is that the legal framework is in place. The main occupational safety and health standards have been determined. Permanent work will be conducted to improve the normative legal acts on the basis of scientific research and international standards.

The weak side is the low level of industrial culture, irresponsible behaviour of employers and employees at work and a lack of awareness of the allowable degree of risk, etc.

9. GENERAL CONCLUSIONS FROM THE NATIONAL PROFILE

A series of tasks are to be solved to achieve the goals set:

- ◆ to improve the legal framework to ensure parity and equal responsibility of the employee and the employer irrespective of the sphere and sector of the economy;
- ◆ to provide a mechanism of incentives to raise real wages through rational use of manpower, higher labour productivity, lower tax burden on organizations by reducing mandatory payments;
- ◆ to develop social partnership at all levels (national, regional, sectoral) and through creating real mechanisms of collective bargaining in organizations; and
- ◆ to introduce a system of economic incentives for the employer to allocate more funds for OSH.

One of the key priorities in the labour sphere is preservation of life and health. Therefore all the OSH measures must be aimed at preventing occupational accidents and diseases. Certification of occupational safety work is to be one such measure.

Proceeding from international experience it is necessary to put in place a system of OSH work certification for all organizations irrespective of their form of ownership or legal form, including:

- ◆ the employer's efforts to ensure occupational safety;
- ◆ the performance of the OSH service;
- ◆ attestation of workplaces in terms of labour conditions; and
- ◆ organization and conduct of OSH instruction and testing of knowledge on OSH.

In hazardous production facilities a scheme for identification of harmful factors can be created. Such a scheme would discover harmful production factors that are common for many occupational groups or are peculiar to one particular occupation or production unit.

Monitoring of compliance with international OSH standards.

This is prompted by the fact that in the context of integration into the world economy and intensification of production it is necessary to actively introduce well-tried and universally accepted systems of OSH management.

10. LEGAL FRAMEWORK AND INFORMATION RESOURCES

10.1. List of the Main Laws and Supporting Legislation on Occupational Safety and Health:

- ◆ Constitution of the Republic of Kazakhstan (adopted by Republican referendum on August 30, 1995) (with amendments and additions as of May 21, 2007);
- ◆ Civil Code of the Republic of Kazakhstan (special part) of July 1, 1999 No. 409-I (with amendments and additions as of June 19, 2007);
- ◆ Labour Code of the Republic of Kazakhstan of May 15, 2007, No. 51-III;
- ◆ Criminal Code of the Republic of Kazakhstan of July 16, 1997, No. 167-I (with amendments and additions as of July 21, 2007);
- ◆ The Code of the Republic of Kazakhstan on Administrative Offenses of January 30, 2001, No. 155-II (with amendments and additions as of July 27, 2007);
- ◆ The Code of the Republic of Kazakhstan on Taxes and Other Payments into the Budget (Tax Code) (with amendments and additions as of July 27, 2007);
- ◆ Law of the Republic of Kazakhstan of April 3, 2002 No. 314-III On Mandatory Insurance of the Civil-Legal Liability of the Employer for Work-Related Damage to the Life and Health of the Employee with a number of supporting normative legal acts;
- ◆ The Law of the Republic of Kazakhstan of June 4, 2003 No. 430-II on the Public Health system (with amendments and additions as of July 27, 2007);
- ◆ The Law of the Republic of Kazakhstan of December 4, 2002, No.361 II On Sanitary Epidemiological Safety;
- ◆ Law of the Republic of Kazakhstan of November 22, 1996, No. 48 On Fire Safety;

