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OCCUPATIONAL SAFETY AND HEALTH IN THE KYRGYZ REPUBLIC

NATIONAL PROFILE



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NATIONAL PROFILE

ILO Decent Work Technical Support Team and Country Office
for Eastern Europe and Central Asia

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Contents

INTRODUCTION IN THE NATIONAL PROFILE	7
1. REGULATORY FRAMEWORK ON LABOUR PROTECTION	9
1.1. Hierarchy of regulations of the Kyrgyz Republic	9
1.2. Constitution of the Kyrgyz Republic on labour conditions and labour protection	9
1.3. Basic labour protection laws	10
1.4. Principal labour protection bylaws	11
1.5. Ratified ILO Conventions and other international treaties containing labour protection requirements	13
1.6. Other regulations pertaining to the labour safety and labour protection requirements	14
1.7. Technical regulations and standards	16
2. STATE GOVERNANCE OF LABOUR PROTECTION	19
2.1. National strategy and programs	19
2.2. Mechanisms of law-making and standard-setting	21
2.3. Republican level	22
2.4. Ministry of Labour, Migration and Youth of the Kyrgyz Republic (hereinafter: Ministry of Labour)	23
2.5. Ministry of Economy of the Kyrgyz Republic (hereinafter: Ministry of Economy)	23
2.6. Ministry of Social Development of the Kyrgyz Republic (hereinafter: MinSocDevelopment)	24
2.7. Ministry of Health of the Kyrgyz Republic (hereinafter: MH)	25

3. SUPERVISION AND CONTROL.....	29
3.1. State supervision and control	29
3.2. Civilian oversight.....	32
3.3. State expert review of the working conditions	34
4. SOCIAL PARTNERSHIP	35
4.1. Regulations covering social partnership aspects	35
4.2. Key principles and objectives of social partnership	35
4.3. Mechanisms and levels of social partnership implementation.....	36
5. COMPONENTS OF THE LABOUR PROTECTION MANAGEMENT SYSTEM.....	45
5.1. Insurance of occupational accidents and occupational diseases	45
5.2. Assessment of the working conditions at workplaces	52
5.3. Medical examinations of workers	52
5.4. Training in labour protection	52
5.5. Labour protection at the enterprise level.....	54
5.6. Guarantees and compensations to the workers occupied in harmful and hazardous working conditions	55
5.7. Labour protection information	56
6. STATUS AND TRENDS OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES	59
6.1. Basic classifications of the cases of injuries and diseases as cases of occupational injuries and occupational diseases	59
6.2. Basic indicators of occupational injuries and occupational diseases	60
6.3. Number of recorded fatal occupational accidents.....	61
6.4. Number of the recorded occupational injuries	62
6.5. Number of the recorded cases of occupational diseases.....	63
6.6. Number of people working at workplaces with adverse working conditions.....	64

7. LABOUR OF INDIVIDUAL CATEGORIES OF WORKERS	65
7.1. Child labour.....	65
7.2 People with disabilities	71
8. TRAINING, SCIENCE AND EDUCATION	75
8.1. Training in labour protection	75
8.2. National research and design institutions (institutes, centres, laboratories) working in the field of labour protection	75
8.3. State research and design institutions (institutes, centres, laboratories), working in the field of labour protection, labour safety, labour hygiene and medicine	75
8.4. Non-state research and design institutions (institutes, centres, laboratories), working in the field of labour protection, labour safety, labour hygiene and medicine	76
8.5. Labour protection centres (labour hygiene services) rendering non-training services in the field of labour protection	76
9. STATISTICS	77
9.1. State bodies responsible for collection and processing of statistical data	77
9.2. Forms of the statistical reporting	77
9.3. Sources of data on occupational injuries	78
10. INTERNATIONAL COOPERATION	80
11. CONCLUSIONS AND RECOMMENDATIONS	83
11.1. Conclusions	83
11.2. Recommendations	85
12. INFORMATION RESOURCES	95
12.1. List of the basic sites relevant for labour protection and safety of production and other information resources	95

12.2. List of the basic magazines on labour protection and safety of production	95
12.3. List of the main monographies, textbooks and manuals on labour protection and related safety issues published in the country	96
13. BACKGROUND INFORMATION ON THE COUNTRY UNDER THE NATIONAL REVIEW.....	97
A. General information on the administrative arrangement and government in the Kyrgyz Republic.	97
B. General data on economy and labour force	99
Annex: Regulatory framework on labour protection in the member countries of the Customs Union	102

INTRODUCTION IN THE NATIONAL PROFILE

The Kyrgyz Republic is an independent state; it has been a member of the Commonwealths of Independent States (CIS) since 1991.

The country is located in the central part of Central Asia; its area is mostly mountains. Agriculture and livestock farming is developing. In the recent years such sectors as manufacturing industry, construction and mining have been developing, with an active involvement of foreign investors. The capital of the Kyrgyz Republic is the city of Bishkek located in the Chui Valley.

The state language is Kyrgyz, the official language is Russian.

The head of the state is the President elected by the citizens of the Kyrgyz Republic for one six-year term.

The legislative body is the Zhogorku Kenesh of the Kyrgyz Republic (the Supreme Representative Body) consisting of 120 deputies elected for a five-year term under the proportional system.

The executive power is the Government of the Kyrgyz Republic, bodies of the local government (regional and district administrations), municipal government.

Labour protection governance in the Kyrgyz Republic is carried out by the Government of the Kyrgyz Republic, local government administrations, municipal authorities and specially authorized state bodies.

The Government of the Kyrgyz Republic pursues a uniform labour protection policy, establishes functions of the ministries and agencies, co-ordinates and supervises their activities for ensuring healthy and safe working conditions.

Local government administrations and municipal authorities provide implementation of the state labour protection policy within their competence in the respective areas.

1. REGULATORY FRAMEWORK ON LABOUR PROTECTION

1.1. Hierarchy of regulations of the Kyrgyz Republic

According to the Law of the Kyrgyz Republic “On the regulations of the Kyrgyz Republic” No 241 dated July 20, 2009 (as amended on July 7, 2014) (Article 6), regulations have the following hierarchy in terms of legal force:

- ◆ the Constitution; a law to amend the Constitution;
- ◆ a constitutional law;
- ◆ a code;
- ◆ a law;
- ◆ a decree of the President;
- ◆ a resolution of the Zhogorku Kenesh;
- ◆ a resolution of the Government;
- ◆ acts of the National bank, the Central Election and Referendum Commission;
- ◆ enactments of the state bodies authorised to issue enactments under the acts for delegation of legislative powers;
- ◆ enactments of the representative bodies of the local government.

1.2. Constitution of the Kyrgyz Republic on labour conditions and labour protection

The new Constitution of the Kyrgyz Republic was adopted on June 27, 2010 based on the results of the referendum.

Article 43 of the new Constitution provides that “everyone has the right to freedom of labour, disposing of one’s ability to work, selection of trade and occupation, labour protection and working conditions meeting safety and hygiene requirements, as well as the right to remuneration for work not below the minimum living wage established by the law on the minimum living wage”.

1.3. Basic labour protection laws

1.3.1. Labour Code

The Labour Code of the Kyrgyz Republic (hereinafter: the LC KR) came into force on July 01, 2004 (latest amendments made on November 01, 2013).

The LC KR prohibits discrimination at work (Article 9), establishes the basic responsibilities of the worker and the employer (Articles 19–20) and defines the requirements to the conclusion, contents and termination of the employment contract (Articles 53, 57, 58, 76 and 83).

The LC KR contains Chapter 17 «Labour protection» establishing:

- ◆ labour protection responsibilities of the employer;
- ◆ labour protection responsibilities of the worker;
- ◆ guarantees of the labour protection right of the worker;
- ◆ list of the state labour protection regulatory requirements;
- ◆ requirements to providing personal protective equipment and personal hygiene products to the workers;
- ◆ requirements to the workers' training and briefing;
- ◆ requirements to sanitary and amenity facilities and health services.

The Chapter also establishes:

- ◆ restrictions on performing heavy work and work in harmful or hazardous working conditions for individual categories of workers;
- ◆ requirements to providing milk and therapeutic-and-preventive meals;
- ◆ requirements to physical examinations for individual categories of workers;
- ◆ requirements to transportation to medical institutions of the workers who got ill at work.

The Chapter covers the aspects of establishing and activities of the labour protection services, investigation and recording of occupational accidents and occupational diseases, establishment of benefits and compensations for the working conditions.

The LC KR Chapter 18 is fully devoted to the employer's liability for the harm caused to workers by injury, occupational disease or other health impairment while performing their occupational responsibilities.

A considerable part of the Labour Code of the Kyrgyz Republic covers the employer's liability for the harm caused to workers by injury, occupational disease or other health impairment while performing their occupational responsibilities, which is actually a matter of paying insurance payments in case of harm caused to the worker's health.

1.3.2. Law of the Kyrgyz Republic “On labour protection” (hereinafter: the Law)

On August 1, 2003, the new Law of the Kyrgyz Republic “On labour protection” came into force which established a legal framework for regulating the relations between employers and workers and which focuses on creation of the working conditions meeting the requirements for protection of life and health of workers in the course of labour activities (latest amendments Through Law No 149 dated 13.10.2014).

The Law defines the key aspects of the state labour protection policy and lays down the principles of labour protection governance.

The force of the Law extends to all organisations, enterprises and institutions located in the territory of Kyrgyzstan, irrespective of the form of ownership and departmental affiliation.

The Labour Code of the Kyrgyz Republic, the Law of the Kyrgyz Republic “On labour protection” contain provisions on indemnification of occupational injuries and occupational diseases.

The Law regulates activities of the state labour protection supervision and control authorities as well as civilian oversight of labour protection.

Liability for violation of the labour protection requirements was established.

The Regulations and Instruction on indemnification for employment injuries and occupational diseases is in place.

1.4. Principal labour protection bylaws

Effective labour protection regulations of the Kyrgyz Republic include:

- ◆ “Regulations on investigation and recording of occupational accidents” (approved by the Resolution of the Government of the Kyrgyz Republic No 64 dated 27.02.2001, as amended on 10.09.2013);

- ◆ “Standard Regulations on the service and arrangement of labour protection” (approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated 05.04.2004, as amended on 17.06.2005);
- ◆ “Regulations on training and testing of labour protection knowledge” (approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated 05.04.2004, as amended on 17.06.2005);
- ◆ “List of textile production facilities and occupations where women workers are eligible to retire on favourable age terms” (approved by the Resolution of the Government of the Kyrgyz Republic No 476 dated 03.09.1999);
- ◆ “List of production facilities, operations, occupations and positions with harmful and (or) hazardous working conditions where women’s labour is prohibited” (approved by the Resolution of the Government of the Kyrgyz Republic No 158 dated 24.03.2000, as amended on 27.09.2012);
- ◆ “List of production facilities, operations, occupations and positions with harmful and (or) hazardous working conditions where labour of people aged below 18 is prohibited” (approved by the Resolution of the Government of the Kyrgyz Republic No 314 dated 02.07.2001, as amended on 27.09.2012);
- ◆ “Lists of production facilities, activities, occupations, positions and criteria for favourable retirement terms” (approved by the Resolution of the Government of the Kyrgyz Republic dated 01.07.1996, as amended on 27.10.2007);
- ◆ “Rules for free provision of milk and other equivalent foodstuff to those working in harmful working conditions”, “List of chemical substances for handling of which free milk or other equivalent foodstuff is provided”, “Regulations on free provision of soap, detergents and disinfectants to employees”, “Standard list of operations giving right to free soap and other detergents” (approved by the Resolution of the Government of the Kyrgyz Republic No 374 dated 25.06.1997, as amended on 22.03.2006);
- ◆ “Remuneration procedure applied in special conditions”, “Standard list of activities, for which supplements can be established to fixed salaries for work in special conditions” (approved by the Resolution of the Government of the Kyrgyz Republic No 161 dated 25.03.2002, as amended on 27.08.2007);
- ◆ “Regulations on the procedure of establishing payment and the amount of the temporary disability benefit and maternity”, “Regulations on the order of appointment, payment and the amount of the ritual benefit (for burial)” (approved by the Resolution of the Government of the Kyrgyz Republic No 727 dated 11.11.2011, as amended on 04.02.2014);

- ◆ “Regulations on the procedure of establishing supplement payment for heavy work and work in harmful or hazardous working conditions” and “Standard list of works in special working conditions (heavy work, work in harmful, hazardous and other special working conditions, work in special environmental conditions) (approved by the
- ◆ Resolution of the Government of the Kyrgyz Republic No 258 dated 27.04.2015).

1.5. Ratified ILO Conventions and other international treaties containing labour protection requirements

The Kyrgyz Republic joined the International Labour Organisation (ILO) on March 31, 1992. At the accession to the ILO, the Kyrgyz Republic confirmed that the ILO Conventions ratified by the USSR remain in force for Kyrgyzstan after secession from the USSR.

List of the said Conventions:

- ◆ ILO C014 Weekly Rest (Industry) Convention of 1921;
- ◆ ILO C016 Medical Examination Convention, 1921
- ◆ ILO C019 Equality of Treatment (Accident Compensation) Convention, 1925
- ◆ ILO C027 Marking of Weight (Packages Transported by Vessels) Convention, 1929
- ◆ ILO C029 Forced Labour Convention dated 1930;
- ◆ ILO C032 ILO Protection against Accidents (Dockers) Convention (Revised), 1932
- ◆ ILO C045 Underground Work (Women) Convention dated 1935;
- ◆ ILO C047 Forty-Hour Week Convention, 1935
- ◆ ILO C073 Medical Examination (Seafarers) Convention, 1946
- ◆ ILO C077 Medical Examination of Young People (Industry) Convention, 1946
- ◆ ILO C078 Medical Examination of Young People (Non-Industrial Occupations) Convention, 1946
- ◆ ILO C079 Night work of Young People (Non-Industrial Occupations) Convention, 1946
- ◆ ILO C081 Labour Inspection Convention (Industry and Commerce), 1947

- ◆ ILO C090 Night Work of Young Persons (Non-Industrial Occupations) Convention (revised) 1948;
- ◆ ILO C092 Accommodation of Crews Convention (Revised), 1949;
- ◆ ILO C097 Migration for Employment Convention, 1949;
- ◆ ILO C105 Abolition of Forced Labour Convention, 1957;
- ◆ ILO C106 Weekly Rest (Commerce and Offices) Convention, 1957;
- ◆ ILO C113 Medical Examination (Fishermen) Convention, 1959
- ◆ ILO C115 Radiation Protection Convention, 1960;
- ◆ ILO C119 Guarding of Machinery Convention, 1963
- ◆ ILO C120 Hygiene (Commerce and Offices) Convention, 1964;
- ◆ ILO C124 Medical Examination of Young People (Underground Work) Convention, 1965;
- ◆ ILO C129 Labour Inspection (Agriculture) Convention, 1969
- ◆ ILO C133 Accommodation of Crews Convention, 1970;
- ◆ ILO C138 Minimum Age Convention, 1973;
- ◆ ILO C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977;
- ◆ ILO C167 Safety and Health in Construction Convention, 1988;
- ◆ ILO C182 Worst Forms of Child Labour Convention, 1999;
- ◆ ILO C184 Safety and Health in Agriculture Convention, 2001;

1.6. Other regulations pertaining to the labour safety and labour protection requirements

- ◆ Resolution of the Government of the Kyrgyz Republic “On approval of the degree of risk assessment criteria at implementation of entrepreneurial activities” No 108 dated February 18, 2012 (as amended on 16.06.2012);

- ◆ Resolution of the Government of the Kyrgyz Republic “On approval of the regulations of the Kyrgyz Republic pertaining to public health” No 225 dated May 16, 2011, which approved:
 - List of harmful substances and adverse occupational factors that require mandatory pre-employment and periodic medical examinations of the workers;
 - List of activities that require mandatory pre-employment and periodic medical examinations of the workers;
 - List of medical counter-indications to the admission for vehicle driving jobs and driving of individual vehicles;
 - List of the decreed workforce subject to mandatory pre-employment and periodic medical examinations;
 - List of the general medical counter-indications to admission for the jobs involving harmful substances and adverse factors;
 - Instruction on carrying out mandatory pre-employment and periodic medical examinations of the workers;
 - Instruction on application of the List of Occupational Diseases;
 - Statute on investigation and recording of occupational diseases;
- ◆ Resolution of the Government of the Kyrgyz Republic “On approval of the maximum acceptable rates of loads to be manually lifted and moved by women and workers aged below 18” No 548 dated December 2, 2005 (as amended on 27.09.2012);
- ◆ Law of the Kyrgyz Republic «On public health” No 248 dated July 24, 2009 (as amended on 29.12.2014);
- ◆ Law of the Kyrgyz Republic “Technical regulation “On industrial safety” No 202 dated November 16, 2013;
- ◆ Law of the Kyrgyz Republic “On coal” No 18 dated February 3, 1999 (as amended on 18.06.2005);
- ◆ Law of the Kyrgyz Republic “On industrial-purpose explosive materials” No 110 dated May 21, 2015;
- ◆ Law of the Kyrgyz Republic “On health protection of citizens in the Kyrgyz Republic” No 6 dated January 9, 2005 (as amended on 27.06.2013)
- ◆ Law of the Kyrgyz Republic “On protection of the environment” No 53 dated June 16, 1999 (as amended on 02.07.2015);

- ◆ Law of the Kyrgyz Republic “On protection of atmospheric air” No 51 dated June 12, 1999 (last revision dated 12.01.2015);
- ◆ Law of the Kyrgyz Republic “On tailing dumps and mining piles” No 406 dated July 10, 2000 (as amended on 22.05.2001)

According to Article 36 of Law of the Kyrgyz Republic “On regulations of the Kyrgyz Republic” No 241 dated July 20, 2009 (as amended on 07.07.2014), current regulations are included in the State Register of Regulations within three months from the date of coming into force of the particular law. Regulations, except for the constitutional laws, codes, laws, decrees of the President, decisions of the Zhogorku Kenesh, resolutions of the Government, decisions of the National bank, the Central Election and Referendum Commission that are not included in the State Register of Regulations, cease to be effective and shall not be applied. Regulations adopted (promulgated) by the state bodies that are not law-making bodies will stay in force till December 31, 2010 on condition of their state registration with the judicial authorities before coming into force of this Law. Regulations of the USSR are applied in the territory of the Kyrgyz Republic till December 31, 2009 in the part not contradicting the legislation of the Kyrgyz Republic. Therefore, the standards, rules as well as sanitary-and-hygienic requirements that were effective in the past are not valid today, while the new ones have not yet been approved.

