



ously non-working persons or informally employed people. Appropriate state benefits are allocated on the basis of the provisions of the Law “On state benefits for the families with children”. Under the provisions of the given act, they pay benefits for the birth of a child and for childcare. In the recent years, there has been a transition to paid maternity and childcare leave for working women by way of monthly social contributions of employers to the State Social Insurance Fund. For many working women, this resulted in a substantial increase in the amount of these benefits.

CHILD PRESCHOOL FACILITIES

Traditionally, childcare services in Kazakhstan were provided on the basis of public kindergartens, crèches and nurseries. In 1991, there were 8743 facilities in the country, and estimated attendance of preschool children was around 70%. Currently, the system of kindergartens and nurseries has diminished, with numbers dropping to 6133 by the end of 2011.¹⁸ In addition, growth in birth rate in the 2000s caused a significantly higher demand for child preschool facilities but many of them had already closed down in the 1990s followed by the privatisation of buildings they were located in. At that time, private kindergartens and nurseries started opening and providing childcare services in cities.

Being able to afford childcare is possibly the decisive factor for a successful combination of employment and family responsibilities for women in Kazakhstan. The country is experiencing an acute shortage of kindergartens. As a whole, at the beginning of 2010, the number of people registered on waiting lists for public preschool facilities throughout the country was estimated at over 260,000,¹⁹ and this figure is close to the number of births per year (356,000 in 2009). Additionally, a great number of children are not on waiting lists due to the facilities being too costly.

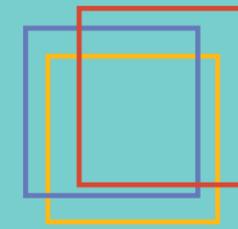
The biggest problem is mothers resuming work after childbirth. Until the 1990s, childcare services for small children were provided in nurseries; however, today, they are almost extinct. Only 9 out of 14 regions in the country have nurseries where they enrol children under the age of two. Accordingly, possibilities of providing care for a child of the above age group, where the mother resumes employment, are, as a rule, limited to assistance of relatives or to hiring a nanny.

Childcare provided by nannies is mostly affordable for women in the high earnings group. The cost of these services in big cities is at the same level as the

average monthly salary of women. In addition, the market for these services remains largely informal and unorganised, therefore users continue having little confidence in the quality and reliability of its providers.

The cost of services in public kindergartens and nurseries is significantly lower than in private ones – approximately half as much. Furthermore, in the case of public kindergartens, they apply a system of subsidies for children between five and six years old. Therefore, the services of public kindergartens and nurseries are more sought-after by the majority of the population. Private kindergartens, in their turn, are less expensive than those of hiring a nanny.

Being able to afford child preschool facilities for the population is one of the priorities of Kazakhstan’s social policy. To facilitate the process, “Balapan” Programme for 2010–2014 approved by Decree No 488 of the Government on 28 May, 2010 aims to increase the number of children in preschool care and education by constructing new kindergartens and nurseries.



WORK AND FAMILY RESPONSIBILITIES: THE REPUBLIC OF KAZAKHSTAN



International Labour Organization

REVIEW OF THE SITUATION ON THE LABOUR MARKET OF KAZAKHSTAN: GENDER ASPECTS



Since the past decade, the economic situation in Kazakhstan has been improving with the expansion of employment opportunities for both men and women. Consequently, the ratio of the employment level to economically active population¹ in the country has increased from 89.6% in 2001 to 94.6% in 2011.² During that period, the share of women in the labour market remained at approximately the same level (about 48%). Female employment is more concentrated in healthcare, public services, household services, education and the hotel and restaurant sector. The number of working women in these fields is significantly higher than that of working men.³ In general, many women in Kazakhstan prefer to maintain their financial independence while carrying the main burden of childcare in the family. In society, the traditional family concept of “man being the breadwinner, woman the housekeeper” remains, but in practice, various family models of sharing earning responsibilities are widespread. In Kazakhstan, families, where the woman is the main breadwinner, are not so rare either among traditional rural communities or the urban population.