- ◆ Law of the Republic of Kazakhstan of July 5, 1996, No. 19 On Natural and Technogenic Emergency Situations;
- ◆ The Law of the Republic of Kazakhstan of July 7, 2006, No.170-III On the Protection of Citizens' Health (with an addition of January 11, 2007);
- ◆ The Law of the Republic of Kazakhstan of July 7, 2004, No. 580-II On Mandatory Insurance of the Civil-Legal Liability of the Owners of Facilities whose activities pose the danger of damaging third persons;
- ◆ Law of the Republic of Kazakhstan of July 16, 2001, No. 242-II On Architectural, Urban Development and Construction Activities in the Republic of Kazakhstan (with amendments and additions as of July 21, 2007);
- ◆ Law of the Republic of Kazakhstan of April 23, 1998 No. 219-I On Radiation Safety (with amendments and additions as of December 29, 2006);
- ◆ Law of the Republic of Kazakhstan of July 15, 1996 No. 29-I On Road Safety (with amendments and additions as of January 12, 2007);
- ◆ Law of the Republic of Kazakhstan of April 9, 1993 No. 2107-XII On Trade Unions (with amendments made on May 15, 2007);
- ◆ Decree of the President of the Republic of Kazakhstan of September 4, 1995 No. 2451 On Ratification of the Agreement on Cooperation in the Field of Occupational Safety;
- ◆ Decree of the President of the Republic of Kazakhstan of May 25, 1995 No. 2303 On Ratification of the Agreement on Mutual Recognition of the Rights to Compensation of Damage Caused to Employees by Injury, Occupational Disease or other Work-Related Impairment of Health;
- ◆ Decree of the Government of the Republic of Kazakhstan of August 21, 2007, No. 721 On Approving the Rules of Adoption of Normative Legal Acts in the Field of Occupational Safety and Health by Corresponding Authorized Agencies;
- ◆ Decree of the Government of the Republic of Kazakhstan of August 21, 2007 No. 720 On Approving the Rules of Submitting Information and Keeping of Government Statistics in the Field of Occupational Safety;
- ◆ Decree of the Government of the Republic of Kazakhstan of September 27, 2007 No. 851 On Approving the Rules of Organization and Conduct of State Monitoring in the Field of Occupational Safety;

- ◆ Decree of the Government of the Republic of Kazakhstan of June 18, 2002 No. 668 On Approving the List of Medical Psychiatric Counterindications for Certain Types of Occupational Activities as well as Hazardous Works;
- ◆ Decree of the Government of the Republic of Kazakhstan of February 27, 2004 No. 239 On Approving the List of Organizations and Facilities that are Obligated to Have a Fire Service;
- ◆ Decree of the Government of the Republic of Kazakhstan of December 19, 1999 No. 1930 On Approving List No. 1 of Facilities, Works, Occupations, Positions and Indicators for Underground and Open-Cast Mining and Works with Very Harmful or Physically Taxing Labour Conditions;
- ◆ Decree of the Government of the Republic of Kazakhstan of September 21, 2007 No 825 On Approving Safety Rules on Railway Transport;
- ◆ Decree of the Government of the Republic of Kazakhstan of September 8, 2007, No. 781 On Approving the List of Organizations and Facilities which are Obligated to Have a Fire Service;
- ◆ Decree of the Government of the Republic of Kazakhstan of June 20, 2007, No. 517 On Approving the Rules of Development, Assessment, Adoption, Amendment and Repeal of Technical Regulations;
- ◆ Decree of the Government of the Republic of Kazakhstan of September 22, 2006, No. 901 On Approving the Rules of Safety and Environmental Protection in the Construction, Laying and Exploitation of Underwater Pipelines and Cables;
- ◆ Decree of the Government of the Republic of Kazakhstan of January 28, 2005, No. 67 On Approving the Programme of Occupational Safety and Health in the Republic of Kazakhstan for 2005-2007;
- ◆ Decree of the Government of the Republic of Kazakhstan of January 24, 2005, No. 48 On Approving the Rules of Agreeing the Projected Standards, Norms and Rules Setting Requirements to Fire Safety as well as Decisions to Build Facilities for which such Norms and Rules are Absent.
- ◆ Decree of the Government of the Republic of Kazakhstan of January 31, 2003, No. 113 On Approving the Agreement on Cooperation in Ensuring Occupational Safety at Hazardous Production Facilities;
- ◆ Decree of the Government of the Republic of Kazakhstan of December 19, 2002, No.1327 On Approving the Rules of Providing Information, Disseminating Knowledge and Training the Public and Specialists in the Field of Fire

Safety (with amendments introduced by Government Decree No. 662 of June 30, 2005). Decree of the Government of the Republic of Kazakhstan of April 23, 2002, No. 464 On Approving the Agreement on Cooperation in the Training of Specialists in Radioecology, Radiation Safety, Radiobiology and Related Sciences;