1.7. Technical regulations and standards

In the Kyrgyz Republic, the body responsible for standardization and metrology is the Centre for Standardization and Metrology under the Ministry of Economy of the Kyrgyz Republic. Functions of supervision and control of compliance with the standards and technical regulations were transferred to the Ministry of Economy of the Kyrgyz Republic; accreditation functions were transferred to the newly established Kyrgyz Centre for Accreditation.

In the Kyrgyz Republic, the Law of the Kyrgyz Republic “On fundamentals of technical regulation in the Kyrgyz Republic” No 67 dated May 22, 2004 was adopted (as amended on 25.12.2014) that changes the basis of all policy for application of the standards, and technical regulations are being developed and implemented.

Today in Kyrgyzstan, revision of the technical standards for safety labour and labour protection is underway.

According to the Law “On fundamentals of technical regulation in the Kyrgyz Republic”:

- ◆ a standard is a document, established by consensus, that provides, for voluntary repeated use, rules, guidelines, characteristics of products or design processes (including surveys), production, construction, installation, set-up, storage,

transportation, realization, operation, disposal, performing of work, rendering of services;

- ◆ a technical regulation is a document adopted by an international treaty (agreement) where the Kyrgyz Republic is a signatory, that came into force in accordance with a due procedure established by the legislation of the Kyrgyz Republic, an order, a law, or resolution of the Government of the Kyrgyz Republic, that stipulates requirements that are mandatory for the application and fulfilment, to products and/or related design processes (including surveys), production, construction, installation, set-up, storage, transportation, realization, operation, disposal, as well as the forms and procedures for assessing their compliance with the established mandatory requirements.

The Law defines safety of products and/or related design processes (including surveys), production, construction, installation, set-up, storage, transportation, realization, operation, disposal (hereinafter: safety) as an absence of unacceptable risk connected with causing harm to life and health of physical persons, environment, including life and health of animals and plants, property of physical persons and legal entities, to the state and municipal property.

Mandatory confirmation of conformity with the requirements of the technical regulations is carried out only in the form of certification or declaration of conformity, while using other mandatory forms of conformity assessment is not permitted.

The list of products that are subject to mandatory confirmation of conformity is developed by the Government of the Kyrgyz Republic and annually updated and made more specific. Safety indicators are defined for every type of product.

In the Kyrgyz Republic, the state control (supervision) of conformity to the requirements of technical regulations is in place – checking of observance by a legal entity or an individual entrepreneur of the requirements of the technical regulations to products and/or requirements to the related design processes (including surveys), production, construction, installation, set-up, storage, transportation, realization, operation, disposal, and taking of measures based on the findings of an inspection.

Resolution of the Government of the Kyrgyz Republic No 345 dated May 11, 2006 (as amended on 01.07.2013) approved the requirements to the National Information Fund of the Technical Regulations and Standards.

Resolution of the Government of the Kyrgyz Republic “On identification of the authorised body for technical regulation of the Kyrgyz Republic” No 267 dated June 29, 2005 (as amended on 01.07.2013) assigned the Ministry of Economy of the Kyrgyz Republic the authorised body for technical regulation.

Expert commissions are set up by the Ministry of Economy of the Kyrgyz Republic (Resolution of the Government of the Kyrgyz Republic “On the Statute of the procedure for formation and activities of the expert commissions for technical regulation” No 565 dated August 4, 2006 (as amended on 01.07.2013) taking into account the program of development of the technical regulations approved by the Government of the Kyrgyz Republic.).

Currently, there are about 150 technical regulations in the Kyrgyz Republic for various economic activities. Most of them cover requirements to safety of food and food production.

Technical regulations on industrial, environmental, fire, electric and radiation safety as well as safety of building materials, items and structures have been developed.

As standards are not mandatory documents and are not subjects of the state supervision and control, their list is not provided in the national profile.

2. STATE GOVERNANCE OF LABOUR PROTECTION

2.1. National strategy and programs

From 2002 to 2005, “The State Program for Improvement of labour protection and working conditions, protection of life and health of the workers” approved by the Resolution of the Government of the Kyrgyz Republic No 807 dated December 24, 2001 was underway in the Kyrgyz Republic.

From 2007 to 2009, “Program for improvement of labour protection, safety and working conditions in agriculture”, approved by the Resolution of the Government of the Kyrgyz Republic No 61 dated February 20, 2007, was underway.

It means that since 2009 no program document on labour protection has been adopted at the state level to describe the policy of the Kyrgyz Republic, its strategy and priorities for labour protection. But it can be easily explained by the political situation that developed in the republic in spring-autumn 2010. First important regulations approved at the level of the Government of the Kyrgyz Republic appeared in 2011-2012, and active development of the regulations continued in 2013.

According to the Decree of the President of the Kyrgyz Republic No 273 dated December 27, 2012, the year 2013 was declared the Year of the Worker. The Resolution of the Government of the Kyrgyz Republic No 35-r dated February 12, 2013 approved the Plan of Events to mark the Year of the Worker in the Kyrgyz Republic.

Events of the Plan included:

- ◆ carrying out of awareness-raising work among the general public on labour protection aspects;
- ◆ organisation of topical workshops and other types of training for executives and staff of small and medium businesses on labour protection aspects;
- ◆ supervision of the working conditions and labour protection, compliance with the labour protection obligations by the employers, including those provided by collective agreements and contracts;
- ◆ carrying out of events to mark the World Day for Safety and Health at Work, including competitions for best organisation of labour protection;
- ◆ development of proposals for introduction of the system of insurance against occupational accidents and from risk of occupational diseases.

The Decree of the President of the Kyrgyz Republic No 11 dated January 21, 2013 approved “The national strategy for sustainable development of the Kyrgyz Republic for the period from 2013 till 2017” (hereinafter: the Strategy).

The Strategy reads the following, in particular:

“The legal system of Kyrgyzstan is inadequate to modern requirements and challenges. Its condition has generated legal nihilism in the society, including the state institutions.

State governance to the present day has been in a transit period. Resulting from the numerous reforms, the form of governance has changed, but the state bodies still use the old methods of work, decision-making and fulfilment of these decisions. There is no continuous communication between the state authorities. Decision-making is frequently based on narrow sectoral and corporate interests, and the decisions are of short-term nature.

The system of state governance stalls both vertically and horizontally. Communication between the central and local authorities continues to be weak and inefficient. Functions and powers of authorities at the regional and district level are indistinct, not supported by real mechanisms for their implementation. Resources of most local and municipal authorities are limited, which prevents them from carrying out their functions and obligations to the full.

Common decision development forums that has been recently evolving are still insufficiently efficient, which does not allow developing uniform approaches to addressing problems at the state level.”

In the Strategy, informal employment is also designated as one of the priorities. Unfortunately, the Strategy does not contain any specific measures for reduction of informal employment, but only general phrases:

«High level of corruption, considerable tax burden pushes business to withdrawal into the shadows, thus reducing the taxable base and promoting destabilization of the public sector of the country, and creates conditions for growth of informal economy the size of which is as large as from 18% to 60% of the GDP, according to various assessments of the experts. All this becomes quite a serious barrier to development of business by creating unequal conditions for competition.

The results of investigation of the informal economy confirmed that a considerable part of the population and business entities are involved in shadow economy, therefore, transformation of the volumes of informal economy into official economy becomes very important. The main role in this process is played by the state as the key party in formation of legislative norms, rules and restrictions.

It is important to work out the ways and methods to limit and prevent the growth of informal economy, contribute to reduction of its size, and to strengthen legal economy.

It is necessary to develop a series of measures for reduction of the level of informal economy.”

As is seen from the above quotation, there are no credible data on the size of informal employment; therefore, there is no tool and mechanisms of receiving the statistics sufficiently reliable for passing managerial decisions.

Ensuring of safe working conditions is not among the targets for sustainable development of the Kyrgyz Republic.

The same information on the condition of informal economy is repeated in “The Program for promotion of employment of the population and regulation of internal and external labour migration till 2020” approved by the Resolution of the Government of the Kyrgyz Republic No 485 dated September 6, 2013. However, similar to the Strategy, improvement of the working conditions, safety and health of the workers is not mentioned in the Program.

2.2. Mechanisms of law-making and standard-setting

According to Article 79 of the Constitution of the Kyrgyz Republic, the right of legislative initiative belongs to:

- ◆ 10 thousand voters (popular initiative);
- ◆ deputies of the Zhogorku Kenesh of the Kyrgyz Republic;
- ◆ the Government of the Kyrgyz Republic.

Draft legislation is developed by the said parties and submitted for consideration of the Zhogorku Kenesh of the Kyrgyz Republic. After adoption of a law of the Kyrgyz Republic by the Zhogorku Kenesh of the Kyrgyz Republic it is sent to the President of the Kyrgyz Republic. After signing of a law of the Kyrgyz Republic by the President of the Kyrgyz Republic, the law comes into force. Ministries and agencies of the Kyrgyz Republic develop and adopt bylaws within their powers. The bylaws come into force after their state registration by the Ministry of Justice of the Kyrgyz Republic.

Draft laws and regulations must undergo a procedure of coordination with the interested ministries and agencies, and, without fail, with the Council of the Federation of Trade Unions of Kyrgyzstan and associations of employers.

Besides, the associations of employers and trade union bodies take an active part in development of individual draft laws as members of the working groups.

For example, the Labour Code of the Kyrgyz Republic was developed by a group of representatives of the ministries, agencies, trade unions, and associations of employers.

According to Articles 4 and 5 of the Law of the Kyrgyz Republic “On regulations of the Kyrgyz Republic” No 241 dated July 20, 2009 (hereinafter: the Law on Regulations), the regulations include:

- ◆ a code is a regulation providing systemic regulation of uniform public relations;
- ◆ a law is a regulation duly adopted by the Zhogorku Kenesh and regulating most important public relations in a relevant domain;
- ◆ a decree of the President of the Kyrgyz Republic is a regulation issued by the President of the Kyrgyz Republic;
- ◆ a resolution of the Government of the Kyrgyz Republic is a regulation adopted by the Government of the Kyrgyz Republic on the basis and for implementation of the regulations of higher legal force;
- ◆ decision of the National Bank of the Kyrgyz Republic (hereinafter: the National Bank) is a regulation adopted by the Board of the National bank on the basis and for implementation of the regulations of higher legal force, within the competence of the National Bank, and meeting the requirements specified in that Law;
- ◆ decisions of the representative bodies of local government are the regulations adopted on the basis and for implementation of the regulations of higher legal force, within the competence of the representative bodies of local government to address the matters of local importance that have a mandatory legal force in the respective area.

Acts of other names (instructions, statutes, rules, etc.) are approved by the regulations as provided by “The Law on regulations.”

Compliance with the regulations is supervised by the rule-making bodies (officials) that adopted (promulgated) them.

Oversight of the exact and uniform compliance with the regulations is carried out by the prosecution authorities within their competence.

2.3. Republican level

At the level of the Kyrgyz Republic, the right to approve regulations vests with the Government of Kyrgyzstan (in the form of resolutions) and the President of Kyrgyzstan (in the form of laws and decrees).

2.4. Ministry of Labour, Migration and Youth of the Kyrgyz Republic (hereinafter: Ministry of Labour)

Ministry of Labour is the central state body of executive power implementing a uniform state policy in the Kyrgyz Republic regarding labour, migration and youth, including the issues of refugees, and vocational training.

Insufficient attention to the issues of ensuring healthy and safe working conditions is evident from the fact of their absence in the list of objectives of the Ministry of Labour. The only thing mentioned is development of labour relations and a remuneration system in the economy sectors.

The key policy areas for which the Ministry of Labour is responsible, according to the Regulations, are a unified state policy on formation of the labour market, forecast of demand for labour force as well as the state policy regarding internal, external and labour migration.

As it is seen from the above, the lack of clearly established functions for labour protection is a consequence of an insufficient maturity of the legal framework, insufficient coordination in the matters of training in the labour protection area and inadequate staffing of the Ministry of Labour for labour protection. The main and priority activities of the Ministry of Labour include promotion of employment, creation of new jobs and labour migration.

2.5. Ministry of Economy of the Kyrgyz Republic (hereinafter: Ministry of Economy)

As already mentioned, the Ministry of Economy, among other things:

- ◆ duly approves the price of the authorization documents issued by the state authorities and their structural units;
- ◆ maintains the state registers of the issued certificates of conformity and accepted declarations of conformity;
- ◆ creates and maintains the national part of the Unified Register of the issued certificates of conformity and accepted declarations of conformity of the Customs Union;
- ◆ creates a list of products that are subject to mandatory confirmation of conformity.

Here again there is no interrelation of the working conditions, informal employment, use of child labour and economy of the Kyrgyz Republic. Labour protection aspects are covered only in terms of technical regulation.

2.6. Ministry of Social Development of the Kyrgyz Republic (hereinafter: MinSocDevelopment)

Before 2012, this Ministry of Social Development was called the Ministry of Social Security. It was renamed as the Ministry of Social Development by the Resolution of the Government of the Kyrgyz Republic No 121 dated February 20, 2012. Change of the name indicates that at the level of the Republic the emphasis is made not so much on servicing the most vulnerable groups of the population but rather on development of the social sphere.

Functions of the Ministry of Social Development include, among other things:

- ◆ awarding and payment of welfare payments and monetary compensations instead of the benefits and allowances for pregnancy and childbirth, and for burial;
- ◆ awarding subsidized sanatorium-and-spa vouchers to individuals with disabilities, groups I–II–III;
- ◆ providing medical-social rehabilitation;
- ◆ expansion of production and realization of the means of rehabilitation and adaptation for individuals with disabilities, improving production processes for manufacturing prosthetic and orthopaedic appliances;
- ◆ together with interested parties, implementation of the programs for children protection, prevention of social orphanhood, family disadvantages and juvenile delinquency.

At the Ministry of Social Development there is a Centre for rehabilitation of individuals with disabilities as well as the Republican Centre of Medical-Social Expert Review.

In 2011, the Coordination Council was set up for pilot monitoring of the use of child labour that was carried out for one year in three districts of the Republic. In the course of the monitoring, joint spot-checks for revealing the use of child labour were carried out, the children came back to school, and material assistance was provided to their families. As a whole, the project yielded good results, but the reform of the state governance and numerous transfers of this function between the agencies impeded continuation of the project. The Ministry of Social Development intends to renew this work.

The following problems were identified as the most acute ones:

- ◆ accentuation of the issues of employment of disabled persons (their working conditions, setting job quotas, percent of employed disabled persons, etc.);

- ◆ establishment of employers' responsibility for disability received by a worker as a result of occupational injury or occupational disease, and responsibility for providing a new job to a disabled person according to the disability;
- ◆ positioning of such measures of preventing occupational injuries as measures of preventing occupational disability;
- ◆ participation in formation of a new model of social policy as now there is a considerable distortion: a disability pension frequently exceeds the size of the salary; disability payments and loss-of-breadwinner payments are made from the funds of the state budget, not those of employers.

2.7. Ministry of Health of the Kyrgyz Republic (hereinafter: MH)

The new Statute of the Ministry of Health was approved by the Resolution of the Government of the Kyrgyz Republic No 118 dated February 20, 2012 (as amended on 10.07.2013). According to new Statute, functions of the Ministry of Health do not include protection of health (included in the previous statute) and prevention measures or measures for rehabilitation of the affected persons.

In connection with the functional and structural changes in the activities of the Ministry of Health, a Resolution of the Government of the Kyrgyz Republic approved the Statute of the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision.

Functions of the Department include, among other things:

- ◆ studying and assessment of the effect of adverse factors on health of the public
- ◆ and workers;
- ◆ organization and carrying out of control and supervision of the facilities, irrespective of ownership and departmental affiliation, for compliance with the requirements of the technical regulations and other public health regulations, revealing, forecasting possible impact of biological, chemical, radiation and other physical factors on the health of the public and workers, taking measures according to the legislation of the Kyrgyz Republic;
- ◆ providing the state sanitary-and-epidemiologic surveillance and supervision of public utilities, food processing, public catering, trade, water supply, facilities with harmful working conditions, health care providers, education institutions, sports, tourist, entertainment, health improvement establishments and public recreation areas;

- ◆ testing air in working zone at the requests and contracts of physical persons and legal entities;
- ◆ developing programs and recommendations for raising hygiene awareness of the decreed groups on prevention of diseases, observance of the established health protection and health improvement requirements, and carrying out training of these groups.

Since 1992, a Health Improvement Centre has been functioning under the Ministry of Health (Statute of the Centre was approved by the Resolution of the Government of the Kyrgyz Republic No 91 dated March 20, 1992). The Health Improvement Centre includes: Republican Hospital No 2, outpatient polyclinic of Cholpon-Ata sanatorium, and health centre of Ala-Archa residence.

The primary objectives assigned to the Health Improvement Centre is providing medical and sanatorium-and-spa services to the attached population in strict conformity with the statutory acts of the Ministry of Health.

The Health Improvement Centre, according to the assigned objectives:

- ◆ introduces modern methods of prevention, diagnosis and treatment in the activities of the subordinated institutions;
- ◆ carries out selection of patients for sanatorium-and-spa treatment, supervises the quality of treatment in Cholpon-Ata and Issyk Kul sanatoria;
- ◆ sells vouchers for sanatorium-and-spa treatment;
- ◆ carries out sanitary surveillance at food facilities, preschool institutions, recreation establishments and hotels subordinated to the Financial and Economic Administration at the Office of the President of the Kyrgyz Republic;
- ◆ supports continuous communication with the ministries and agencies, offices, enterprises and organisations listed in the attachment to the statement;
- ◆ carries out health services, on a contractual basis, for the heads of structural units of the ministries and agencies not listed in the attachment to the statement;
- ◆ arranges additional medical aid stations for servicing the participants of sessions, congresses, meetings organised by the President of the Kyrgyz Republic, the Chairman of the Parliament and the Government of the Republic, and also for the state, government and foreign delegations.

Since 2000, the Research-and-Production Association “Preventive Medicine” (NPO) has been functioning under the Ministry of Health (The Statute of the NPO was approved

by the Resolution of the Government of the Kyrgyz Republic No 491 dated August 14, 2000).