An important current trend significantly affecting women in the labour market is the considerable rise in the birth rate in Kazakhstan in the past decade. The 1990s saw the opposite trend, with the decrease of birth rate. Nevertheless, the majority of women prefer to return to work once the child reaches one-three years of age. The ratio of children born to single or not officially married mothers is rather high in Kazakhstan, approximately 20% in 2006–2010. There was also a sharp increase in the number of divorces in the first 4 years. Since 2006, the number of divorces in the first 4 years of family life in the total number of divorces increased from 27.1% in 2006 to 36.8% in 2011. In most cases, after the divorce, the responsibility of caring for children is granted to women, whereas the father’s duty is limited to paying alimony. Consequently, in single-parent families the dilemma of combining work-related / family responsibilities is becoming more acute.

One of the key indicators of gender inequality in Kazakhstan concerns the disparity in men and women’s wages. Over the past decade, the situation has slightly improved and the gender wage gap has dropped by 6%. Nevertheless, the average monthly nominal wage of working women in 2011 accounted for only 67.6% of those of men. To a greater degree, the remaining gender imbalance in earnings is connected with the employment of women in lower paid positions. After all, the average monthly wage of men in Kazakhstan is higher in all sectors, including education and healthcare, traditionally regarded as female-oriented areas of employment. Another example is the finance and insurance fields, the highest paid categories in Kazakhstan, where the number of employed women is much lower than that of men. According to the study conducted by the International Labour Organisation⁴ in Kazakhstan, the trend of reduced relative competitiveness on the labour market of women as opposed to men stems from the terms of pregnancy, childbirth and childcare. It usually coincides with the time of

¹⁸ Statistical Digest “Preliminary data for 2011”. Statistics Agency of the Republic of Kazakhstan, Astana, 2012.

¹⁹ “Balapan” Programme on providing children with preschool rearing and education for 2010-2014, approved by the Government decree #488 of May, 2010.

¹ The economically engaged population comprises of those employed in all types of economic activity and of those unemployed from 15 years of age and over.

² Statistical Digest “Economic Activity of the population of Kazakhstan – 2007–2011 Statistics Agency of the Republic of Kazakhstan, Astana, 2012.

³ See Statistical Digest “Women and men of Kazakhstan”, Statistics Agency of the Republic of Kazakhstan, Astana, 2012.

⁴ Situational analysis of youth employment, ILO-IPEC, Almaty, 2007.

vocational training of young workers, therefore this period in female life is decisive from the point of view of subsequent decrease in wages compared to men. Moreover, minor children may be one of the determining factors in preferential hiring and promotion of men, because the employer, as a rule, attributes possible problems of combining work and family responsibilities solely to the mother of a child.

In general, in Kazakhstan's prevailing society the view is that childcare be a responsibility of the mother, whereas the role of the father is considered only as supplementary.



Photo: ILO

KAZAKHSTAN'S LEGISLATION ON MATERNITY PROTECTION AND ON PERSONS WITH FAMILY RESPONSIBILITIES

Kazakhstan ratified two important conventions adopted by the International Labour Organisation (ILO) on gender equality and maternity protection:

- Equal Remuneration Convention, 1951 (No.100) ratified in May, 2001;
- Discrimination (Employment and Occupation) Convention, 1958 (No.111) ratified in December, 1999;
- Maternity Protection Convention, 2000 (No.183) ratified in June, 2012;
- Workers with Family Responsibilities Convention, 1981 (No. 156) ratified in January, 2013.

In 1998, Kazakhstan also ratified the UN Convention on the Elimination of All Forms of Discrimination against Women.⁵ Requirements of the above mentioned international legal instruments directed at ensuring equality of women in the workplace, health and safety of the mother and child, were implemented within the framework of the provisions of the Labour Code, Law No 405-II "On Mandatory Social Insurance" of 25 April, 2003; and Law No 63-III "On State Allowances for Families with Children" of 28 June, 2005 and Law No 223-4 "On state guarantees for equal rights and opportunities for men and women" of 8 December, 2009. Basic legal requirements in connection with the protection of motherhood and persons with family responsibilities are defined in Article 17 of the Labour Code of Kazakhstan. It recognises specific terms of their employment and leisure, including the issues of providing nursing breaks as well as employee rights and employer obligations related to granting leave during pregnancy, childbirth and childcare. The Kazakh legislation does not only limit persons with family responsibilities to pregnant

women, nursing mothers and persons engaged in taking care of children until they reach the age of three. They additionally include the following persons:

- Single mothers (fathers in the absence of mothers) raising children under the age of fourteen;⁶
- Women, who have children younger than seven years old or fathers/other persons involved in raising children, who are under the age of seven in the absence of the mother;
- Persons providing care for sick family members or raising handicapped children.⁷