- ◆ Decree of the Government of the Republic of Kazakhstan of April 12, 2002, No.425 On Creating the State Institution “State Inspection of Supervision of Safe Oil Operations Offshore and in the Internal Waters of the Republic of Kazakhstan”.
- ◆ Decree of the Government of the Republic of Kazakhstan of September 26, 2001, No.1240 On Aspects of Safety in the Oil and Gas Sector in the Republic of Kazakhstan (with amendments introduced by the Decree of the Government of RK of July 16, 2003 No 700);
- ◆ Decree of the Government of the Republic of Kazakhstan of May 19, 2000, No.764 On Approving the Rules of Submitting and the Form of the Industrial Facility Safety Declaration;
- ◆ Decree of the Government of the Republic of Kazakhstan of November 25, 1997 No.1650 On Approving the Traffic Rules of the Republic of Kazakhstan, main provisions for clearing vehicles for exploitation and the duties of officials and participants in road traffic to ensure road safety and the list of operational and special services whose vehicles are provided with special light and sound signals and are painted according to special colour schemes (with amendments and additions as of May 25, 2007). Special painting colour schemes, identification marks;
- ◆ Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan of August 23, 2007 No. 203-p. Rules of Conducting Mandatory Periodic Attestation of Production Facilities in terms of labour conditions;
- ◆ Executive Order of Acting Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007 No. 182-p. Instructions on the application of the List of production facilities, workshops, occupations and positions with harmful (very harmful) and (or) hard (very hard), hazardous (very hazardous) labour conditions which entitle workers to shorter hours and an additional annual paid leave;

- ◆ Executive Order of Acting Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 184-p. Rules and rations of the issue of milk and medical-preventative nutrition at the employers' cost;
- ◆ Executive Order of Acting Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 185-p. List of works where labour of workers under 18 is prohibited, maximum weights that may be carried or moved by workers under 18;
- ◆ Executive Order of Acting Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007 No. 186-p. List of works where the use of women's labour is prohibited and maximum weights that can be lifted and moved by women manually;
- ◆ Executive Order of Acting Minister of Labour and Social Security of the Republic of Kazakhstan of July 31, 2007, No. 184-p. Rules of providing workers with work clothes and footwear and other means of individual and group protection, sanitary and welfare facilities and devices at the expense of the employer;
- ◆ Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan of August 23, 2007, No. 205-p. Rules of training, instruction and testing the knowledge of workers in the field of OSH;
- ◆ Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan of August 22, 2007, No. 200-p. Model regulations on OSH service at an organization;
- ◆ Executive Order of the Chairman of the Statistical Agency of the Republic of Kazakhstan of December 6, 2001, No. 60-c. Form of departmental statistical report on occupational injuries.
- ◆ Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan of July 16, 2007, No. 157-p. Rules for developing and approving OSH instructions by the employer;
- ◆ Executive Order of the Minister of Labour and Social Security of the Republic of Kazakhstan of March 4, 2005, No. 61-p. Instructions on the keeping of the list of specialized organizations;
- ◆ Executive Order of the Chairman of the Statistical Agency of the Republic of Kazakhstan of December 6, 2001, No. 60-c "The Form of departmental statistical report on occupational injuries".

- ◆ R 2.6.1.1195-03 “Hygienic Criteria of Assessing Labour Conditions and Classification of Work Places Involving Exposure to Sources of Ionizing Radiation”
- ◆ R 2.2.755-99 “Hygienic Criteria of Assessment and Classification of Labour Conditions in Terms of Hazards and Harmful Production Environment, the Physical Hardship and Intensity of Work”.

10.2. List of Agreements between Associations of Employees and Employers

The General Agreement between the Government of the Republic of Kazakhstan, the Republican Association of Employees – the Trade Union Federation of the Republic of Kazakhstan, the Confederation of Free Trade Unions of the Republic of Kazakhstan, the Labour Confederation of Kazakhstan and Republican Associations of Employers – the Employers Confederation of the Republic of Kazakhstan, the Eurasian Industrial Association, the Congress of Entrepreneurs of Kazakhstan, the Union of Industrialists and Exporters of Kazakhstan for 2005-2006 (Astana, January 19, 2005).

General Agreement between the Government of the Republic of Kazakhstan, Republican Associations of Trade Unions and employers for 2003-2004 (Astana, January 27, 2003).

General Agreement between the Government of the Republic of Kazakhstan, Republican Associations of Trade Unions and employers for 2007-2008 (Astana, December 26, 2006).