Objectives of the NPO “Preventive Medicine” include:

- ◆ studying epidemiology, etiologic structures, characteristics of development and clinical functional manifestations, and working out of early diagnosis methods, effective ways of treatment and prevention of infectious and non-infectious diseases in the Kyrgyz Republic;
- ◆ studying the condition of the environment and its influence on the health of the population in various regions of the Republic;
- ◆ creation of computer models to forecast sanitary-and-hygienic and epidemiologic situation and the level of health of the population in the Kyrgyz Republic;
- ◆ working out and introduction of new research, diagnostic, treatment-and-prevention and rehabilitation technologies for infectious and non-infectious diseases and hygiene (with organisation of the respective production);
- ◆ carrying out basic and applied research of the priority problems of hygiene, epidemiology, treatment and prevention of infectious and non-infectious diseases;
- ◆ introduction of the research results, technologies developed and achievements of modern medical science in practice of public health and education institutions;
- ◆ working out the production procedure, preparation of feasibility study and organisation of production of diagnostic, treatment-and-prevention products as well as hygiene products and their realization to the interested establishments and public;
- ◆ carrying out sanitary awareness-raising and information work among the public regarding formation of a healthy way of life and prevention of infectious and non-infectious diseases.

In the same year 2000, the Research Laboratory of Mountain Medicine of the National Centre of Cardiology and Therapy named after Academician Mirsaid Mirrakhmanov was set up under the Ministry of Health (Statute of the Laboratory was approved by the Resolution of the Government of the Kyrgyz Republic No 556 dated September 6, 2000).

The Laboratory components are:

- ◆ group for research of biologo-physiological mechanisms of adaptation;
- ◆ group for research of high-mountain human diseases;

- ◆ other research groups, including mobile, science-treatment-diagnostic and auxiliary units.

The above information suggests a conclusion that the Ministry of Health is responsible for the matters pertaining to the general state of health of the citizens. Its subordinated organisations basically either provide services to a strictly delineated range of people from the higher administrative echelon of the Kyrgyz Republic, or are engaged in research of influence of particular diseases on the health of the nation. The Ministry of Health is not involved in the matters of occupational health, neither in the matters of occupational hygiene.

3. SUPERVISION AND CONTROL

3.1. State supervision and control

In 2012, in the course of reforming the bodies of state governance, functions of the state supervision and control were separated from the relevant ministries and agencies and were directly subordinated to the Government of the Republic. Thus, seven different inspections ceased to be subordinated to the ministry that defines the policy within its established field of activities, and the State Inspection for Environmental and Technical Safety was newly established.

The Resolution of the Government of the Kyrgyz Republic No 136 dated February 20, 2012 (as amended on 12.06.2012) approved the Statute of the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic according to which the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic (hereinafter: StateEcoTechInspection) is the authorised state body of executive power carrying out the state supervision and control of environmental and technical safety.

For the first time in this position, objectives of the StateEcoTechInspection included supervision of observance of the labour rights of the citizens as well as labour protection requirements.

Functions of the StateEcoTechInspection include, among other things:

- ◆ supervision and control of observance of the labour legislation of the Kyrgyz Republic and other regulations containing provisions of the labour law;
- ◆ analysis of the circumstances and causes of revealed violations, control of their elimination and restoration of the violated rights of the citizens;
- ◆ participation in the analysis of the status and causes of occupational injuries and occupational diseases, development of proposals for their prevention;
- ◆ carrying out technical investigation of the reasons and circumstances of failures and fires, occupational accidents and accidents during transmission and use of electric and thermal energy.
- ◆ investigation of the use of child labour;
- ◆ awareness raising on the labour rights of workers, promotion of employers and workers training on labour protection.

The State Inspection for Environmental and Technical Safety is an independent body and is subordinated directly to the Government of the Kyrgyz Republic. Previously, the State Labour Inspection was subordinated to the Ministry of Labour and Social Development of the Kyrgyz Republic. Independence of the new StateEcoTechInspection is an obvious step forward. However, it should be noted that while there were 62 inspectors in the State Labour Inspection, now there are only 23 inspectors in the StateEcoTechInspection who are involved in supervision and control of compliance with of the labour legislation, which is obviously insufficient for implementation of the powers in full.

The State Inspection for Environmental and Technical Safety is headed by the Director who is the Chief State Inspector for Environmental and Technical Safety of the Kyrgyz Republic.

The Director of the State Inspection for Environmental and Technical Safety is appointed and dismissed by the Prime Minister of the Kyrgyz Republic.

The structure of the State Inspection for Environmental and Technical Safety includes the Central Office and Regional Offices.

The Law of the Kyrgyz Republic “On the procedure of inspection of the business entities” No 72 dated May 25, 2007 (as amended on 29.12.2014) establishes the procedure for inspections of business entities by the authorised bodies, defines the rights and responsibilities of the authorised bodies and business entities within the relations connected with implementation of the inspections, as well as protection of the rights of business entities from unlawful interfering in their activities.

The StateEcoTechInspection carries out control-preventive work for implementation of the state supervision of observance of the requirements of legal regulations and technical regulations pertaining to environmental and technical safety.

Inspections are carried out on the basis of the analysis of risks where all entities are classified as high, medium or low risks facilities.

In 2014, total 5490 violations of the labour legislation were revealed (in the similar period of the last year: 4638 violations), including 2250 in labour protection (in the similar period of the last year: 2847). For all revealed violations, the labour inspectors issued 1 049 mandatory orders to rectify the violations (in the similar period of the last year: 729).

Investigation was carried out of 159 accidents (in the similar period of the last year: 179 cases) where 159 people were affected (in the similar period of the last year: 250 people), of which 61 people with fatal outcome (in the similar period of the last year: 82 people).

In 2014, employers were penalized as administrative liability for OSH violations in the total amount of 495.0 thousand soms (in the similar period of the last year: 399.3 thousand soms).

Under the inspectors' orders, the affected persons and families of victims of fatal occupational accidents received compensation in the total amount of 34.2 thousand soms (in the similar period of the last year: 57.1 thousand soms).

To achieve a maximum occupational safety of workers, the StateEcoTechInspection, together with the Retraining and Development Centre at the Institute of Standardization and Metrology, provides training on the labour legislation and labour protection.

In 2014, inspectors of the StateEcoTechInspection carried out training of 547 executives and staff of the enterprises and organisations of the republic (in the similar period of the last year: 480 people) at the courses for staff training and retraining on labour legislation.

Measures for improvement of collaboration with the employers are taken. Interaction was established with the trade unions, associations and other representatives, joint inspections with civil society are carried out. For example, the StateEcoTechInspection together with the Ministry of Health approved the Rules for Interaction in Implementation of the Related Functions; the StateEcoTechInspection together with the Central Committee of the Federation of Trade Unions of Kyrgyzstan prepared and signed an agreement on mutual cooperation in implementation of the state supervision and civilian control of the observance of the labour legislation, labour protection and other regulations containing labour law provisions. Besides, there is a contract for cooperation between the StateEcoTechInspection and the Retraining and Development Centre at the Institute of Standardization and Metrology under the Ministry of Economy.

In 2012, the supervising functions for sanitary-and-epidemiologic control were fully transferred to the StateEcoTechInspection.

In 2013, the functions for supervision in public utilities as well as in food sector were returned, while sanitary supervision at work remained with the StateEcoTechInspection.

After approval of the Rules for Interaction between the StateEcoTechInspection and the Ministry of Health for implementation of the related functions (joint Order No 366 and No 664, respectively, dated 25.11.2013), Department for Prevention of Diseases and State Sanitary-and-Epidemiologic Surveillance (hereinafter: the Department) received a capacity to check for observance by the employers of the provisions of the sanitary legislation. Also within such checks, control is carried out of observance of the labour legislation regarding pre-employment and periodic medical examinations, correctness of the issue of milk and other equivalent foods, soap, detergents and disinfectants to personnel working in harmful conditions.

Functions of the Department include investigation of occupational diseases.

Rate of revealing occupational diseases in the Kyrgyz Republic is extremely low, which is caused by poor quality of medical examinations that are carried out according to the Instruction on the Mandatory Pre-employment and Periodic Medical Examinations of Workers, approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated May 16, 2011. Such medical examinations are not carried out by the medical specialists who passed development training in occupational pathology but by ordinary physicians who are members of the groups of family doctors and centres of family medicine.

Today in Kyrgyzstan, one centre of occupational pathology remained at the national hospital. Before 2011, there were two such centres. There is an acute shortage of qualified specialists as well as the necessary equipment. Therefore, the statistics of occupational disease rate is not surprising: 1 case in 2010, 11 cases in 2013 that were revealed due to the agreement signed with StateEcoTechInspection and more active efforts of the Department for revealing occupational diseases.

At investigation of occupational diseases and signing of the investigation report the Department faces a number of difficulties, including disagreement of the employer to connect a disease with the occupation. Recently, there has been an increase in the number of legal actions by workers to prove presence of occupational disease.

Regulations that contained sanitary-and-hygienic requirements lost force in 2010. The Department developed 36 regulations (SanPiNs, hygienic standards, etc.), including those regulating the procedure of production control. However, due to continuous restructuring of the state bodies and change of their management, coordination of these documents with various agencies has been underway for as long as 3 years as at every such change the coordination has to be started anew.

The Department has an instrument facility which can be used, among other things, for assessment of working conditions, but the number of instruments is obviously insufficient and part of them are outdated.

3.2. Civilian oversight

Article 32 of the KR Labour Code reads that workers' representatives have the right to carry out civilian oversight of observance of the labour legislation in an organisation.

According to Article 409 of the KR Labour Code, civilian oversight of observance of the labour legislation, other regulations containing labour law provisions, collective agreements is carried out by the trade unions whose interests they represent. For implementation of this function, legal and technical labour inspections are set up by the trade unions, with their powers defined in the respective laws and statutes of the trade unions.

Article 19 of “The Law on labour protection” of the Kyrgyz Republic defines a number of powers regarding civilian oversight of labour protection.

As was already mentioned, technical labour inspection is established to implement the functions of civilian oversight. The Resolution of the Presidium of the Council of the Federation of Trade Unions of Kyrgyzstan dated May 27, 2011 approved “The Statute of technical labour inspection of the trade unions of Kyrgyzstan”.

According to the said Statute, a technical labour inspector has the right to:

- ◆ visit organisations at any time without restriction, on presentation of a standard service card, and carry out civilian oversight of observance by employers of the labour legislation and labour protection rules;
- ◆ issue mandatory orders to employers to rectify the revealed violations of the labour legislation, requirements of the rules and standards of labour protection;
- ◆ demand that the employer suspend operation of production facilities, production areas, machine tools, mechanisms and other means of production in the cases that create threat the life or health of the workers, till elimination of the revealed violations;
- ◆ carry out survey of the organisations to check the working conditions and labour protection, creation and maintaining of safe working conditions. To take part in activities of the commissions for workplace certification by an organisation and, based on its results, submit proposals to the plan of measures for improvement and rehabilitation of the working conditions;
- ◆ take part in investigation of occupational accidents as well as investigate them independently, and, if necessary, provide statements that must be followed by the employers. To take part in activities of the commissions for technical investigation of failures at hazardous production facilities;
- ◆ together with the trade union committee, supervise intended use of the funds provided by collective agreements for labour protection measures, to demand elimination of the violations and making amendments according to the established procedure;
- ◆ receive the necessary information from the executives, officials and staff of the organisations about status of the working conditions, labour protection as well as all occupational accidents that are subjects to registration;
- ◆ take part in activities of the commissions for testing and commissioning of new or upgraded production facilities, means of production, separate shops, production areas, buildings, structures of industrial and social purpose;

- ◆ demand suspension, with salary preservation, of the workers if they are not provided with the necessary personal and collective protective equipment, if they have not passed medical examinations, training and briefing, test of their knowledge, or if they have no clearance for particular work;
- ◆ turn to the appropriate state supervision bodies demanding administrative responsibility of the officials guilty of violation of the requirements of the labour legislation regarding labour protection, concealment of the facts of occupational accidents as well as non-compliance with the orders of technical labour inspectors;
- ◆ supervise capitalisation of the means for harm indemnification by the organisations to the Social Fund of the Kyrgyz Republic, supervise payment of all occupational accident benefits to the workers, and, in necessary cases, calculate the benefit size, issue referrals to the medico-social expert board for estimation of the percent of loss of labour capacity and awarding a disability group for occupational injury.

In order to create a basis for cooperation aimed at protection of the workers' labour rights, prevention, revealing and elimination of violations of the labour protection legislation, "The Agreement for mutual cooperation in implementation of the state supervision and civilian oversight of observance of the labour protection legislation" was signed between the Federation of Trade Unions of Kyrgyzstan and StateEcoTechInspection on April 28, 2014.

3.3. State expert review of the working conditions

The article on a state expert review of the working conditions was deleted from the Law of the Kyrgyz Republic «On labour protection» in 2009, that is, today there is actually no mechanism of state expert review of the working conditions in the Republic.

4. SOCIAL PARTNERSHIP

4.1. Regulations covering social partnership aspects

Basic current regulations are:

- ◆ Law of the Kyrgyz Republic “On social partnership regarding labour relations in the Kyrgyz Republic” No 154 dated July 25, 2003;
- ◆ Law of the Kyrgyz Republic “On the trade unions” No 130 dated October 16, 1998 (as amended on 04.08.2004);
- ◆ Law of the Kyrgyz Republic “On associations of employers” No 66 dated May 22, 2004;
- ◆ Law of the Kyrgyz Republic “On collective agreements” No 164 dated August 21, 2004.

4.2. Key principles and objectives of social partnership

Social partnership is based on the following principles:

- ◆ Mandatory conclusion of agreements, contracts and other decisions regulating labour relations;
- ◆ respect and consideration of the interests of the parties to negotiation;
- ◆ competency of social partnership and representatives of the parties;
- ◆ equality of the parties and trust in the relations;
- ◆ independence and freedom in choosing the issues included in social partnership;
- ◆ voluntary conclusion of agreements, making decisions and taking obligations by the parties of the social partnership on the basis of the mutual coordination;
- ◆ mandatory fulfillment of the agreements and collective contracts adopted by the parties;
- ◆ responsibility of the parties, their representatives, officials and other persons for the failure of fulfil the adopted obligations and decisions, including those under the concluded agreements and contracts.

Objectives of the social partnership are:

- ◆ promotion of economic and social development of the Republic, its regions, and sectors of economy;
- ◆ creation of an effective mechanism for regulation of social-labour relations and respective economic relations;
- ◆ carrying out of collective negotiations, mutual consultations, development and conclusion of agreements, collective contracts between the parties of the social partnership according to the legislation of the Kyrgyz Republic;
- ◆ prevention of collective labour disputes and assistance to settling social-labour conflicts;
- ◆ improvement of the legislative framework regulating social-labour relations;
- ◆ further development of associations of the employers and trade unions, strengthening of their role as social partners.

4.3. Mechanisms and levels of social partnership implementation

4.3.1. Mechanism of functioning of the social partnership system

The social partnership system is functioning on the basis of:

- ◆ mutual consultations carried out by the authorised representatives of the parties to social partnership, for preliminary investigation of their positions regarding the social-labour relations and respective economic relations;
- ◆ negotiations carried out by the authorised representatives of the parties to social partnership for settling the arising questions and issues, including settling collective labour disputes, according to the legislation of the Kyrgyz Republic;
- ◆ conclusion of the collective agreements and contracts, adoption of joint decisions regarding regulation of the social-labour relations.

The social partnership system includes the following levels:

- ◆ republican level that establishes the regulation framework for the social-labour relations in the Kyrgyz Republic;
- ◆ sectoral level that establishes the regulation framework for the social-labour relations within the sector;
- ◆ territorial (regional, city, district) level that establishes the regulation framework for the social-labour relations at the level of the administrative and territorial units;

- ◆ level of the organisation that establishes specific mutual labour obligations between the workers and the employer.

4.3.2. Organisation of social partnership at the republican level

At the republican level, social partnership is carried out by the Republican Tripartite Commission for Regulation of Social-Labour Relations (hereinafter: the Republican Tripartite Commission). “The Statute of the Republican Tripartite Commission for Regulation of Social-Labour Relations” was approved by the Resolution of the Government of the Kyrgyz Republic No 718 dated December 27, 1999 (as amended on 12.10.2012).

The Republican Tripartite Commission is a permanent body of social partnership in the Kyrgyz Republic and consists, on a parity basis, of representatives of the Government of the Kyrgyz Republic, Federation of Trade Unions of Kyrgyzstan and associations of the employers.

Functions of the Republican Tripartite Commission are:

- ◆ negotiating between the parties and conclusion of the general agreement, control of the compliance with the agreement;
- ◆ regulation of the social-labour relations and respective economic relations, participation in development and implementation of the socially oriented policy of economic transformations in the Kyrgyz Republic;
- ◆ promotion of conclusion of the collective contracts, territorial, sectoral (Intersectoral) agreements, participation in their development through the locally created working bodies and groups;
- ◆ settling the disputes arising during development, conclusion and implementation of the territorial and sectoral (Intersectoral) agreements;
- ◆ implementation of the measures for prevention of collective labour disputes (conflicts) and assistance to their regulation in the Kyrgyz Republic;
- ◆ development and participation in discussion of the draft laws of the Kyrgyz Republic, other regulations adopted by the legislature of the Republic regarding social-labour relations and respective economic relations;
- ◆ promotion of social partnership at the republican level.

In the recent years, social partnership in the Kyrgyz Republic has been developing that is characterised by joint participation of representatives of the trade union bodies, trade unions and employers in the organisation and carrying out of the labour protection events at various levels (international and republican conferences, round tables, seminars).

During these events, which have been regularly held since 1999, consultations on the labour protection issues are provided and recommendations are worked out.

The events included:

- ◆ The international seminar “Organization and objectives of labour inspection in the Kyrgyz Republic”;
- ◆ The republican conference “Child labour issues in Kyrgyzstan”;
- ◆ The international conference “Labour protection and labour safety issues in the construction sector”;
- ◆ The international seminar «Activities of the state labour inspection under the conditions of a market economy”;
- ◆ The international seminar/meeting on safety and occupational hygiene in agriculture;
- ◆ The republican conference “Labour protection issues at the present stage of development of labour relations and ways of their solution”;
- ◆ The tripartite seminar “On WIND Programme (Work Improvement in Neighbourhood Development, Program for Training in Safety, Working Conditions and Health Protection in Agriculture”;
- ◆ The republican conference “On implementation of the Program for improvement of labour protection and working conditions in agriculture for 2007-2009. On the management of the labour protection system in the Kyrgyz Republic”.