It is observed in many cases that the Kazakh legislations are not based on the assumption that single fathers solely take care of their children. The rights of the father in view when looking after a child younger than three years of age are only recognised in the absence of the child's mother. This concerns layoffs at employer's discretion⁸, restrictions on working night shifts, weekends and holidays, doing overtime

and rotating shifts, official travel⁹ and providing part-time jobs.¹⁰ In these cases, the traditional division of family responsibilities between spouses is expected, i.e. they are fully taken care of by the child's mother and only in the case of her death – by the father. The Kazakh legislation envisages a somewhat different approach in terms of unpaid leave for childcare until the child reaches the age of three. Such leave of absence can be provided to the mother or father of the child at parents' choice.¹¹

In practice, requirements of the labour legislation on protecting the rights of mothers and other persons with family responsibilities are only partially fulfilled. In general, there is no effective monitoring by state

labour inspectors of employers' when it comes to the rights of persons with family responsibilities. Chapter 17 of the Labour Code addressing protection of maternity and persons with family responsibilities includes provisions regarding work in harmful and hazardous conditions prohibited for women.¹² In view of their implementation, government Decree No 1220 of 28 October 2011 approved the list of 299 types of work conditions prohibitive for women, as well as maximum weight for manual lifting.

In Kazakhstan, financial support of working persons with family responsibilities is provided through the system of mandatory social insurance. State budget funds are mainly utilised for social support of previ-



Photo: ILO

Maternity Leave

The duration of maternity leave provided for the child's mother generally lasts 126 calendar days. Usually it is calculated as 70 calendar days for the period of pregnancy and 56 days in the postpartum period. The length of postnatal leave is extended to 70 calendar days in the case of obstructed labour or the birth of two or more babies.¹³ The legislation states that an additional increase in maternity leave is provided if the child's mother resides in an area subjected to nuclear tests.

Maternity leave is mandatory and the employer is obliged to grant leave of absence regardless of work arrangements (full-time or part-time) prior to taking leave.

All women, regardless of their work status, are given a lump-sum birth grant for a newborn. The man is entitled to getting a lump-sum birth grant only in the case of the mother's demise. The grant amounts to 30 minimum calculation

indices.¹⁴ Additionally, in the case of working women making a contribution to the State Social Insurance Fund, maternity benefits are determined on the basis of the amount of the average monthly income for the past 12 calendar months.

Childcare Leave

In accordance with the Labour Code¹⁵, childcare leave is granted until the child reaches the age of three. In fact, it consists of two parts: paid (until the child reaches the age of one) and unpaid (for the child between one and three years of age). This leave of absence may be granted to either parent at their discretion or to the grandmother, grandfather, or any other relative or guardian in the case of actually carrying out child-bearing responsibilities.¹⁶

Childcare leave may be fully or partially used, i.e. it can be taken for a few months, one year, two years, etc.¹⁷ The labour legislation does not exclude the possibility of both parents taking this type of leave in turn.

The first year of childcare leave is paid to the person in the form of a state childcare benefit from the state budget or childcare benefits from the Public Social Insurance Fund during the corresponding period. The sources of benefit payments depend on whether the person participates in the mandatory social insurance system or not. In the case of childcare leave protection from the mandatory social insurance system, its amount is calculated at 40% of the average monthly income during the past 24 months (a period of 24 months prior to maternity leave in the case of women). Only the income from which the employer made contributions into the mandatory social insurance is taken into account.

The father of the child may get social childcare benefits from the State Social Insurance Fund or state childcare benefits until the child reaches the age of one. However, at present, it is not common for fathers to receive childcare benefits.



Photo: ILO

⁵ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

⁶ Para 1 article 185 of the Labour Code.

⁷ Para 2 article 187 of the Labour Code.

⁸ Para 1 article 185 of the Labour Code.

⁹ Para 2 article 187 of the Labour Code.

¹⁰ Article 189 of the Labour Code.

¹¹ Para 1 article 195 of the Labour Code.

¹² Article 186 of the Labour Code.

¹³ Para 1 article 193 of the Labour Code.

¹⁴ Para 1 article 10 of the Law "On state allowances for families with children".

¹⁵ Article 195 of the Labour Code.

¹⁶ Para 1 article 195 of the Labour Code.

¹⁷ Para 2 article 195 of the Labour Code.