Social partnership at the sectoral level is ensured by sectoral social partnership commissions.

The interaction of trade unions, employers and government bodies at the sectoral level is pursued in two main areas:

- ◆ consolidation of efforts aimed at developing the sector and improving its technical and economic performance;
- ◆ improving social security of the workers and providing normal living and working conditions for them.

As of October 10, 2007 19 sectoral agreements were in force, including: chemical, nuclear, coal, power generation, mining and metallurgical industries, railways, automobile transport, engineering, geology, geodesy and map-making, agriculture, communications, public health, education, culture, the Armed Forces, etc.

Work continued to build and develop the mechanism of social partnership at the regional, city and district levels.

In all the regions and the cities of Astana and Almaty there are tripartite commissions on social partnership and settlement of social and labour disputes headed by deputy chief executives. Work plans and regulations on the tripartite commission have been worked out and regional agreements have been signed.

As of October 10, the Republic had 16 regional agreements, 171 city and district tripartite agreements out of the total of 195 administrative-territorial entities.

10.3. List of the Main Websites Essential for OSH and Other Information Resources.

<http://www.akorda.kz/> – official site of the President of the Republic of Kazakhstan

<http://www.akorda.kz/> – the President's Administration

<http://www.e/gov.kz> – Electronic Government portal

<http://www.parlam.kz/> – Parliament of the Republic of Kazakhstan

<http://www.enbek.kz> – Ministry of Labour and Social Security of the Republic of Kazakhstan

<http://www.inti.kz> – National Scientific-Technical Information Center

<http://www.emer.kz/> – Ministry for Emergency Situations of the Republic of Kazakhstan

<http://www.rniot.kz> – Republican OSH Research Institute, Ministry of Labour and Social Security of the Republic of Kazakhstan

<http://www.minjust.kz> – Justice Ministry of the Republic of Kazakhstan

<http://www.stat.kz> – Statistical Agency of the Republic of Kazakhstan

10.4. List of the Main Journals on Occupational Safety and Health.

The main journals on occupational safety and health are:

- ◆ Personnel, Labour, Management in Organizations;
- ◆ Labour, Wages, Pensions in Kazakhstan;
- ◆ Labour in Kazakhstan: Problems, Facts, Commentary;
- ◆ Occupational Safety in Kazakhstan;
- ◆ Occupational Safety and Safety Rules;
- ◆ Occupational Safety and Safety Rules (newspaper);
- ◆ The Industry of Kazakhstan.

11. DESCRIPTION OF METHODS OF ASSESSING STATISTICAL INDICATORS USED IN THE PROFILE

The indicators in the National Profile (Section 12) have been calculated according to the methods and formulas presented in this Section.

The rate of accidents (injuries), according to the Ministry of Labour and Social Security of the Republic of Kazakhstan in 2006 was 0.71.

There are not data on the gravity of injuries.

12. GENERAL INFORMATION ON THE COUNTRY PROFILED.

A. General Information on the Administrative System and Management in the Republic of Kazakhstan.

A1. Information on the State System, the Legislative, Executive and Judiciary Branches of Power.

Information on the State System.

(Articles 1-8 of the Constitution of the Republic of Kazakhstan).

The Republic of Kazakhstan is a unitary state with the presidential form of government.

The sole source of state power is the people.

The people exercises power through the republican referendum and free elections as well as by delegating the exercise of its power to state bodies.

State power in the Republic is one, is exercised on the basis of the Constitution and laws in accordance with the principle of its separation into the legislative, executive and judiciary branches and their interaction through a system of checks and balances.

The President

Articles 40-48 of the Constitution of the Republic of Kazakhstan.

The President of the Republic of Kazakhstan is the head of state, its Chief Executive who determines the guidelines of the internal and external policy of the state and represents Kazakhstan inside the country and in international relations.

The President of the Republic is the symbol and guarantor of the unity of the people and state power, immutability of the Constitution, the rights and freedoms of man and citizen. The President of the Republic ensures the coordinated

functioning of all the branches of state power and the responsibility of the power bodies before the people.