Legislative acts and regulations covering the labour protection aspects are developed by the commissions made of the representatives of social partners. Examples of such interaction include the development of:

- ◆ The Labour Code of the Kyrgyz Republic;
- ◆ The law of the Kyrgyz Republic “On labour protection”;
- ◆ The law of the Kyrgyz Republic “On social partnership in the field of labour relations in the Kyrgyz Republic”;
- ◆ Regulations on the recording and investigation of occupational accidents;
- ◆ Regulations on the labour protection services and organisation of labour protection activities;
- ◆ Regulations on training and testing labour protection knowledge, etc.

4.3.3. Organisation of social partnership at the sectoral level

Social partnership at the sectoral level is implemented by the sectoral commissions for regulation of social-labour relations.

A sectoral commission both at the republican and territorial level is a body for providing alignment of interests of the social partners by way of consultations, negotiations, preparation of draft sectoral agreements and conclusion of these agreements.

Composition of the sectoral commission which includes representatives of the appropriate bodies of executive power and local governments, trade unions and employers is defined by the parties.

Activities of the sectoral commissions are regulated by the legislation of the Kyrgyz Republic and statutes of those commissions, approved by the commissions.

4.3.4. Organisation of social partnership at the territorial level

Social partnership at the territorial level is implemented by the regional, city and district commissions for regulation of social-labour relations.

The subject of regulation of the parties' relations at the territorial level include social-labour relations, conveniences, guarantees and benefits determined by the characteristics of each region.

Territorial commissions are made on representation of the following parties of social partnership: body (bodies) of local government or body of the executive power, trade unions, and associations of employers or their co-ordinating body on a parity basis, and operate on the basis of the statutes approved by the commissions.

4.3.5. Organisation of social partnership at the interstate financial and industrial groups, transnational corporations, and enterprises with a share of foreign capital

Social partnership for regulation of social-labour relations at the transnational corporations, enterprises with a share of foreign capital is provided and built on the basis of the interstate and intergovernmental agreements and the legislation of the Kyrgyz Republic.

Parties to the negotiations and conclusion of the agreements on social-labour relations are the highest executive or duly authorised body of a corporation and the trade union.

4.3.6. Practical implementation of the social partnership mechanisms

Trade unions

The main association of trade unions is the Federation of Trade Unions of Kyrgyzstan (FTU-K). As of 2014, the trade union membership was 701 100 people of the total number ca. 1.2 mln of employed people. The FTU-K includes 21 sectoral and 6 regional trade union associations. The legislation on the trade unions also provides for the right of students and pensioners to set up their trade unions. There are the so-called alternative trade unions that are not part of the FTU-K, for example, trade union of the workers of railway transport.

According to the FTU-K, primary trade union organisations exist at approximately 8 000 of almost 385 000 business entities (i.e. just at 2% of the business entities). Also according to their data, there is a steady trend to fall of the number of trade unions in most member organisations of the FTU-K. For example, in 2003 there were more than 1.1 mln trade union members in the trade union registers, in 2007–915.8 thousand, and in 2010 only 729.3 thousand. As of the beginning of 2014, the trade union membership was 701.1 thousand, i.e. the drop in comparison with 2003 was 36%.

According to Article 13 of the Law of the Kyrgyz Republic “On the trade unions”, the trade unions participate, on the principles of equality, in the management of the means intended for social insurance of the workers and members of their families, and carry out civilian oversight of the work of the social security agencies, social insurance and public health services of the Kyrgyz Republic. But this provision worked till 2006, till liquidation of the social insurance fund. The fund was liquidated, while the provision in the law remained. A social insurance system was practically absent till 2010, when the Fund for Health Improvement of the Working People was established in its place.

According to “The Law on regulations” of the Kyrgyz Republic, since 2010 all regulations approved by the state bodies of the USSR have become invalid. According to the same Law, technical regulations have a mandatory status. In the labour protection area, several technical regulations have already been approved.

The provision by which the technical labour inspectors of the trade unions had the same rights as the state labour inspectors was withdrawn from “The Law on labour protection”, but this provision remained in “The Law on the trade unions”.

Technical labour inspection of the trade unions of Kyrgyzstan makes calculations of the amount of indemnification to the people injured in occupational accidents, at the request of the affected persons and interested parties; these calculations can be also made by the employer and at the Centre of Judicial Expert Reviews under the Ministry of Justice of Kyrgyzstan.

According to the statistics of the technical labour inspection of the Federation of Trade Unions of Kyrgyzstan, there are about 5000 large organisations in the Kyrgyz Republic with the number of workers exceeding 1000, where labour protection services are functioning. Approximately 30% of the enterprises which can be referred to medium business have labour protection officers. In the majority of medium businesses and practically in all small enterprises there are neither labour protection services, nor labour protection officers.

One more problem was that the FTU-K has (and collects) the occupational accidents statistics only for those 8000 business entities where the trade unions are present.

In 2013, the Federation of Trade Unions of the Kyrgyz Republic held a number of regional seminars on the subject “Modernization and innovative development of the trade unions of Kyrgyzstan”. At the seminar, a survey was held among the participants that revealed the following reasons for dropping of the membership of the trade union cells:

- ◆ the trade unions do not fully cope with the assigned objectives; as an organisation, they show dependence on the authorities and employers and are not capable of providing adequate protection of the labour rights and socio-economic interests of employees;
- ◆ belief that according to the labour legislation, trade union members have no advantages in the working conditions as the collective agreement covers all workers.

The following answers were received to the question what problems today negatively influence the intratrade-union activities:

- ◆ dependence of the trade union members on the employers;
- ◆ lack of financial means;
- ◆ low prestige of the trade unions;
- ◆ low motivation for trade union membership;
- ◆ aging of the trade union authorities.

To strengthen the trade union organisations that belong to the Federation of Trade Unions of Kyrgyzstan through attraction of new members, including youth, increase of their prestige and influence in the society, creation of new trade union organisations, “The Comprehensive Program for enhancing motivation for trade union membership, involving new members in the trade unions and creation of new trade union organisations” was developed.

Academy of Labour and Social Relations was established under the Federation of Trade Unions of Kyrgyzstan. The purpose of the Academy is training of young trade union cadres. In 2014-2015 school year, training in the college under the Academy began.

Employers

The key associations of employers of the Kyrgyz Republic are the National Confederation of Employers of Kyrgyzstan (NCE-K) and Guild of Directors of Kyrgyzstan (association of industrial employers).

The NCE-K was established in 2001. The NCE-K members are the associations, unions and alliances of employers, in total 34 organisations, including the employers' associations of the regions and districts of the Kyrgyz Republic and 20 large organisations and industrial enterprises.

Types and areas of activities of the NCE-K:

- ◆ improvement of the environment for business development, promotion of better environment, democratic management, support of financial stability of business and introduction of market mechanisms in economy;
- ◆ search of business partners in organisation of training seminars, forums, symposiums, conferences, congresses, science-and-technology exhibitions on the subjects of mutual interest, independently and together with the training institutions. Creation of training groups or subgroups, taking into account particular activities, in the Centres for Adaptation under the organisation of employers;
- ◆ expansion of trade and economic relations with employers through the International Coordinating Council of Employers' Unions (ICCEU), taking into account the WTO membership;
- ◆ development by the NCE-K members of partner relations with the government agencies and assistance in participation of their representatives;
- ◆ rendering assistance in development and implementation of joint business projects of the employers of the Kyrgyz Republic on the basis of independent assessment of property, modern business practices, transfer of technical knowledge and skills, and dissemination of practical information necessary for justified and timely business decisions;
- ◆ analysis, marketing, assessment of property, expert review, peer review, consultations as well as addressing the issues of the NCE-K full members that require settling at the state level, and lobbying for elimination of such issues;
- ◆ protection of legitimate interests of NCE-K full members at all levels, rendering assistance in institutional development and technical assistance on a long-term basis;
- ◆ legal and information support of the NCE-K members.

For further development of social partnership between the employers and workers and their representative bodies, in July 2014 the Commission was set up for settling social-labour disputes between the Guild of Directors of Kyrgyzstan (association of industrial employers) and the Federation of Trade Unions of Kyrgyzstan.

The Statute of the Commission, which will work on a volunteer basis (10 people), was approved.

The Commission will consider the disputes arising between the partners regarding salary/wages issues, at the conclusion of collective agreements and contracts, settling individual and collective labour disputes and other issues of social-labour relations.

More detailed information on the activities of the NCE-K and Guild of Directors is not available.

General Agreement for 2013-2015

According to the General Agreement between the Government of the Kyrgyz Republic, the Federation of Trade Unions of Kyrgyzstan and the republican associations of employers for 2013–2015 (hereinafter: the General Agreement), all parties undertake a commitment to combat informal employment. In fact, this commitment is not carried out.

Article 8 of the General Agreement provides for an amendment of “The Statute of the procedure of establishing, payment and size of the temporary disability benefit and the maternity benefit” approved by the Resolution of the Government of the Kyrgyz Republic No 727 dated November 11, 2011, regarding an increase in the size of the benefit from 10 to 20 standard units per month. The amendments were made.

Article 9 of the General Agreement provides for consideration of ratification of the Social Security (Minimum Standards) Convention of the International Labour Organisation No 102 dated June 28, 1952. Currently the work is underway for ratification of Recommendations No 202k of the said Convention.

Article 12 of the General Agreement provides for prevention of a gap in salary for equal work between the foreign citizens who work in the Kyrgyz Republic and workers citizens of the Kyrgyz Republic. This commitment, too, is practically not carried out because of difficult access of the FTU-K representatives to the enterprises with foreign investment. The trade unions of the mining-metallurgical sector were most successful in these efforts.

Article 23 of the General Agreement provides for the commitment of social partners “to enhance creation of jobs in the rural areas by development of processing facilities, services, small and medium business, work from home. The associations of employers should provide for creation of the centres for workers’ adaptation for short-term courses up to 36 classroom hours, with awarding appropriate certificates” – the Article actually does not work. The commitment is not practically carried out due to a lack of the employers’ funds for training.

Article 25 of the General Agreement obliges the parties “to submit a draft law of the Kyrgyz Republic on amendments in “The Code of Administrative Responsibility of the Kyrgyz Republic” regarding strengthening of administrative responsibility of the employers for violation of the labour legislation for consideration of the Zhogorku Kenesh of the Kyrgyz Republic”. This commitment was fulfilled. However, the size of sanctions is unacceptably low: it was increased from 1000 to 2000 soms per a legal entity. Certainly, such size of penalty does not motivate the employers to comply with the labour protection requirements.

Article 28 of the General Agreement contains a commitment “to improve the regulatory framework regarding insurance of the employer’s liability in order to prevent occupational injuries.” Supervision of observance by the employers of the legislation on insurance of the employer’s liability is assigned to the StateEcoTechInspection, which means that labour inspector issue injunctions to the employers to insure their liability; however, the insurance companies do not provide the minimum payments provided by law.

Similar injunctions can be also issued by the trade unions. If their demands are not fulfilled, the trade unions turn to StateEcoTechInspection or Office of Public Prosecutor of Kyrgyzstan. According to the Statute of the FTU-K technical labour inspection, the demand of the trade unions is made out in triplicate: 1 copy to the employer, 1 copy to StateEcoTechInspection, and 1 copy remains at the technical inspection of the trade unions.

It is difficult to carry out this commitment as the employers in most cases are not able to calculate correctly the size of damage to health of the worker. Fair employers turn for assistance to the FTU-K.

One more issue connected with insurance of civil liability by the employers is presence of a corruption component. As of 2015, there are 18 insurance companies in the KR where an employer can insure his/her civil liability for disability of a worker. A labour inspector, who issues an injunction to the employer, may be tempted to specify a particular insurance company in the injunction.

Results of the analysis suggest a conclusion on significant conflicts within the tripartite cooperation and social partnership, necessity to create conditions for optimisation and development of mechanisms of effective social partnership between the trade unions and employers of the Kyrgyz Republic. Also it is possible to assume that insufficient development of social partnership and social dialogue is caused by the established cultural-historic characteristics in the Republic.

5. COMPONENTS OF THE LABOUR PROTECTION MANAGEMENT SYSTEM

5.1. Insurance of occupational accidents and occupational diseases

5.1.1. Mandatory state insurance

There are two types of insurance in the Kyrgyz Republics: mandatory state insurance and mandatory insurance of civil liability.

According to Article 1 of the Law of the Kyrgyz Republic “On the state social insurance”, the state pension social insurance is a system of guaranteed by the state types of provision for the insured persons in case of loss of earnings or income due to occupational injury or occupational disease, disability, old age, loss of bread-winner or death at the expense of mandatory insurance contributions of the employers and citizens.

As the rates of the insurance contributions to the state social insurance were decreased, the Social Insurance Fund, from which temporary disability and maternity benefits were paid, was eliminated according to Law of the Kyrgyz Republic No 86 dated 30.06.2005.

Currently, temporary disability and maternity benefits are paid from the republican budget and means of employers.

Rates of mandatory state social insurance (sizes of insurance contributions to the Pension Fund, Fund of Mandatory Health Insurance and Fund for Health Improvement of the Working People) were established by the Law of the Kyrgyz Republic “On the rates of insurance contributions for the state social insurance” No 8 dated January 24, 2004 (as amended on February 13, 2015).

Military men and reservists are also subject to mandatory state insurance. Procedure of the mandatory state insurance and rates of insurance deductions and contributions are established by the Law of the Kyrgyz Republic “On mandatory state life and health insurance of military men and reservists called for exercises and special training sessions, and persons equated with them” No 163 dated August 21, 2004 (as amended on June 21, 2011).

Mandatory state insurance of the citizens referred to the above categories is carried out at the expense of the republican budget and constitutes a protected article of the republican budget (Article 7, Law No 163). Size of the insurance contributions is

determined from the monthly salaries of a person's position or military rank (Article 4, Law No 163).

Insurance is made through the private insurance companies having licences for a given type of insurance, on a competitive basis.

Objects of the mandatory state insurance are life and health of the military men and persons equated with them in mandatory state insurance.

5.1.2. Civil liability insurance

According to Article 211 of the LC KR and Article 11 of the Law of the Kyrgyz Republic "On labour protection", the employer is obliged to provide mandatory social insurance of the workers against occupational accidents and occupational diseases.

In the Kyrgyz Republic, there is no Law «On mandatory social insurance against occupational accidents and occupational diseases» that is stipulated by the Labour Code and the Law "On labour protection of the Kyrgyz Republic."

This type of insurance is referred to the mandatory insurance of civil liability of the employer, not to the mandatory insurance of life and health of workers. Since June 01, 2010, the Law of the Kyrgyz Republic "On mandatory insurance of civil liability of the employer for causing harm to life and health of a worker in discharge of duty (service)" No 194 dated 05.08.2008 (hereinafter: in this subparagraph – the Law) has been in force.

This type of mandatory insurance establishes employer's liability for causing harm to life and health of a worker in discharge of duty (service) at a rate stipulated by the legislation of the Kyrgyz Republic. According to Article 5 of the Law "object of the mandatory insurance of civil liability of the employer for causing harm to life and health of a worker in discharge of duty (service) (hereinafter: mandatory insurance of employer's liability) is the property interest of the employer connected with his/her duty to indemnify the harm caused to life and health of a worker in discharge of duty (service)", and the purpose is "guarantee of insurance coverage of a worker whose life and health were affected in discharge of duty (service), by way of payment of insurance indemnity" (Article 7 of the Law).

Whereas the LC KR and "Law on labour protection" in the Kyrgyz Republic are primarily aimed at ensuring safety and healthy working conditions of a worker, and not at the guarantee of indemnification of the damage already caused to him/her (at a mandatory social insurance of a worker).

Analysis shows that the given Law contradicts the provisions of many legal acts: the Constitution, the Labour Code, the Law «On Labour protection», the Civil Code of the Kyrgyz Republic, the Model Law on Mandatory Social Insurance against Occupational

Accidents and Occupational Diseases, adopted by the Inter-Parliamentary Assembly of the CIS member states on 15.06.1998. The law solely serves the interests of the insurance companies and does not provide protection of the interests of the state, employers and workers, and does not encourage economically occupational safety improvement.

The Law does not fully cover the employer's liability for the harm caused to life and health of a worker in discharge of duty, as provided by the Labour Code and Model Law. As a result, the employer still has to pay the following rather considerable amounts as indemnification of harm:

- ◆ lump sum at a rate of 20 average annual earnings of a worker at his/her death, and 3, 5, 10 his/her average annual earnings at Group III, II, I of disability, respectively;
- ◆ temporary disability benefits for all period of the temporary disability till his/her recovery or determination of permanent occupational disability;
- ◆ additional expenses involved in medical, social and occupational rehabilitation of the affected person till restoration of work capacity without determination of permanent occupational disability;
- ◆ moral damage;
- ◆ other expenses due to transfer to another lower paid job, occupational training (retraining), payment of additional leave for treatment, etc.

The above Law does not cover the workers of state institutions, thus violating the principle of equality of men proclaimed in the Constitution and in Convention No 17 of the International Labour Organization – Workmen's Compensation (Accidents) Convention ratified by the Law of the Kyrgyz Republic No 148 dated August 17, 2004.

The Law does not provide for insurance indemnification of damage at liquidation or bankruptcy of an insurance organisation, nor timeliness of receiving the insurance payments by the affected persons, due to the absence of a system of state guarantees of an insurer.

The Law does not provide for a system of discounts to the insurance rate taking into account the actual state of labour protection at the enterprise, it does not provide for allocation of means by the insurer for carrying out the preventive measures by the employer to reduce the number of occupational injuries and occupational diseases, or other motivating factors.

Part 2 of Article 17 of the Law reads that the limits of insurance rates, differentiated by types of economic activities, depending on the class of occupational risk and personnel category, are established by the Government of the Kyrgyz Republic.