The President of the Republic of Kazakhstan:

- ◆ gives annual addresses to the people of Kazakhstan on the state of the nation and the guidelines of the internal and external policy of the Republic; calls regular and early elections for the Parliament of the Republic and its Chambers; calls the first session of the Parliament and swears in its deputies; calls extraordinary sessions of parliament; signs the law submitted by the Senate within a month, publishes the law or sends the law or its individual articles back for a repeat debate and vote;
- ◆ after consultations with the political parties represented in the Parliament Majilis, submits to the Majilis the candidacy of the Prime Minister of the Republic; with the consent of the Parliament Majilis appoints the Prime Minister of the Republic; dismisses the Prime Minister; as proposed by the Prime Minister, determines the structure of the Government of the Republic, forms, abolishes and reorganizes the central executive bodies of the Republic that are not part of the Government, appoints Cabinet members; appoints the Foreign Minister, Defense Minister, the Interior Minister and Justice Minister; dismisses government members; swears in government members; presides over the meetings of the Government on very important issues; charges the Government with introducing draft laws at the Parliament Majilis; repeals or suspends fully or in part the enactments of the Government and the Prime Minister of the Republic, the governors of regions, cities under republican jurisdiction and the capital;
- ◆ with the consent of the Senate appoints the President of the National Bank, the Prosecutor General and the Chairman of the National Security Committee of the Republic of Kazakhstan; dismisses them from their posts;
- ◆ forms, abolishes and reorganizes state bodies subordinate or accountable to the President of the Republic, appoints and dismisses their chief executives;
- ◆ appoints and recalls the heads of the diplomatic missions of the Republic;
- ◆ appoints for a term of five years the Chairman and two members of the Central Electoral Commission, the Chairman and two members of the Audit Committee that monitors implementation of the Republican budget;
- ◆ approves state programmes;

- ◆ as proposed by the Prime Minister of the Republic approves the single system of financing and remuneration of workers for all the public-sector bodies of the Republic;
- ◆ takes the decision on holding a republican referendum;
- ◆ negotiates and signs international treaties of the Republic; signs instruments of ratification; accepts credentials and instruments of recall of diplomatic and other representatives of foreign states accredited with him;
- ◆ is the Supreme Commander-in-Chief of the Armed Forces of the Republic, appoints and dismisses the top commanders of the Armed Forces;
- ◆ awards state decorations, confers honorary, top military and other titles, ranks, diplomatic ranks and qualification classes;
- ◆ decides the issues of citizenship of the Republic and of granting political asylum;
- ◆ grants pardon to citizens;
- ◆ in the event democratic institutions, the independence and territorial integrity, political stability of the Republic, the security of its citizens are under a serious and immediate threat and normal functioning of the constitutional bodies of state is disrupted, after official consultations with the Prime Minister and the Speakers of the Chambers of Parliament of the Republic takes measures dictated by the above circumstances, including the introduction of the state of emergency and the use of armed forces of the Republic on the whole or part of the territory of Kazakhstan, with prompt notification of the Republic's Parliament;
- ◆ in the event of aggression against the Republic or immediate external threat to its security introduces martial law on all or part of the Republic's territory, declares partial or total mobilization and immediately notifies the Parliament of the Republic of this;
- ◆ forms the presidential security service and the Republican Guard subordinate to him;
- ◆ appoints and dismisses the State Secretary of the Republic of Kazakhstan, determines his status and powers; forms the administration of the President;
- ◆ forms the Security Council and other advisory bodies as well as the Assembly of the People of Kazakhstan and the Supreme Judicial Council;
- ◆ Exercises any other powers in accordance with the Constitution and the Laws of the Republic.

Parliament

(Articles 49-63 of the Constitution of the Republic of Kazakhstan)

The Parliament of the Republic of Kazakhstan is the supreme representative body of the Republic which exercises legislative functions. The Parliament consists of two chambers: the Senate and the Majilis which work on a permanent basis. The Parliament at the joint session of its chambers:

- ◆ introduces amendments and additions to the Constitution as proposed by the President of the Republic of Kazakhstan;
- ◆ approves the reports of the Government and the Audit Committee on implementation of the republican budget. Failure by the Parliament to approve the report of the Government on the implementation of the republican budget is equivalent to the Parliament's no confidence vote in the Government;
- ◆ at the initiative of the President by two-thirds of the votes of the total number of deputies of each chamber may delegate its legislative powers to the President for a term of not more than a year;
- ◆ decides the issues of war and peace;
- ◆ decides, at the suggestion of the President of the Republic, to use the Armed Forces of the Republic to perform the international obligations to maintain peace and security;
- ◆ hears annual addresses of the Constitutional Council on the State of Constitutional Law in the Republic;
- ◆ forms joint commissions of the Chambers, elects and dismisses their chairpersons, hears the reports of the commissions;
- ◆ exercises any other powers vested with the Parliament under the Constitution.