The Resolution of the Government of the Kyrgyz Republic No 108 dated February 18, 2012 (as amended on 19.12.2013) approved the criteria for assessment of the degree of risk at entrepreneurial activities in points by the basic types of economic activities, and also for some types of activities criteria of assessment of the degree of risk were established for inspections of business entities.

Insurance rates for this type of insurance are established by the Resolution of the Government of the Kyrgyz Republic "On approval of the insurance rates and amounts of indemnification (liability limits) of the mandatory insurance of civil liability" No 113 dated February 26, 2010 (as amended on March 30, 2015).

The above Resolution establishes the minimum insurance rates for industrial personnel by classes of occupational risk (broken by the key types of economic activities), and also for administrative, managerial and auxiliary personnel (irrespective of the class of occupational risk and types of economic activities).

The Resolution also reads that the established insurance rates are the minimum rates, and the insurance organisation on agreement with the employer can establish higher rates for a particular enterprise. A reservation is also made that the minimum insurance rates are applied for the enterprises with a high level of the occupational safety system. However, the Resolution does not contain a procedure for determination of the level of occupational safety (nor a determination of the level of safety).

Supervision of the observance of the said Resolution is assigned to the State Service for Regulation and Supervision of the Financial Market under the Government of Kyrgyz Republic (GosFinNadzor).

As of the beginning of 2015, services for this type of insurance are provided by 18 private insurance companies. Of these 18 companies, for 17 companies business is concentrated in the capital of the Republic, only three have regional branches, and only one operates in the south of the Republic. The amount of the insurance payments made by the insurance companies for occupational accidents is about 20%.

As already mentioned, activities of the private insurance companies that insure mandatory civil liability are supervised by GosFinNadzor. According to GosFinNadzor, during the period from 2010 to 2014, 15 licences for mandatory insurance of civil liability of the employer for the harm caused to life and health of a worker in discharge of duty (service) were issued in the Republic. During the above period, 622 contracts were signed for a total insurance amount of 60 932 444.6 thousand soms, insurance premiums were 178 975.9 thousand soms, and insurance payments 9 129.1 thousand soms.

With all above described serious weaknesses, there is no sense and possibility of objective insurance which makes a heavy financial burden on the employer, initially

creates grounds for conflict situations, disputes between the parties, numerous complaints, and appeals to various state bodies.

5.1.3. Insurance mechanisms

The Social Fund

Mandatory state social insurance is implemented through the Social Fund of the Kyrgyz Republic (SocFund). Activities of the SocFund are regulated by the Law of the Kyrgyz Republic “On the Social Fund of the Kyrgyz Republic” No 103 dated August 2, 2004.

According to Article 2 of the Law, objectives of the SocFund are:

- ◆ development and implementation of the concerted policy for the state social insurance and pension system;
- ◆ maintaining the right of the insured persons for the state social insurance according to the legislation of the Kyrgyz Republic;
- ◆ maintaining financial stability of the Social Fund.

A negligible percent of insurance contributions by employers to the mandatory medical insurance (2%) is explained by the fact that the mandatory medical insurance of workers is mostly paid by the means of the republican budget.

On the subject “Public health”, following the results of discussion in the groups, a recommendation was made on increasing the contributions to the Mandatory Health Insurance Fund (FOMS). From the point of view of the employers, these contributions will make additional burden, which will not encourage withdrawal of informal economy from shadow, but, on the contrary, will force business to hide into the shadows. According to the employers, 2% already is a considerable amount. It is necessary to give a chance to business to be transparent with optimum tax burdens to encourage them to run a “white” business. Therefore, withdrawal of informal economy from shadow will allow increase receipts in the budget, including in the Mandatory Health Insurance Fund.

Earlier, before 2015, the legislation on the budget of the Social Fund of the Kyrgyz Republic established that the administrative expenses of the SocFund of the Kyrgyz Republic are formed and spent at a rate not exceeding 3% of the arrived insurance contributions, with the right of use the unused means intended for the administrative expenses of the SocFund of the Kyrgyz Republic for previous fiscal year.

However, starting from the current year, there has been no legislative provision of the rate of administrative expenses of the Social Fund of the Kyrgyz Republic.

Para. 6 of “The Plan of measures for implementation of “The Concept of development of the pension system of the Kyrgyz Republic” approved by the Resolution of the

Government of the Kyrgyz Republic No 670 dated 24.11.2014, provides for development and submission of a draft law for amendment of the Law of the Kyrgyz Republic “On the Social Fund of the Kyrgyz Republic» regarding determination of financing administrative and managerial expenses, to optimise the amount of financing administrative and managerial expenses.

According to the legislation, financing of the base part of pension, preferential pensions, supplements and compensations is carried out from the republican budget.

Recently there has been a trend towards increasing the age of early retirement; compensations for electricity are included in the base part of the pension base unit.

The rate of insurance contributions has been reduced from 33% to 27%, and at this background deductions from the workers’ salary were increased to 2% of the cumulative part of the pension, and these deducted 2% are owned by the insured person.

The Social Fund of the Kyrgyz Republic fills out the statistical form 94-sots which includes, among other things, data on the number of workers who retired early, before reaching the age for old age pension (which is 58 years for women and 63 years for men in Kyrgyzstan).

In case the amount of pension is less than unemployment benefit (for example, in case of disability pension, including occupational disability), the retiring person has the right to choose between a disability pension and an unemployment benefit.

Fund for Health Improvement of the Working People (FHIW)

Fund for Health Improvement of the Working People of Workers (FHIW) is, in particular, one of the main controversial issues in social partnership.

Before 2005, health improvement of the insured persons and dependent members of their families was a part of the state social insurance system. For this purpose, in 1993 the Social Insurance Fund (SIF) was added in the Social Fund. Its rate was 1%. Payments of temporary disability benefits and maternity benefits were also financed from SIF.

In 2005, payment of insurance contributions to SIF was excluded from the system of the state social insurance. The republican budget was assigned to be the source of financing of all measures previously financed from the abolished fund. Because of the burden on the treasury, the Ministry of Finance and the Federation of Trade Unions of Kyrgyzstan came forward with an initiative to return to the financing of measures for health improvement of workers and members of their families from the means of the employers sent to the state social insurance of workers. In this connection, the Fund for Health Improvement of the Working People (FHIW) was open on July 1, 2009 in the Social Fund, and the insurance contributions for employers and individual entrepreneurs were established at a rate of 0.25%. According to the resolution of the Provisional Government, the Federation of Trade Unions of Kyrgyzstan (FTU-K) was assigned to be

the authorised body for distribution of the FHIW means. The collected and accumulated means of the Fund for Health Improvement of the Working People are transferred in full to the FTU-K on a monthly basis.

The Order of the Government dated 2011 set up the interdepartmental commission for reforming the system of administration of insurance deductions, with the assignment to develop proposals for termination of collections to the Fund for Health Improvement of the Working People of Workers (FHIW). This point was considered by the commission, and decision on the fund closure was made. In 2012, the SocFund initiated a draft law on removal of the FHIW from the state social insurance system, but later it recalled the document.

According to the employers, the state social insurance provides certain functions – pension deductions and deductions for social, medical needs, injuries, etc. However, many entrepreneurs of the country are obliged to pay 0.25% of the salary fund to the SocFund. The SocFund transfers these means to a non-governmental organization – Federation of Trade Unions. However, an NGO, according to the legislation, is entitled to carry out its activities only on account of voluntary contributions, donations and grants. Under the Law “On the main principles of the budget law”, creation of funds in the framework of the state bodies, except for SocFund and FOMS, is prohibited.

The entrepreneurs also calculated that it is better to give this matter into the hands of the employers under the social package for a worker, as, by their calculations, only 0.5% of the total number of official workers (i.e. 0.5% of 1 163 000 people, according to the SocFund) can use free vouchers in a year.

The FTU-K holds an opposite view. According to the trade unions, the attempts to liquidate the Fund for Health Improvement of the Working People (FHIW) show an absence of elementary sympathy for the worker from the employer. The Fund for Health Improvement of the Working People was established back in the Soviet period, and it has been legitimated in Kyrgyzstan since 1993. Also the mechanism for money collection and voucher distribution has been proven for years. Money is transferred for the Fund to a special settlement account and is immediately transferred to the health resorts and sanatoria, exchanged for vouchers, which are then given to workers free of charge. According to the Law, only 3% of means of the Fund for Health Improvement of the Working People is spent to support the Federation of Trade Unions of Kyrgyzstan. And that is only to keep the department for health improvement of workers, where the staff is three persons. In the system of voucher distribution 28 more people are involved for economy of means: these are technical inspectors who supervise occupational safety and working conditions in all Republic.

Following the results of execution of the budget of the Social fund of the Kyrgyz Republic for 2014, expenses of the Fund for Health Improvement of the Working People was 213.2 mln soms.

According to the Law of the Kyrgyz Republic “On the budget of the Social Fund of the Kyrgyz Republic for 2015 and the forecast for 2016–2017”, the amount of 220.9 mln soms is provided in 2015 for receipts and expenditure of the Fund for Health Improvement of the Working People, and in 2016, 218.5 mln soms.

5.2. Assessment of the working conditions at workplaces

As it was already mentioned, the Labour Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic «On labour protection» provide for workplace certification according to the working conditions. The mechanism of carrying out the workplace certification is absent, and there is no instrument facility and experts for assessment of the working conditions. Therefore, in terms of strategy for development of labour protection, long-term planning, it is primarily necessary to arrange production or purchase of the measuring equipment, as well as training of a sufficient number of staff who will be able to use this instrument facility.

5.3. Medical examinations of workers

Pre-employment and periodic medical examinations are carried out in the Republic according to the “Instruction on carrying out mandatory pre-employment and periodic medical examinations of the workers”, approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated May 16, 2011. Such medical examinations are not carried out by the medical specialists who have passed a development course in occupational pathology, but by ordinary doctors who are employees of groups of family doctors and centres of family medicine. As a consequence, there is a low level of detection of occupational diseases. Currently there is one centre of occupational pathology left in Kyrgyzstan at the national hospital. Before 2011, there were two such centres. Acute shortage of the qualified specialists as well as the necessary equipment is observed.

5.4. Training in labour protection

The Resolution of the Government of the Kyrgyz Republic No 225 dated 05.04.2004 approved “The Statute of training and testing labour protection knowledge according to the requirements to labour protection of workers of the organisations”. Requirements described in the procedure correspond to the similar requirements operating in the member countries of the Customs Union.

However, it is necessary to recognise that due to a limited number of the training centres and qualified instructors; the scope of work in this area is insufficient, which is shown by the statistics.

In 2012 the StateEcoTechInspection signed an agreement for cooperation with the Retraining and Development Centre at the Institute of Standardization and Metrology under the Ministry of Economy of the Kyrgyz Republic. The subject of the agreement is cooperation of the parties in retraining and development of the staff of the enterprises and organisations of Kyrgyzstan in:

- ◆ creations of safe working conditions;
- ◆ assessments of risk at workplaces and labour protection rules;
- ◆ encouragement of the work on standardization for creation of safe working conditions, SUOT-2001.

During 2014, seven courses under the program “Occupational health and safety” and “Labour legislation” were carried out under the agreement, which were attended by 201 trainees, including 50 trainees for the program “Labour legislation”.

According to the FTU-K, 378 trade union activists responsible for organisation of human rights and labour protection were trained in 2014 at the FTU-K training centre and subordinated sectoral training centres under the program for development of trade union activists regarding the labour protection management system and improvement of effectiveness of civilian supervision of compliance with the provisions on occupational health and safety legislation.

According to the Republican Centre for Certification in Construction under the Gosstroy of Kyrgyzstan, 96 staff of the construction sector were trained in 2014 under the program “Labour protection and occupational safety for executives and staff of the construction organisations, enterprises and institutions of the Kyrgyz Republic”, and in the first quarter of 2015 there were 37 trainees.

According to the OJSC National Electricity Grid of Kyrgyzstan, there was no training of the sector staff in 2014.

Further training in labour protection and occupational safety is provided in the Republic by the training centres under the supervision and control bodies and those under the Federation of Trade Unions of Kyrgyzstan and Kyrgyzstandart.

In 2012, the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic signed an agreement with the Retraining and Development Centre under the Centre for Standardization and Metrology under the Ministry of Economy of the Kyrgyz Republic, according to which the Centre will provide premises, and the StateEcoTechInspection will organise and carry out training of

executives and staff of the enterprises and organisations regarding labour legislation and labour protection aspects.

About 200 people undergo training annually.

Training and development of the staff and workers of the hazardous and very hazardous facilities supervised by the State Committee for Supervision of Industrial and Mining Safety (Gosgortekhnadzor), is carried out at the Training Centre under the Gosgortekhnadzor.

More than 750 people undergo training and development at the Centre annually.

Training and development of the staff and workers of the electricity sector is carried out by the Training Centre of the OJSC National Electricity Grid of Kyrgyzstan.

Staff and workers of the construction sector undergo training and development at the Training Centre of the State Committee for Construction (Gosstroy) of the Kyrgyz Republic. About 100 people working in the construction sector undergo training and development annually.

At the Council of the Federation of Trade Unions of Kyrgyzstan there is a Training Centre where about 400 people are trained annually.

Preparatory work is underway for creation of the Information Training Methodological Centre for Labour Protection under the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic.

5.5. Labour protection at the enterprise level

5.5.1. Labour protection services (officers)

In the Kyrgyz Republic, according to Article 222 of the KR Labour Code, in order to ensure compliance with the labour protection requirements, supervision of their observance at every production organisation with the number of personnel exceeding 50 workers, the labour protection service or position of a labour protection officer with appropriate training or experience in this area shall be established.

In an organisation with the number of personnel 50 workers or less, the decision on establishing a labour protection service or position of a labour protection officer is made by the employer taking into account the specific activities of the given organisation.

“Standard Statute of the service and arrangement of labour protection” was approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated 05.04.2004;

In the absence of a labour protection service (labour protection officer) in an organization, the employer signs a contract with the specialists or organisations rendering labour protection services.

A conclusion may be drawn that in terms of regulation the labour protection legislation of the Kyrgyz Republic is sufficient. However, like in a number of other cases, there are enforcement difficulties because of a lack of trained labour protection officers and organisations capable for training of such specialists and rendering such services.

5.5.2. Labour protection committees (commissions)

The situation regarding the labour protection committees (commissions) is fully similar to the situation regarding labour protection officers.

Labour legislation provides for formation of a labour protection committee or commission on a voluntary basis in an initiative manner. A standard Statute of such committees (commissions) is approved by the authorised bodies of executive power.

Labour legislation of the Kyrgyz Republic does not provide for creation of such a body. Considering insufficient development of a social dialogue and social partnership at the level of enterprises, a legislatively established requirement for formation of a labour protection committee or commission (which, unlike labour protection service, is a collegial body created for joint solution of the labour protection issues) would allow considerable improvement and advancement in development of the negotiation process and social dialogue.

5.6. Guarantees and compensations to the workers occupied in harmful and hazardous working conditions

According to the Law of the Kyrgyz Republic “On labour protection”, one of the basic targets of the state labour protection policy is establishment of compensations for heavy work and work in harmful or hazardous working conditions, irremovable at a modern technological level of production and work organisation.

According to the Labour Code of the Kyrgyz Republic, benefits and compensations are provided to the workers for heavy work and work in harmful or hazardous working conditions (retirement age under List No 2, supplements to salary, shorter working day, additional holiday, serving out milk, etc.). Procedure and conditions for their awarding or cancellation are established by the legal acts of the Kyrgyz Republic.

However, the above mentioned regulation is absent, and actual assignment of guarantees and compensations for harmful working conditions can be carried out only on the basis of the employer’s bylaws, including those using the regulations of the former

USSR. Besides, the absence of a mechanism of assessment of the working conditions (certification of the workplaces according to the working conditions) also casts doubt on the provision of the workers with guarantees and compensations for harmful and hazardous working conditions commensurable with their actual size. The situation for awarding compensations both according to the lists and by the results of workplace certification is also aggravated by a high level of informal employment.

5.7. Labour protection information

5.7.1. Regular measures at the national level

According to the recommendations of the International Labour Organisation, bodies of the State Inspection for Environmental and Technical Safety actively develop the culture of preventing occupational injuries.

Preventive measures include forecasting and settling potential conflicts, qualified technical assistance in revealing and control of risks.

These measures include inspections and surveys of enterprises and organisations, working out of actions based on the results of investigation of accidents.

Occupational health, safety and working conditions are regularly discussed – at least once a year – at the sessions of the tripartite commissions (government, trade unions, and employers) reviewing compliance with the General Agreement containing a section on labour protection.

The State Inspection for Environmental and Technical Safety annually organises and holds international and republican conferences, seminars to discuss occupational health, safety and working conditions in various sectors of production.

These events are carried out in the framework of the World Day for Safety and Health at Work on April, 28.

Staff of the State Inspection for Environmental and Technical Safety regularly makes presentations in mass media covering the state of occupational health, safety and working conditions in the Republic, the status of occupational injuries and occupational diseases.

In 2014, there were more than 40 of such presentations.

5.7.2. National initiatives

The Resolution of the Government of the Kyrgyz Republic No 807 dated December 24, 2001 “On the State Programme for improvement of labour protection and working

conditions, protection of life and health of the workers for 2002–2005” adopted “The State Programme for improvement of labour protection and working conditions, protection of life and health of the workers for 2002–2005”.

Measures of that Programme have been mostly implemented. Individual items have not been fulfilled due to a lack of funds.

In 2007, the Government of the Kyrgyz Republic adopted a sectoral long-term document – “Program for improvement of health, safety and working conditions in agriculture for 2007–2009”.

Adoption of this program is primarily connected with the fact that agriculture is one of the three most hazardous sectors.

The Program was developed with the technical and methodological assistance of the International Labour Organisation and is targeted at prevention of occupational injuries and occupational diseases of agricultural workers.

Currently, the working group for development of “The National Program for labour protection in the Kyrgyz Republic for 2015–2020” was created.

Initiatives in industry

At the enterprises and organisations of the Republic, Labour Protection Days are marked, contests are carried out for the workplaces best in labour protection and labour safety.

Activity and initiatives of the trade unions in the field of labour protection

Trade union bodies participate in implementation in the state programs for labour protection, labour safety and workplace hygiene.

During the development and adoption of all labour protection programs, the trade union bodies are involved for agreement.

The trade unions participate in preparation and implementation of the labour protection measures: reviews, contests, exhibitions, labour protection days.

5.7.3. World Day for Safety and Health at Work

Since 2003, the State Inspection for Environmental and Technical Safety has been holding actions devoted to the World Day for Safety and Health at Work – April 28.

These are primarily international and republican conferences and seminars.

In the framework of the World Day for Safety and Health at Work, 10 such actions have been run, including:

- ◆ a conference on labour protection and labour safety in the construction sector;
- ◆ a conference on labour protection and labour safety in agriculture. Development and implementation of a labour protection management system;
- ◆ a conference on child labour;
- ◆ other events.

Besides, a large-scale campaign for promotion of the World Day for Safety and Health at Work is run.

For this purpose, the mass media are used; one of the lectures delivered to the trainees of the labour protection courses discusses the World Day for Safety and Health at Work.

During the lecture (executives of the enterprises and organisations) information is provided to the trainees on the status of labour protection, labour safety and working conditions in the world as well as in the Kyrgyz Republic.

6. STATUS AND TRENDS OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

6.1. Basic classifications of the cases of injuries and diseases as cases of occupational injuries and occupational diseases

In the Kyrgyz Republic, “The Regulations on recording and investigation of occupational accidents” was approved by the Resolution of the Government of the Kyrgyz Republic No 64 dated February 27, 2001. Investigation of the cases of occupational diseases is carried out according to “The Regulations on investigation and recording of occupational diseases” approved by the Resolution of the Government of the Kyrgyz Republic No 225 dated May 16, 2011.

Based on the investigation results, special commissions provide classification: is it a work-related accident or not. The conclusion is based on interrogations of the affected persons, witnesses, observance by the affected person of the occupational health and safety standards and rules, ensuring healthy and safe working conditions by the employer, pass by the affected person of training and briefing, integrity of the equipment and tools, provision of personal and collective protective equipment, etc. “The Regulations on investigation ...” establishes the procedure for investigation of the hidden accidents as well as the procedure for appeal of decisions of the commissions on classification of accidents, degree of fault of the affected persons, etc.

The Regulations stipulates that all disputes in investigation of the accidents, irrespective of the sector where they occurred, and also irrespective of the accountability of the given facility to a particular inspection office, are to be settled by the State Labour Inspection or court.

The greatest number of occupational injuries occurs in such sectors as industry, construction and transport.

Analysis of the occupational injuries shows that the majority of accidents occur due to disregard of health and safety requirements and rules, unsatisfactory organisation of the work procedures, poor organisation of industrial supervision, and also personal carelessness of the affected persons. For all accidents, special investigations were carried out to reveal the circumstances and causes of the accident, and actions were developed to prevent similar cases in the future.

6.2. Basic indicators of occupational injuries and occupational diseases

Table 1

Total number of persons injured at work, including fatal cases

Years	2010	2011	2012	2013	2014
Number of persons injured at work	454	158	153	220	164

Table 2

Number of persons injured at work, per 10 000 workers

Years	2010	2011	2012	2013	2014
Factor	9.6	3.2	3.2	4.4	3.3

Table 3

Mortality at work (*persons*)

Years	2010	2011	2012	2013	2014
Number of victims	29	22	23	29	18

Table 4

Mortality at work per 10 000 workers

Years	2010	2011	2012	2013	2014
Factor	0.6	0.5	0.5	0.6	0.4

Table 5

Number of workers who received occupational diseases (*persons*)

Years	2010	2011	2012	2013	2014
Number of diseased persons	2	–	3	11	11

It should be noted that the occupational injuries statistics of the StateEcoTechInspection differs from the statistical data provided by the National Statistics Committee.

Table 6

Total number of persons injured at work, including fatal cases, according to the StateEcoTechInspection data

Years	2012	2013	2014
Number of injured persons	133	250	176

Table 7

Mortality at work (*persons*), according to StateEcoTechInspection data

Years	2012	2013	2014
Number of victims	58	82	61

As can be seen from comparison of the indicators in Tables 1, 3, 6 and 7, StateEcoTechInspection has more data on the number of occupational injuries, especially fatal cases, than the National Statistics Committee. Considering that the official source of the statistical data is the National Statistics Committee, actual distortion of the statistical data on the number of occupational injuries may be noted.

A similar situation is also observed regarding the statistics of occupational diseases: according to National Statistics Committee, there were 11 cases of occupational diseases in 2013, whereas according to the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision of the Ministry of Health, 15 such cases were recorded in the specified period.

6.3. Number of recorded fatal occupational accidents

In 2014 (reporting period) 18 people died at work, with disaggregation by economic activities:

- ◆ in mining – 2 people;
- ◆ in manufacturing industry – 3 people;
- ◆ when dealing with electricity, gas, steam and air conditioning – 3 people;
- ◆ water supply, water treatment, waste treatment and disposal – 1 person;
- ◆ construction – 1 person;
- ◆ transport and warehousing – 2 people;

- ◆ financial intermediation and insurance – 1 person;
- ◆ professional, scientific and technical activities – 2 people;
- ◆ government and defence – 3 people.

Fatal accidents by regions:

- ◆ Batken Region – 1 person;
- ◆ Dzhahal-Abad Region – 2 people;
- ◆ Issyk-Kul Region – 1 person;
- ◆ Naryn Region – 4 people;
- ◆ Talas Region – 2 people;
- ◆ Chui Region – 3 people;
- ◆ City of Bishkek – 3 people;
- ◆ City of Osh – 2 people.

6.4. Number of the recorded occupational injuries

In 2014 (reporting period), 164 people were injured at work, with disaggregation by economic activities:

- ◆ in mining – 4 people;
- ◆ in manufacturing industry – 52 people;
- ◆ when dealing with electricity, gas, steam and air conditioning – 11 people;
- ◆ water supply, water treatment, waste treatment and disposal – 10 people;
- ◆ construction – 1 person;
- ◆ wholesale and retail trade, car and motorcycle repairs – 1 person;
- ◆ transport and warehousing – 20 people;
- ◆ information and communications – 1 person;
- ◆ financial intermediation and insurance – 4 people;

- ◆ professional, scientific and technical activities – 3 people;
- ◆ government and defence – 50 people.
- ◆ education – 5 people;
- ◆ public health and social services – 1 person.

Accidents by region:

- ◆ Batken Region – 22 people;
- ◆ Dzhahal-Abad Region – 17 people;
- ◆ Issyk-Kul Region – 12 people;
- ◆ Naryn Region – 7 people;
- ◆ Talas Region – 7 people;
- ◆ Chui Region – 27 people;
- ◆ City of Bishkek – 65 people;
- ◆ City of Osh – 7 people.

6.5. Number of the recorded cases of occupational diseases

In 2014 (reporting period), 11 people received occupational diseases at work, with disaggregation by economic activities:

- ◆ in mining – 1 person;
- ◆ in manufacturing industry – 6 people;
- ◆ water supply, water treatment, waste treatment and disposal – 3 people;
- ◆ education – 1 person;

In 2014, occupational diseases by region:

- ◆ Batken Region – 1 person;
- ◆ Dzhahal-Abad Region – 7 people;
- ◆ City of Bishkek – 3 people.

6.6. Number of people working at workplaces with adverse working conditions

In 2014 (reporting period), 38 050 people, including 10 200 women, worked in adverse working conditions.

More than 8.2 thousand people work in the conditions of elevated noise, more than 7 thousand people work in the conditions of elevated vibration, and more than 15.5 thousand people work in the conditions of elevated dust and gas content in air.

The number of people involved in heavy physical and manual work totals 1.6 thousand people.

Percent of the facilities not meeting the sanitary-hygienic requirements in terms of the effects of physical factors in 2014 was: for noise – 33.9%; for vibration–3%; electromagnetic field – 24%; illumination – 11.3%; micro climate – 13.9%.

7. LABOUR OF INDIVIDUAL CATEGORIES OF WORKERS

7.1. Child labour

In the Kyrgyz Republic, protection of the rights of the child is one of the priority objectives for harmonious and versatile development of the children of the country.

Family is a basis of any social system, and recognition and respect for the family as base social value is an indicator of stability and progressiveness of the society and the state. Well-being of the state directly depends on well-being of the family as a base msocial unit.

The state policy for protection of the rights of the child is based on the principles of ensuring the best interests of the child.

This is confirmed by a good legislative framework available in the Republic that is consolidated in the following regulations:

- ◆ Constitution of the Kyrgyz Republic;
- ◆ Convention on the Rights of the Child;
- ◆ Code on the Children of the Kyrgyz Republic;
- ◆ Family Code of the Kyrgyz Republic;
- ◆ Civil code of the Kyrgyz Republic;
- ◆ Code of the Kyrgyz Republic on Administrative Responsibility;
- ◆ Labour Code of the Kyrgyz Republic, and other regulations

The Constitution of the Kyrgyz Republic, the Code on the Children and the Labour Code prohibit child labour.

For protection of children against exploitation and for prevention of distribution of the worst forms of child labour, the Kyrgyz Republic ratified C182 – Worst Forms of Child Labour Convention and C138 – Minimum Age Convention.

The Labour Code of the Kyrgyz Republic that came into force on July 1, 2004, defines the minimum age of a worker for starting labour relations with the employer as 16 years.

Besides, schoolchildren who reached an age of 14 years can conclude a labour contract, with the written consent of one parent (guardian, foster parent) or guardianship and wardship authority, for performing light work which does not threaten the child's health nor hinder education, at off-school time.

For individual categories of workers shorter working hours are established: for the age from 14 to 16 years – maximum 24 hours per week, and for the age from 16 to 18 years – maximum 36 hours per week.

However, the growth of family disadvantages, and, as a consequence, child neglect and homelessness, drop in the living standard of many families and large-scale poverty, make ground for economic exploitation of children and involving them in the worst forms of labour. The group of risk includes neglected children, children with deviant behaviour, children from needy and difficult families, children of the forced migrants, and other categories of children. These children have to work in hazardous, harmful conditions to receive any income. Moreover, they have limited access to education, health services and sources of income. Practice shows that child labour inflicts serious, sometimes irreparable harm to physical and psychosocial development of the child.

Unfortunately, child labour is encountered practically in all production and non-production sectors of economy, used in urban informal economy, in agriculture, petty trade in the local markets, and also in households. In urban streets and markets, children are occupied in various activities: sale of foods or small consumer goods in streets, load transportation (cart drivers), shoe polishing, cars washing, trashing, begging, and many other things. They are not only exposed to the work factors, but are also vulnerable to the risk factors of the environment – exhaust gases, harassing, insult and violence.

Some employers consider use of child labour profitable. Children are employed in the conditions of high unemployment among adult population as cheaper and obedient workforce.

The main cause of involving children in child labour and the worst forms of child labour is poverty.

According to the second national survey of child labour in Kyrgyzstan, conducted by the National Statistical Committee in 2014 with the technical and financial support of the International Labour Organisation (ILO), the number of working children in the total number of employees accounted for more than 71.4 per cent and 27.8 per cent of the total number children aged 5–17 years. There was revealed a steady positive trend in reducing the number of children involved in the child labour: from 32.9 percent in 2007 to 27.8 percent in 2014. Despite the decline in the child labour scale, hazardous child labour share increased from 12.5 percent in 2007 to 18.6 percent in 2014.

In 2007, half of the children involved in hazardous forms of child labour was subject to not less than two kinds of danger (53.2 percent). In 2014, the proportion of such

children decreased significantly – to 14.6 per cent. The growth of hazardous child labour occurred in connection with an increase in the number of children aged 6–13 years old, lifting weight at the workplace exceeding the established norm. Lifting of heavy weight in excess of the norm is typical for both boys and girls, but rural children are more prone to this form of hazardous child labour. For other types of danger the decrease is observed.

Despite a decrease in the general level of poverty to 30.6%, the level of child poverty still remains high as more than 37.9% children live in poverty both in towns and countryside.

Other issues that are causes for involving children in the worst forms of child labour include:

- ◆ change in the system of values in the society (priority of money and material values);
- ◆ problems in the education system (less control of schoolchildren attendance, less affordability of education), decrease in the state control of compliance with the laws on prohibition of child labour and protection of children;
- ◆ economic necessity forcing vulnerable families to use child labour;
- ◆ decay of the traditional social foundations, that provided protection of children, make children search for work in the struggle for survival;
- ◆ transformation of the family relations and change in the economic structure had a direct impact on the change of the family roles.

Currently, sometimes even six-year old children have to take care of the family and themselves. The primary incentive for child labour is a necessity to contribute to the family income. Receiving good education loses priority. Some children believe that work is much more useful than education.

The reasons of the situation include weakening of the role of the family as a guarantor of child development that has influence on the processes of upbringing and socialisation of the growing generation.

According to the National Statistics Committee, resident population of Kyrgyzstan as of 01.01.2015 is 5 mln 895.1 thousand, including 2 mln 262.2 thousand children (children aging from 0 to 18 years amount 38%).

The number of families is 1 mln. 245.9 thousand, including 105.5 thousand poor families where 310.7 thousand children receive monthly poverty allowance. The Ministry of Social Development increased the guaranteed minimum income from 705 to 810 soms, i.e. by 15%, from July 1, 2015.

However, only paying allowances can not withdraw families and children from difficult circumstances. Therefore, the Ministry of Social Development of the Kyrgyz Republic implements the Law of the Kyrgyz Republic “On the state social order” (a new revision was approved and submitted for consideration of the Zhogorku Kenesh of the Kyrgyz Republic by the Resolution of the Government of the Kyrgyz Republic No 251 dated April 23, 2015) due to which social services are delivered to the families in need. For example, while in 2009 procurement of the state social services was for an amount of 4 320.0 soms, in 2014 the amount increased to 22.5 mln soms.

Besides, to strengthen support of needy families, the Memorandum of Understanding for implementation of the new project “Assistance in development of the national social security system and improvement of socioeconomic sustainability of the communities” was signed between the Ministry of Social Development of the Kyrgyz Republic and the UN World Food Programme.

The project will cover 42 thousand families or 210 thousand people in 27 districts of Osh, Dzhahalal-Abad, Batken, Naryn and Talas Regions. Emphasis will be made on withdrawal of the needy families from poverty by means of involving them to income-bringing activities. Besides, needy families will be involved in useful for community activities, training of skills, using the principle “product for work”, etc.

It is no secret that working children frequently become victims of violence, cruel treatment, often become cheap or free labour, they are involved in the criminal world.

To prevent cruel treatment and violence and for preventive activities “The Plan of emergency measures for prevention of cruel treatment and violence to children” was initiated by the Ministry of Social Development of the Kyrgyz Republic and a respective Joint Order to approve the Plan was signed between 6 ministries, 3 agencies, and the city administrations of Bishkek and Osh on January 30 of the current year.

According to the Plan, field offices for emergency measures on prevention of cruel treatment and violence to children were set up in all districts and cities on the basis of the Children Commissions. Similar field offices were set up in all rural communities on the basis of the commissions for social affairs.

In total, 528 field offices were established in the Republic, including 44 in the districts, 31 in towns, 453 in rural communities.

For instance, 119401 household inspections of the families with children were carried out under the above plan.

- ◆ Inspections carried out in the first six months of 2015 revealed the following:
- ◆ children without care of parents: 16 680, including 7 082 in child custody;
- ◆ more than 6 thousand neglected, homeless children;

- ◆ more than 5 thousand (5363) children who do not attend school;
- ◆ children of internal migrants – 16 452;
- ◆ children of external migrants – 16 236;
- ◆ working children – 1 646;
- ◆ problem families – 1 208;
- ◆ children suffered from cruel treatment – 29;
- ◆ children suffered from violence – 9.

Of the revealed cases, 318 children were referred to the rehabilitation and crisis centres and orphanages, 61 were referred to educational institutions. 1 536 neglected children were returned to their families at their residence, 1 779 children received various type of help, birth certificate was restored to 593 children, medical examination was carried out for 208 children.

The International Programme of the International Labour Organization for the Elimination of Child Labour (IPEC) has been operating in Kyrgyzstan since 2005 and provides technical and financial assistance to combat the worst forms of child labour in Kyrgyzstan. Since December 2005, the ILO project in Kyrgyzstan, based on a needs assessment, has been carrying out the following key strategic components of its activities:

- ◆ inclusion of child labour issues into the policy and strategic documents of national partners;
- ◆ creation of a database on the worst forms of child labour (WFCL);
- ◆ awareness-raising and dissemination of information on child labour;
- ◆ capacity building of national institutions and experts on the WFCL at all levels;
- ◆ activities to improve the legislation, policy and institutional framework in line with the international obligations in the field of child labour;
- ◆ support of the targeted actions aimed at preventing exploitation of children;
- ◆ withdrawal from exploitation and rehabilitation of children;
- ◆ coordination and joining efforts.

To strengthen the responsibility of parents for neglect of children and evasion of child education and upbringing, legislation of the Kyrgyz Republic is being improved. For

example, the Code on Administrative Responsibility and the Criminal Code have been amended to strengthen the penal sanctions against parents or persons substituting them and to strengthen punishment for crimes against sexual integrity of minors to increase the term of punishment for such crimes as imprisonment from 10 to 20 years and up to lifelong imprisonment. In accordance with Article 74 of the Family Code, parents or persons substituting them may be deprived of parental rights for the child's involvement in the worst forms of child labor.

Protection of the rights and legitimate interests of children are among the priority activities of the Ministry of Social Development of the Kyrgyz Republic. The key measures and actions for protection of children who are in difficult circumstances are summarized in the Strategy for Development of Social Protection of the Population for 2012–2014, and are also included in the Program and the Plan of Measures for implementation of the Program of Social Development of the Kyrgyz Republic for 2015–2017, the Government Program for Development of Justice for Children for 2014–2018, and the Plan of Measures for Prevention of Cruel Treatment and Violence against Children for 2015–2017. In addition, child labour issues are included in the program and plan for the Republic transition to sustainable development for 2013–2017.

Problems of family disadvantages, asocial behaviour of parents and cruel treatment of children lead to child neglect and make them exposed to violence.

In this connection, the Ministry developed the following documents that were approved by Resolutions of the Government of the Kyrgyz Republic:

- ◆ “Regulations on the procedure for revealing children and families who are in a difficult life situation” No 391 dated June 22, 2015. The Regulations has a separate section 7 «Social support of children involved in the worst forms of child labour», which includes some of the features and aspects of the identification of working children and provide them with social services, including the need for evaluation of the child's workplace for detecting the risks and dangers for the child.
- ◆ “On establishing the State Institution «Centre Hot Line for children” under the Ministry of Social Development of the Kyrgyz Republic” dated June 24, 2015.