The Parliament, in separate sessions of its Chambers, through successive debates on issues first at the Majilis and then at the Senate, passes constitutional laws and laws:

- ◆ approves the republican budget and introduces amendments and additions thereto;
- ◆ introduces and abolishes state taxes and levies;
- ◆ establishes the procedure of dealing with the issues of administrative-territorial structure of Kazakhstan;

- ◆ introduces state decorations, establishes honorary, military and other titles, ranks, diplomatic ranks of the Republic and determines the state symbols of the Republic;
- ◆ decides the issue of state loans and of economic and other assistance by the Republic;
- ◆ decides the issues of amnesty;
- ◆ ratifies and renounces international treaties of the Republic.

The Parliament, in separate sessions of its chambers, by successive consideration of issues first at the Majilis and then at the Senate:

- ◆ discusses reports on the implementation of the republican budget;
- ◆ conducts a repeat debate and vote on the laws and articles of the law which have incurred the objections of the President of the Republic within a month of the objections being received. Failure to meet the deadline means acceptance of the President's objections. If the Majilis and the Senate by a two-thirds majority of the total number of deputies in each chamber reaffirm the earlier decision, the President signs the bill into law within a month. If the President's objections have not been overcome by at least one of the Chambers the law is deemed rejected or adopted in the edition proposed by the President. The objections of the Head of State to the constitutional laws passed by Parliament are considered under the procedure stipulated hereunder. The President's objections to the constitutional laws, in order to be overcome by Parliament, require at least three quarters of the votes of the total number of deputies in each of the chambers; and
- ◆ initiates the calling of a republican referendum.

The Government

(Articles 64–70 of the Constitution of the Republic of Kazakhstan)

The Government is a collective body which exercises executive power in the Republic of Kazakhstan and controls the system of executive bodies and supervises their activities.

The Government is formed by the President of the Republic of Kazakhstan.

The proposals on the structure and composition of the Government are submitted to the President of the Republic by the Prime Minister of the Republic within ten days of the appointment of the Prime Minister.

The Government of the Republic of Kazakhstan:

- ◆ determines the guidelines of the social and economic policy of the state, its defense and security policy, law and order and organizes the implementation thereof;
- ◆ submits to the Parliament the republican budget and the report on its implementation, and secures the implementation of the budget;
- ◆ submits to the Majilis draft laws and ensures compliance therewith;
- ◆ organizes the management of state property;
- ◆ works out measures for the conduct of the Republic's foreign policy;
- ◆ supervises the work of the ministries, state committees and other central and local executive bodies;
- ◆ repeals or suspends fully or in part the enactments of the ministries, state committees and other central and local executive bodies of the Republic;
- ◆ appoints and dismisses the heads of central executive bodies that are not part of the Government; and
- ◆ performs any other functions under the Constitution, the laws and the enactments of the President.

Courts and Justice

(Articles 75-83 of the Constitution of the Republic of Kazakhstan)

Justice in the Republic of Kazakhstan is administered only by the law court.

The judiciary power is exercised through civil, criminal and other court procedures established under the law. In cases stipulated under the law criminal justice is administered with the participation of a jury.

The courts of the Republic include the Supreme Court of the Republic, local and other courts approved under the law. The judiciary system in the Republic is established by the Constitution of the Republic and the Constitutional Law. The establishment of special or extraordinary courts under whatever name is prohibited.

Judiciary power is exercised on behalf of the Republic of Kazakhstan and aims at protecting the rights, freedoms and legitimate interests of citizens and organizations, ensuring compliance with the Constitution, the laws and other regulatory legal acts and international treaties of the Republic.

Judiciary power covers all the cases and disputes arising on the basis of the Constitution, laws and other regulatory legal acts and international treaties of the Republic.

The decisions, sentences and other rulings of courts are binding throughout the territory of the Republic.