An important gap in the national legislation is the absence of a list of hazardous types of work, which prohibits the employment of persons under 18 years old.

An important problem is the lack of qualified children's psychologists and professional service of social workers directly working with the difficult families.

Society starts in the family. Society will be shaped by the people grown in the family as the initial cell of the society. It is necessary to recognise the crash of all attempts to bring up a new man in a separation from the universal moral values.

7.2 People with disabilities

The item “On implementation of the Law of the Kyrgyz Republic “On the rights and guarantees of the people with disabilities” was for the first time considered at the session of the Government of the Kyrgyz Republic on July 25, 2014.

At the 66th session of the UN General Assembly in New York, Convention on the Rights of People with Disabilities was signed on September 21, 2011, and it was approved by the Resolution of the Government of the Kyrgyz Republic No 422-r dated September 19, 2011.

Current legal acts regulating the issues of people with disabilities:

- ◆ The Labour Code of the Kyrgyz Republic;
- ◆ The Code on the Children of the Kyrgyz Republic (No 100, dated July 10, 2012);
- ◆ The Law of the Kyrgyz Republic “On the rights and guarantees of people with disabilities” No 38 dated April 3, 2008 (as amended on 30.12.2009);
- ◆ The Law of the Kyrgyz Republic “On fundamentals of social services in the Kyrgyz Republic” No 111 dated December 19, 2001 (as amended on 23.04.2013);
- ◆ The Law of the Kyrgyz Republic “On welfare payments in the Kyrgyz Republic” No 318 dated December 29, 2009 (last revision dated 02.07.2015);
- ◆ The Law of the Kyrgyz Republic “On the state social order”;
- ◆ The Resolution of the Government of the Kyrgyz Republic No 650 dated December 2, 2013 “On approval of the package of measures to ensure the rights and improve quality of life of the people with disabilities in the Kyrgyz Republic for 2014–2017”;
- ◆ The Resolution of the Government of the Kyrgyz Republic “On the strategy for development of social protection of the population of the Kyrgyz Republic for 2012–2014» No 755 dated December 13, 2011;
- ◆ The Resolution of the Government of the Kyrgyz Republic “On approval of the Program for Development of Social Protection of the Population of the Kyrgyz Republic for 2015–2017” No 85 dated February 27, 2015.

Besides, the Order of the Ministry of Social Development of the Kyrgyz Republic No 2 dated January 10, 2014 approved the Plan of Measures of the Ministry of Social Development of the Kyrgyz Republic for implementation of the package of measures to ensure the rights and improve quality of life of people with disabilities in the Kyrgyz Republic for 2014–2017 (hereinafter: people with disabilities).

At the beginning of 2015, there are about 168 thousand people with disabilities in the Kyrgyz Republic, which amounts 2.7% of the total population, including about 27 thousand children with disabilities (hereinafter: children with disabilities). Unfortunately, the number of people with disabilities increases from year to year: while in 2011 the number of people with disabilities was 142.5 thousand, in 2012 it totalled 149.7 thousand people.

As of July 1, 2015, the number of recipients of monthly social benefits is 79318 people, including 61 169 people receiving social disability benefit. The average size is 2388.7 soms.

In the framework of the Ministry of Social Development of the Kyrgyz Republic there are 15 functioning social inpatient institutions (hereinafter: SII), including:

- ◆ 5 psychoneurological SII for adults with disabilities;
- ◆ 2 psychoneurological SII for children with disabilities;
- ◆ 1 Sokuluksky rehabilitation centre for children with disabilities;
- ◆ 1 Pokrov Centre for temporary stay of children and families in a difficult life situation;
- ◆ Children's home of family type for children with disabilities in Shopokov;
- ◆ 6 SII for elderly citizens and people with disabilities, including one funded from the local budget.

The total number of the social inpatient institutions (SII) is 2332 recipients of services, including 422 children.

To create normal life conditions for recipients of the services living in social inpatient institutions and to satisfy their minimum physiological requirements, in 2014 food allocations were increased from 55 to 100 soms for adults and from 65 to 110 soms for children.

Particular attention is given to health improvement of people with disabilities in sanatorium-and-spa institutions at the expense of the republican budget. Allocation of 1.8 thousand sanatorium-and-spa vouchers is planned. It should be also noted that conditions were created for providing sanatorium-and-spa treatment to the people with disabilities in the regions near their place of residence.

Every year, the Republican Facility for Production of Prosthetic and Orthopaedic Appliances of the Ministry of Social Development manufactures more than 6 thousand prosthetic and orthopaedic appliances, ca. 7 thousand orthopedic footwear and

ca. 1 thousand wheelchairs. Today, this Facility serves more than 8 thousand people with musculo-skeletal disorders in Kyrgyzstan.

About 500 people with disabilities receive rehabilitation services in the Centre for Rehabilitation of People with Disabilities annually.

For implementation of the state social order, 7 projects targeted at development of social services for people with disabilities are supported.

Additionally, in the framework of the state social order, 11 projects are supported for development of sports for people with disabilities, including paralympic sports; systems of assistance to people with mental disorders, including to children with autistic disorders; as well as to support reproductive health and exercise the reproductive rights of disabled women, and to support socially unprotected categories of citizens by development of social entrepreneurship.

In addition, 8.6 thousand living alone elderly citizens and people with disabilities are served by 924 social workers in-home.

Since January 1, 2014, salary of the social workers was increased from 3800 soms to 6500 soms.

The Ministry of Social Development works to address a dual task in this field: humanisation of the society, on the one hand, and adaptation of people with disabilities to life, on the other hand. For humanisation of the society, the following events were organised:

- ◆ 2013 – Bishkek – action “From heart to heart” where 1.5 thousand children with disabilities took part;
- ◆ 2014 – Kara-Balta and Osh – an action “I am, I know my rights. From heart to heart” where 1 000 people with disabilities and children with disabilities took part;
- ◆ 2014 – Bishkek and Osh – a round table “Experience of successful people with disabilities” where ca. 100 NGOs working with people with disabilities took part.

Like all world, the Kyrgyz Republic marks the International Day of Disabled Persons on December, 3. Every year, a month of mercy and support of people with disabilities “We are together!” is campaigned all over the republic, synchronised with the International Day of Disabled Persons. The purpose of the month is drawing attention of the public to the needs, problems and opportunities of people with disabilities, and involvement of all society in the actions, not only people with disabilities.

Table 8

Trend in the total number of people with disabilities in the Kyrgyz Republic

Years	Total	Number of children with disabilities under 18 years (recipients of monthly social benefit)	People with disabilities group I, II and III since childhood (recipients of monthly social benefit)	People with disabilities group I, II and III for systemic disease (recipients of monthly social benefit)	Number of recipients of disability pension (data of the KR Social Fund)
2008	120 274	20 842	23 009	2 961	73 462
2009	124 751	21 194	24 142	3 224	76 191
2010	133 398	22 359	25 396	4 233	81 410
2011	142 470	23 565	25 835	4 874	88 196
2012	149 688	25 346	24 549	5 299	94 494
2013	162 500	26 672	25 882	5 653	104 293
2014	168 174	27 450	27 024	5 912	107 788

Unfortunately, there is no statistics on the number of cases of awarding disability in connection with occupational injury or occupational disease. However, a general trend towards a considerable growth of the number of people with disabilities, including among economically active population, makes this problem not only social but also economic.

8. TRAINING, SCIENCE AND EDUCATION

8.1. Training in labour protection

According to the Ministry of Education and Science of the Kyrgyz Republic, education and training in a programme track “Technosphere Safety” is carried out in the Republic universities under the List of programme tracks of higher professional education, approved by the Resolution of the Government of the Kyrgyz Republic No 496 dated August 23, 2011. At the completion, the academic degree «bachelor» is awarded to the graduate. Graduates who successfully completed this programme track also have competences to address labour protection matters for factory and office workers.

The programme track “Technosphere Safety” is realised in the following universities of Kyrgyzstan:

1. Kyrgyz State Technical University named after I. Razzakov;
2. Kyrgyz-Russian Slavic University;
3. Kyrgyz State University of Civil Engineering, Transport and Architecture named after N. Isanov;
4. Osh Technological University;
5. Dzhelal-Abad State University

The statistics on the number of graduates of the said universities in the programme track “Technosphere Safety” is not available.

8.2. National research and design institutions (institutes, centres, laboratories) working in the field of labour protection

There are no national research and design institutions (institutes, centres, laboratories) in the Kyrgyz Republic working in the field of labour protection.

8.3. State research and design institutions (institutes, centres, laboratories), working in the field of labour protection, labour safety, labour hygiene and medicine

In the Kyrgyz Republic, state research and design institutions (institutes, centres, laboratories), working in the field of labour protection, labour safety, labour hygiene and medicine have not been established.

Currently, the preparatory work for establishing the Information Training-and-Methodological Centre for Labour Protection under the State Inspection on Environmental and Technical Safety under the Government of the Kyrgyz Republic is carried out.

8.4. Non-state research and design institutions (institutes, centres, laboratories), working in the field of labour protection, labour safety, labour hygiene and medicine

In the Kyrgyz Republic, there are no non-state research and design institutions (institutes, centres, laboratories) working in the field of labour protection, labour safety, labour hygiene and medicine.

8.5. Labour protection centres (labour hygiene services) rendering non-training services in the field of labour protection

Matters of labour protection and prevention of occupational diseases are dealt with by the staff of the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision of the Ministry of Health of the Kyrgyz Republic and its structural units (Centres). There are 50 such Centres in the Republic. During the inspections and laboratory instrument measurements, explanation is provided and proposals are worked out together with the employer for improvement of the working conditions.

Occupational pathology centres

On the basis of the National Hospital of the Ministry of Health, there is the Occupational Pathology Centre and Occupational Pathology Department for 15 beds. According to "The Regulations on investigation and recording of the occupational diseases" approved by the Resolution of the Government of the Kyrgyz Republic "On approval of the legal acts of the Kyrgyz Republic in the field of public health" No 225 dated 16.05.2011, the right to make diagnosis «occupational disease» belongs to the Occupational Pathology Centre.

In the Occupational Pathology Centre, from 12 to 18 people are examined annually, for whom, upon full medical examination and gathering of the necessary documentation, an occupational disease is diagnosed.

9. STATISTICS

9.1. State bodies responsible for collection and processing of statistical data

According to Article 10 of the Law of the Kyrgyz Republic “On the state statistics” No 40 dated March 26, 2007 (as amended on 02.07.2015), the system of the state statistics bodies of the Kyrgyz Republic is made of:

- ◆ The National Statistics Committee of the Kyrgyz Republic;
- ◆ territorial bodies of state statistics set up by the National Statistics Committee of the Kyrgyz Republic in the regions, cities and districts and subordinated to the Committee;
- ◆ subordinated state statistics bodies – enterprises, organisations and institutions that are set up according to the legislation of the Kyrgyz Republic by the National Statistics Committee of the Kyrgyz Republic for implementation of its functional objectives and that belong to its field of management.

The National Statistics Committee of the Kyrgyz Republic (hereinafter: NatStatCom) is accountable to the President of the Kyrgyz Republic, operates on the basis of the Constitution of the Kyrgyz Republic, legislation of the Kyrgyz Republic and the Statute approved by the President of the Kyrgyz Republic

9.2. Forms of the statistical reporting

Employers send to the National Statistics Committee an annual report on Form No7-TVN on occupational injuries, occupational diseases and related material. The said Form was approved by the Resolution of the National Statistics Committee of the Kyrgyz Republic No 37 dated 17.11.2006.

The data from Form No7-TVN is used, among other things, for filling out the questionnaire annually sent directly to the KR National Statistics Committee by the ILO Labour Statistics Department located in Geneva.

The NatStatCom analyses the employers’ errors in filling out the above form, then trains the employees of its territorial bodies with the aim of subsequent training of the employers.

There is no provision for collection of other data regarding the working conditions and labour protection by the National Statistics Committee.

In the last 10 years, the National Statistics Committee has not been carrying out analytical work on the trends in the working conditions and labour protection, due to high workload of the NatStatCom employees.

Departmental statistical Form No 12-zdrav, collected by the KR Ministry of Health, contains data on preventive examination of the adult and teenage population. Because of practically total absence of detecting occupational diseases such data are not entered by the employers in Form No 7-TVN.

Since 2013, the Plan of Measures for Implementation of the Strategy for Development of Statistics for 2013–2017 has been implemented in the KR. Paras. 4.6 and 4.7 of the Plan describe measures for development of statistics in illegal, shadow and informal employment. Illegal employment is performing the activities prohibited by law. Statistics on shadow and informal employment (called unobservable employment in international statistics) is now collected from the national reports on the number of issued patents for performance of work. Active work for improvement of the methods of collecting statistics is now underway (international experience is studied, possibility of its adaptation and use in the KR is analysed).

9.3. Sources of data on occupational injuries

Federation of the trade unions of Kyrgyzstan (technical inspectors of the trade unions) keeps statistical record of the occupational injuries. However, as it was mentioned in the section on Social Partnership of the National Review, percent of the enterprises with primary trade union sells and percent of the workers who belong to various trade unions is negligible. Therefore, the technical inspectors have the data on occupational injuries at those enterprises where members of the trade union are involved in investigation of accidents on behalf of the workers.

The StateEcoTechInspection also keeps record of occupational injuries. But the state inspectors are usually involved in investigation of group, heavy and fatal accidents that make, by expert assessments, no more than 30% of all occupational injuries. It means that these data cannot be considered complete. At the same time, as was mentioned in Section 6 “Status and trends in occupational accidents and occupational diseases”, the StateEcoTechInspection has more data on the number of persons affected at work, especially on fatal cases.

In above Section 9.2, Form No 7-TVN was mentioned which is used by the National Statistics Committee to collect statistical data. Completion of this form is mandatory for all employers, and it is to be submitted to the National Statistics Committee annually till January 15 following the reporting year. The Form indicates only general data on the number of occupational cases with 1 day disability or longer. The form does not

provide the number of accidents; therefore, these data cannot be used to determine the frequency factor of occupational injuries (number of affected per 1 accident).

The data of the National Statistics Committee and the received information is analysed, an appropriate summary is prepared to be submitted to the Government of the Kyrgyz Republic. The data on occupational injuries is published in the following annual publications of the KR National Statistics Committee:

- ◆ “Kyrgyzstan in figures”,
- ◆ “Women and men of the Kyrgyz Republic”,
- ◆ «Statistical Yearbook».

10. INTERNATIONAL COOPERATION

The Kyrgyz Republic takes an active part in the international cooperation on labour protection, including the opportunities of the International Labour Organisation (ILO) and the International Association of Labour Inspection (IALI).

The State Inspection for Environmental and Technical Safety is a participant of the Regional Alliance of Labour Inspections of the Commonwealth of Independent States and Mongolia (hereinafter: RALI of CIS and Mongolia).

RALI of CIS and Mongolia was established on June 10, 2011 by way of signing the Moscow Declaration. The Alliance included the Republic of Armenia, Republic of Kazakhstan, the Kyrgyz Republic, Republic of Moldova, Mongolia, the Russian Federation, Republic of Tajikistan and Ukraine.

The regional partnership is focused on:

- ◆ ensuring the priority of life and health protection at work;
- ◆ creation of a system for identification and assessment of professional risks and for management of occupational safety and health in order to remove the risk of health damage or death at the workplace;
- ◆ provision of reliable information to workers about working conditions and safety at workplaces and about their due compensations and personal protective equipment;
- ◆ control over working conditions and safety at workplaces, over occupational health with due attention to special needs of women, men and other categories of workers, and over proper provision of workers with personal and collective protection and with medical and preventive nutrition;
- ◆ provision of measures for reducing risks of health damage caused by harmful and (or) dangerous work-related factors;
- ◆ reduction of the number of death and work-related injuries caused by accidents and occupational diseases;
- ◆ implementation of the ILO conventions to improve occupational safety and health in the CIS countries (the Republic of Armenia, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, Ukraine) and Mongolia on the basis of the national labour legislation.

Every year, the State Inspection for Environmental and Technical Safety organises and holds international and republican conferences and seminars to discuss labour protection, occupational health and safety in various sectors of production.

The convened international events include:

- ◆ International seminar “Organization and objectives of the labour inspection in the Kyrgyz Republic”;
- ◆ Republican conference “Child labour issues in Kyrgyzstan”;
- ◆ International conference “Labour protection and labour safety in the construction sector”;
- ◆ International seminar “Activities of the state labour inspection under conditions of a market economy”;
- ◆ International seminar-meeting on health and safety in agriculture;
- ◆ Republican conference “Labour protection issues at the present stage of development of labour relations and ways of their solutions”;
- ◆ The tripartite seminar “On WIND Programme (Work Improvement in Neighbourhood Development, Program for Training in Safety, Working Conditions and Health Protection in Agriculture”;
- ◆ The State Labour Inspection from the first days of its establishment in 1999 has been actively co-operating with the International Labour Organisation (ILO).

The international seminar “Organization and objectives of the State Labour Inspection in the Kyrgyz Republics” was held on July 23, 1999, with the technical and methodological assistance of the ILO.

A representative of the ILO Labour Inspection Department Wolfgang von Richthofen took part in the seminar.

At the seminar, the principles of the joint activities were defined and the agreement on joint activities of the State Labour Inspection and the ILO Labour Inspection Department was signed.

The key joint activities include defining the methods of development and improvement of the supervision and control procedures, training, improvement of the labour legislation, exchange of experience and information.

The ILO has been rendering assistance in formation and further improvement of the bodies of State Labour Inspection in the Kyrgyz Republic.

Memorandum of Understanding was signed on May 26, 2006 in the city of Bishkek between the Ministry of Labour and Social Security of the Kyrgyz Republic, the State Committee of the Kyrgyz Republic for Migration and Employment, the Federation of Trade Unions of Kyrgyzstan, the Confederation of Employers of the Kyrgyz Republic and the International Labour Organisation (ILO). Article 2 of the Memorandum provides for improvement of the national system of labour protection. On the part of the ILO, the Memorandum was signed by the ILO Regional Director for Europe and Central Asia F. Butler and the ILO Subregional Director for Eastern Europe and Central Asia, W. K. Blenk.