The Supreme Court of the Republic of Kazakhstan is the supreme judiciary body for civil, criminal and other cases, subordinate local and other courts and exercises, in the procedural forms stipulated under the law, supervision over their activities and clarification on judiciary practice issues.

The Chairman and members of the Supreme Court of the Republic of Kazakhstan are elected by the Senate and nominated by the President of the Republic in accordance with the recommendations of the Higher Judiciary Council.

The chairpersons and members of the local and other courts are appointed by the President of the Republic on the recommendation of the Supreme Judiciary Council.

The courts may create judicial colleges in accordance with the constitutional law. The powers of the chairpersons of judicial colleges are determined by the Constitutional Law.

The Supreme Judiciary Council consists of the Chairperson and other persons appointed by the President of the Republic.

A 2 Administrative Division of the Country and Corresponding Levels of Government

The Republic of Kazakhstan is divided into oblasts, regions, cities, city districts, aul districts, villages and auls.

For the purpose of government administration that harmonizes republican and local interests the territory of the Republic of Kazakhstan is divided into two main types of entities: the regions and communities.

A region is part of the territory of the Republic that comprises several communities and that is formed and managed in the interests of the Republic. Regions include an oblast, district and aul (village) district, which are the main links in the Republican administrative-territorial system.

The community is part of a human settlement on the territory of the Republic that has evolved through economic and other social activities of citizens of not

less than 50 people, properly registered and managed by local representative and executive bodies.

The communities on the territory of the Republic of Kazakhstan are divided into urban and rural communities.

Urban communities include cities under republican, oblast and regional jurisdiction as well as villages on their territories; rural communities are all the other communities irrespective of their affiliation.

A city district is a district in a city under oblast jurisdiction or republican jurisdiction and the capital with a population of over 400,000.

B. General Information on the Economy and Labour Resources

B.1. Demographic Data

B.1.1.Total Size of the Population

The data cited below are consistent with the information of the statistical bodies of the Republic of Kazakhstan.

Size of the Population By age groups as of the beginning of 2007

Item No	Age	Gender	Number of people
1	2	3	4
1	0-15	Men	2038239
		Women	1946598
		Total	3984837
2	16-62(57)	Men	4889484
		Women	4934806
		Total	9824290
3	63(58)+	Men	481561
		Women	1106190
		Total	1587751
4	Total	Men	7409284
5	Total	Women	7987594
6		Total	15396878

B.1.2. Size of economically active population

Size and structure of economically active population in the Republic of Kazakhstan in 2006

Distribution of economically active population throughout the territory

Item No.	Territory	Size of economically active population (,000)	Number of gainfully employed population (,000)	Number of hired workers (,000)	Number of self-employed people (,000)
1	2	3	4	5	6
	The Republic of Kazakhstan	8028.9	7403.5	4776.6	2626.9
1	Akmolinsk Oblast	422.3	385.8	214.3	171.5
2	Akt'yubinsk Oblast	380.8	348.2	217.9	130.3
3	Almaty Oblast	816.1	758.3	426.1	332.3
4	Atyrau Oblast	235.0	215.2	173.4	41.8
5	West Kazakhstan Oblast	756.8	704.4	458.6	245.8
6	Dzhambul Oblast	510.7	463.9	237.2	226.7
7	Karaganda Oblast	321.3	293.7	173.5	120.1
8	Qostanay Oblast	740.7	689.6	505.5	184.0
9	Kzyl-Orda Oblast	556.5	513.2	295.6	217.6
10	Mangistau Oblast	299.2	271.2	157.6	113.7
11	South Kazakhstan Oblast	189.7	172.0	160.2	11.8
12	Pavlodar Oblast	408.9	378.7	283.2	95.5
13	North Kazakhstan Oblast	394.7	366.1	205.7	160.4
14	East Kazakhstan Oblast	1050.0	974.3	466.4	507.9
15	The City of Astana r.a.	302.8	278.5	254.7	23.8
16	The City of Almaty r.a.	643.4	590.5	546.8	43.7

Item No.	Territory	Number of unemployed people (,000)	Number of economically inactive population (,000)
1	2	3	4
	The Republic of Kazakhstan		
1	Akmolinsk Oblast	36.5	155.6
2	Aktyubinsk Oblast	32.5	131.9
3	Almaty Oblast	57.7	386.2
4	Atyrau Oblast	19.8	102.3
5	West Kazakhstan Oblast	52.4	391.4
6	Dzhambul Oblast	46.9	207.7
7	Karaganda Oblast	27.6	147.9
8	Qostanay Oblast	51.1	315.5
9	Kzyl-Orda Oblast	43.3	168.6
10	Mangistau Oblast	27.9	124.4
11	South Kazakhstan Oblast	17.7	69.7
12	Pavlodar Oblast	30.2	188.0
13	North Kazakhstan Oblast	28.6	136.6
14	East Kazakhstan Oblast	75.8	446.4
15	The City of Astana r.a.	24.3	150.0
16	The City of Almaty r.a.	52.9	372.3

Distribution of economically active population by age

Item No.	Age	Number of economically active population (,000)	Number of gainfully employed population (,000)	Number of unemployed people (,000)	Number of economically inactive population (,000)
1	2	3	4	5	6
1	15	1371.1	1203.3	-	-
2	16-24	2303.9	2111.4	167.7	1254.4
3	25-34	1912.7	1790.8	192.5	240.2
4	35-44	1768.9	1664.2	121.8	135.8
5	45-54	485.9	451.8	104.7	194.7
6	55-63	-	-	34.1	158.9

Data on the economically active population in the shadow economy are not available.

B 2 Human potential development index and the three component indexes (longevity, literacy, poverty), literacy level

According to statistical data:

Life expectancy at birth in 2006 was 66.19 years.

The adult literacy rate in 2006 was 100%

The total share of population aged 6-24 in education, i.e. the ratio of students in various educational institutions: general education schools, vocational technical school, secondary and higher educational institutions to the population aged 6-24.

The total share of population aged 6-24 in various forms of education in 2005-2006 was 78.9%.

GDP per capita (PPP in USD) in 2006 was 8, 950 USD.

Life expectancy index = average life expectancy (25)/ (85-25) = (66.19-25)/60 = 41.19/60 = 0.6865.

The educational level index = $\frac{2}{3} * (\text{size of literate adult population} - 0) / (100 - 0) + \frac{1}{3} * (\text{number of students in educational establishments of levels 1,2,3}) = \frac{2}{3} * (100 - 0) / 100 + \frac{1}{3} * 0.789 = \frac{2}{3} + \frac{1}{3} * 0.789 = 0.93$.

GDP index = $(\text{Log}(\text{actual GDP per capita according to PPP USD}) - \text{Log}(100)) / (\text{Log}(40000) - \text{Log}(100)) = (\text{Log}(8950) - \text{Log}(100)) / (\text{Log}(40000/100)) = (\text{Log}(8950/100)) / \text{Log}(400) = \text{Log}(89.50) / \text{Log}(400) = 0.750106855$.

Human potential development index = $\frac{1}{3} * (\text{life expectancy index} + \text{education level index} + \text{GDP index}) = \frac{1}{3} * (0.6865 + 0.93 + 0.750106855) = 0.788868... = 0.79$.

B 3

Sectors/ types of economic activity

Item No.	Name of sector	Number of workers (,000) in 2006
1	2	3
1	Agriculture, hunting and forestry	2318.3
2	Fishing	16.4
3	Industry	904.5
4	Construction	460.8
5	Retail trade and repair	1066.5
6	Hotels and restaurants	90.7
7	Transport and communications	538.5
8	Government administration	335.4
9	Other services	1672.4
	Total	7403.5

Structure of employment by enterprise in 2006

Item No.	Enterprises with the number of employees	%	Total number, (,000)
1	Between 1 and 50 (small enterprises)	50.3	3724
2	From 51-500 (medium-sized enterprises)	37.8	2798.5
3	501 and more (large enterprises)	11.9	881
	Total	100	7403.5

B 4 Economic Indicators

The gross domestic product of the Republic of Kazakhstan amounted to 10,213.7 billion tenge in 2006.

The average per capita income in 2006 was 199,662 tenge.

Share of sectors of industry in the GDP of the Republic of Kazakhstan:

- ◆ Mining – 16.7%;
- ◆ Manufacturing industry – 12.0%;
- ◆ Power generation and distribution of power, gas and water – 1.9%.