11. CONCLUSIONS AND RECOMMENDATIONS

11.1. Conclusions

This national review was written 7 years after the previous review published in 2008.

It is necessary to note some trends in labour protection in the Kyrgyz Republic that has taken place within the said period.

Regulations has been published that cover the procedure for assignment and payment and the size of temporary disablement benefits, maternity benefits, and the procedure for assignment and payment and the size of the ritual benefit (for burial). Many current regulations on labour protection have been amended, including the Labour Code of the Kyrgyz Republic.

At the same time, a number of bylaws stay unpublished that regulate:

- ◆ development and approval of labour protection bylaws;
- ◆ standards and rules for issue of special clothes, special footwear and other personal protective equipment to workers;
- ◆ procedure for workplace certification according to the working conditions
- ◆ awarding and ensuring guarantees and compensations for work in harmful and hazardous working conditions;
- ◆ rules and manuals on labour protection.

Development and approval of the said bylaws will allow full-scale implementation of the provisions established by the Labour Code of the Kyrgyz Republic.

Besides, according to the Law of the Kyrgyz Republic on Regulations, all regulations approved by the state bodies of the USSR, including those containing sanitary-and-hygienic requirements, have lost effect since 2010. It appears that it is necessary to approve the new ones within the shortest terms.

Various national programs and strategies are being successfully developed and implemented. For instance, “The national strategy for sustainable development of the Kyrgyz Republic for the period 2013–2017” was approved. At the same time, there are still a number of unresolved issues, including illegal employment, which, in turn,

prevents full coverage of the working population with labour protection. Collection of statistical data on illegal employment continues to be an unresolved issue.

The number of people who received occupational diseases continues to be insignificant, however, it does not seem to be due to safe working conditions at workplaces but rather due to low level of detection of the occupational diseases, lack of properly equipped centres of occupational pathology and lack of qualified occupational pathology specialists.

In comparison with 2008, the number of the insurance organisations to insure civil liability of employers has increased (from one to 15). At the same time, a number of general problem points in social insurance stay on, including those which are subject of disputes between the employers and trade unions.

Necessity to develop the state statistical reporting on labour protection should be also noted, including that on working conditions, which is possible only in case of implementation of the mechanism of assessment of working conditions (workplace certification).

Since 1999, the State Labour Inspection bodies have been operating in the Republic. In 2012, functions of the State Labour Inspection were transferred to the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic.

The inspection has a department for labour protection and labour relations, and the work is also effective.

However, there are a number of serious problems to be addressed in order to continue development and improvement of the activities of the bodies of the State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic on labour protection.

The problems include: insufficient number of the state labour inspectors, low level of salary of the inspectors, absence of a system of training and development of the state inspectors, imperfect labour protection management system, etc.

It should be also noted that the number of inspections of enterprises and organisations of the non-state economy sector (including informal economy) is limited in the republic, which contradicts the Labour Code of the Kyrgyz Republic, the Law «On Labour protection» and ILO Convention 81 concerning Labour Inspection in Industry and Commerce, as well as other regulations.

Based on the National Review, the national Policy (as a separate declaratory document) and the national Program for labour protection should be developed, with a desirable subsequent approval by a Resolution of the Government of the Kyrgyz Republic.

11.2. Recommendations

11.2.1. On functional responsibility

Government of the Kyrgyz Republic

1. As was shown by the analysis of the current law-making mechanism at the national level of the Kyrgyz Republic, one of the reasons for absence of a number of regulations on labour protection are the reasons of purely organizational nature.

Considering frequent change of the composition of the Government of the Kyrgyz Republic as a supreme body of executive power, and also in compliance with Article 6 of Law of the Kyrgyz Republic “On regulations of the Kyrgyz Republic” No 241 dated July 20, 2009, it is recommended to transfer a part of the powers for approval of the labour protection regulations to the Ministry of Labour, Migration and Youth (Ministry of Labour) as a body of executive power responsible for development and implementation of the national labour protection policy.

For the legislative consolidation of the powers delegated to the Ministry of Labour at the level of the Government of the Republic, it is recommended to develop and approve a Procedure for development and approval of labour protection bylaws as well as timeframes of their revision (according to the requirements of Article 210 of LC KR).

2. Increase the size of staff of the Ministry of Labour responsible for labour protection to a level necessary for comprehensive development and implementation of the KR labour protection policy.

3. Provide the expenditure headings in the budgetary financing to cover both the equipment of the laboratories of the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision for comprehensive assessment of harmful factors of the working environment and labour process, and means for equipping the centres of occupational pathology.

4. The ILO Conventions.

It is necessary to dwell on two Conventions: No 148 ratified and No 187. non-ratified Convention ratification means that the state undertakes a commitment to comply with its requirements.

According to ILO Convention 187 “Promotional Framework for Occupational Safety and Health”, 2006, the following elements of labour protection management should be developed and function at the national level.

National Policy

Article 3

1. Each Member State shall promote a safe and healthy working environment by formulating a national policy.
2. Each Member State shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.
3. In formulating its national policy, each Member State, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.

National System

Article 4

1. Each Member State shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.
2. The national system for occupational safety and health shall include among others:
 - (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
 - (b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
 - (c) mechanisms for ensuring compliance with the national laws and regulations, including systems of inspection; and
 - (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.
3. The national system for occupational safety and health shall include, where appropriate:
 - (a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
 - (b) information and advisory services on occupational safety and health;

- (c) the provision of occupational safety and health training;
- (d) occupational health services in accordance with national law and practice;
- (e) research on occupational safety and health;
- (f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
- (g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases;
- (h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

National Program

Article 5

1. Each Member State shall formulate, implement, monitor, evaluate and periodically review a national programme on occupational safety and health in consultation with the most representative organizations of employers and workers.
2. The national programme shall:
 - (a) promote the development of a national preventative safety and health culture;
 - (b) contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with the national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;
 - (c) be formulated and reviewed on the basis of analysis of the national situation regarding occupational safety and health, including analysis of the national system for occupational safety and health;
 - (d) include objectives, targets and indicators of progress;
 - (e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving progressively a safe and healthy working environment.
3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

ILO Convention 148 “Working Environment (Air Pollution, Noise and Vibration) Convention”, 1977, Part III “Preventive and Protective Measure” provides for the following measures:

Article 8

1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.
2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organisations of employers and workers concerned.
3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

Article 9

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration—

- (a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes; or, where this is not possible,
- (b) by supplementary organisational measures.

Article 10

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

...

Article 14

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration”.

Therefore, in addition to the declared labour protection policy (but, unfortunately, not fully implemented in practice), it is necessary to provide the development at least of a national program for labour protection where measures for working out of the sanitary codes and rules as minimum indicators of the production environment should be referred to the priority measures.

Next step after development of the program can be formation of a national labour protection management system.

Ministry of Labour, Migration and Youth

1. Priority regulations on labour protection that can be developed and approved at the level of the Ministry of Labour within the shortest timeframe should include the following:

- ◆ Intersectoral and sectoral rules and standard labour protection manuals, construction and sanitary codes and rules, safety rules and manuals, rules for arrangement and safe operation, design and construction codes, hygiene specifications, and state standards of occupational safety. Absence of the said documents is an indicative of a failure to implement the labour protection legislation.
- ◆ Standards and rules for giving out special clothes, special footwear and other personal protective equipment to workers (Article 211 of the LC KR). Absence of the document regulating actual issue of the said protective means impedes implementation and supervision of compliance with the labour protection legislation regarding provision of workers with personal protective equipment.
- ◆ Procedure for workplace certification according to the working conditions (Article 211 of the LC KR). This document is necessary for implementation of the requirement of the labour legislation regarding assessment of the working conditions at workplaces.
- ◆ Technique of carrying out the workplace certification according to the working conditions, with the description of functional responsibilities of the members of the committee set up at the employer for the workplace certification.
- ◆ Procedure and conditions for awarding and termination of the benefits and compensations to workers for heavy work and work in harmful or hazardous working conditions (Article 224 of the LC KR). Absence of this document impedes implementation and supervision of compliance with the labour protection legislation regarding awarding benefits and compensations to workers for heavy work and work in harmful or hazardous working conditions.

2. Prepare proposals for amending the Labour Code of the Kyrgyz Republic and the Law on Labour Protection of the Kyrgyz Republic regarding:

- ◆ elimination of the duplicating requirements to labour protection in the LC KR and the KR Law on Labour Protection;
- ◆ reduction of the size of Chapter 17 of the LC KR and expansion and clarification of the requirements described in the KR Law on Labour Protection.

From a formal point of view, it would be recommended to include more detailed requirements regarding certification of production facilities, assessment of workplaces according to the working conditions, ensuring safety of workers, and training in the Labour Code of the Kyrgyz Republic or in the KR Law on Labour Protection. It would be also recommended to include the questions connected with implementation of the state expert review and a broader description of the matters regarding social partnership.

However, at the present stage these recommendations can be rather referred to as “forward thinking” recommendations as today there is a lack of technical equipment in the measuring laboratories in the Kyrgyz Republic, there is not enough training organisations and qualified labour protection officers, and social dialogue is still to be established.

Therefore, the above listed areas for improvement in labour protection should be included in the national strategy or national program for labour protection improvement. The main thing is to establish achievable priority targets for a period 3–5 years, define the key objectives for achieving these targets, and develop a plan of specific measures for completion of particular objectives (with the timeframe, persons responsible for execution, and a concrete result expected after implementation of the measure).

3. In terms of strategic development of labour protection in the Kyrgyz Republic, it is recommended that the Ministry of Labour, when it works out the National Program for Labour Protection, shall provide for training of the necessary number of instructors and formation of the market of the labour protection training services.

4. As the recommendation for assisting employers in organisation of labour protection services at their enterprises according to the requirements of the LC KR, the Ministry of Labour together with the Federation of Trade Unions of Kyrgyzstan and StateEcoTechInspection should provide training of a certain number of specialists who will be able to work in several organisations on a contractual basis, and then pass to larger scale training of labour protection officers for the enterprises. At the initial stage, such approach will enable the employers to save expenditure for a full-time specialist and his/her salary, and at the same time receive regular competent consultations regarding labour protection.

Ministry of Economy

1. For more clear identification of the size of problem of the growing number of people with the established work-related disability, it would be recommended that the

Ministry of Economy of the Kyrgyz Republic will calculate the economic losses due to “withdrawal” of the able-bodied population from the production process, as well as expenditure for payment of the benefits and compensations, payment for rehabilitation measures, treatment, social service, etc.

Based on the analysis of these expenses in relation to the GDP of the Republic, it will be possible to formulate more precisely the strategic measures targeted at reduction of the level of occupational injuries and occupational diseases, and, hence, reduction of the number of people with disabilities.

2. To work out efficient measures of management, it would be also recommended that the Ministry of Economy will

calculate losses from informal employment both in economic and social terms (meaning absence of mandatory contributions of employers for mandatory pension insurance, medical insurance, taxes, etc.).

Ministry of Health

It is recommended that the matters of preventive and rehabilitation measures for the persons affected by occupational accidents and occupational diseases be returned to the Statute of the Ministry of Health of the Kyrgyz Republic.

It also seems desirable to include in the Statute of the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision the participation of the laboratories of the Department not only in the joint inspections of the employers with StateEcoTechInspection (which is now carried out on the basis of the Regulations on Interaction in Implementation of the Related Functions), but also the matters of assessment of the factors of the working environment and work process in the framework of the workplace certification according to the working conditions.

11.2.2. In the key areas

Assessment of the working conditions at workplaces (workplace certification)

Assessment of the working conditions requires a comprehensive approach calling for participation of all parties of the social partnership.

1. As was already mentioned earlier, it is necessary to develop, within the regulatory framework, the rules and procedure for the organisation and carrying out of the workplace certification according to the working conditions, and also criteria for assessment of the working conditions in the form of sanitary standards and rules, hygiene specifications or other similar regulations.

A procedure is developed to describe all process of the workplace certification (from preparation to registration of the results), and a technique and criteria for assessment

are developed for those laboratories that will actually assess the working conditions at workplaces (whether it be laboratories of the employer or duly accredited outside laboratories).

It would be recommended that the model of certification of the production facilities of Kazakhstan be taken as a basis for a model of assessment of the working conditions, possibly with involvement, at least at the initial stage, of the Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision of the Ministry of Health of Republic Kyrgyzstan, as a specialised organisation that has a certain instrument facility and specialists in industrial hygiene (a detailed comparative analysis of these aspects is described in the Appendix to the National Review).

2. It is necessary to include the issues of state supervision of compliance by the employer with the requirements for certification of workplaces in the KR Law on Labour Protection or the LC KR and to develop a procedure for the state expert review of the working conditions. The state expert review can be carried out both regarding the results of the workplace certification carried out by the employer, and regarding concrete statements of the workers connected with assessment of the working conditions on their workplaces, correctness of awarding them compensation for the work in harmful and (or) hazardous working conditions as provided by the legislation of the Republic.

3. In the majority of the post-Soviet countries, the results of the workplace certification according to the working conditions are used, among other things, for awarding compensations for the work in harmful and (or) hazardous working conditions, for substantiation of providing workers with personal protective equipment (including special clothes, special footwear, washing and decontaminating agents), milk and therapeutic-and-preventive meals, and also for confirmation of the right to early retirement.

As today technical equipment of the laboratories, the number of appropriate staff and absence of necessary regulatory framework in the Kyrgyz Republic would hardly allow carrying out certification of a considerable number of workplaces, it would be recommended to make mandatory “The Lists of production facilities, activities, occupations, positions with harmful working conditions where work gives the right to additional holiday and reduced working day”, approved by the Resolution of the USSR State Labour Committee, Presidium of the All-Union Central Council of Trade Unions dated October 25, 1974, (in addition to Lists 1 and 2 effective since 1991 for awarding early retirement pension). This list could be made mandatory for those employers who have not certified the workplaces according to the working conditions, while for those employers who have certified the workplaces, the size of compensation could be established depending on the actual working conditions established by the results of workplace certification. Therefore, the employers will be economically interested to certify the workplaces in order to reduce the number of workers eligible for reduced working hours and additional annual paid holiday.

Workplace certification will also assist in a choice of more effective personal protective equipment of workers as PPE would be chosen on the basis of the revealed and measured harmful production factors. From the point of view of regulation for providing workers with personal protective equipment, it is recommended that model rules be approved as well as a procedure for giving out PPE to the workers occupied in harmful and (or) hazardous conditions.

Social insurance

Representatives of the employers expressed an opinion that, like in the case of the Fund of Health Improvement of the Working People, general mandatory social insurance is an additional financial burden on the business as deductions will have to be paid by all employers, while occupational injuries and occupational diseases do not occur in all organisations. Many issues can be addressed by finalizing the current Law on Mandatory Insurance of Civil Responsibility of the Employers. It is necessary to provide mechanisms of economic incentives for the employers to carry out assessment of the working conditions at workplaces.

Representatives of the trade unions insist that mandatory insurance of workers against occupational injuries or occupational diseases is necessary, moreover, that this requirement should be consolidated in the Labour Code of the Kyrgyz Republic and the Law on Labour Protection of the Kyrgyz Republic.

For improvement of the mechanisms of insurance, the following could be recommended.

1. One of the options could be amending the legislation on social insurance to provide mandatory social insurance of the workers in most injury-hazardous economic activities (such as facilities for generation and transmission of electric and thermal energy that pose high risk) against occupational injuries and occupational diseases, by assigning

this type of insurance to the Social Fund. Insurance contributions for this type of insurance could be transferred, according to the established insurance rates, as a separate item to a special account of the Social Fund. Another option is providing legislative continuity of liability of the insurers before the insured people in case of liquidation of the insurance company.

Proceeding from the fact that the class of occupational risk is established depending on the average rate of occupational injuries and occupational diseases by a specific type of economic activities, the Law should provide for a mechanism of discounts and extra charges to the insurance rate for those employers where average rate of injuries and diseases is lower than on the average for a given type of economic activities.

The size of such discount to the insurance rate can be also linked to the relative share of the workplaces that have been certified, and relative number of the workers who have passed mandatory periodic medical examinations.

The size of return of insurance contributions to the employer in case there were no accidents at the enterprise within a certain period (for example, for a year) should be legislatively established, and it should be also established that the employer is obliged to spend the returned contributions for improvement of the working conditions, training of the workers, etc.

2. The Law on Mandatory Insurance of Civil Responsibility could be supplemented with the following provisions:

- ◆ explain more clearly the mechanisms of economic incentives for the employers to improve the working conditions (for example, by providing the same discounts to the base insurance rates, return of payments, etc.);
- ◆ based on the experience of the FTU-K technical inspectors, disclose in more details the methodology of calculating the size of insurance payments to a particular worker.

3. To receive fuller and reliable information about occupational injuries, develop the forms of statistical reporting (departmental reporting for GosFinNadzor or state reporting for the National Statistics Committee) for the insurance companies that carry out mandatory insurance of civil liability, regarding the number and size of insurance payments for the occupational accidents depending on the degree of their gravity.

12. INFORMATION RESOURCES

12.1. List of the basic sites relevant for labour protection and safety of production and other information resources

- ◆ www.gov.kg – Government of the Kyrgyz Republic;
- ◆ www.geti.kg – State Inspection for Environmental and Technical Safety under the Government of the Kyrgyz Republic;
- ◆ www.mz.gov.kg – Ministry of Labour, Migration and Youth of the Kyrgyz Republic
- ◆ www.mlsp.kg – Ministry of Social Development of the Kyrgyz Republic;
- ◆ mes.kg – Ministry of Emergency Situations of the Kyrgyz Republic;
- ◆ www.med.kg – Ministry of Health of the Kyrgyz Republic;
- ◆ www.dgsen.kg – Department of Disease Prevention and State Sanitary-and-Epidemiologic Supervision of the Ministry of Health of the Kyrgyz Republic;
- ◆ www.geology.kg – State Agency for Geology and Mineral Resources under the Government of the Kyrgyz Republic;
- ◆ www.stat.kg – National Statistics Committee of the Kyrgyz Republic;
- ◆ www.nism.gov.kg – Centre for Standardization and Metrology under the Ministry of Economy of the Kyrgyz Republic;
- ◆ www.kyrgyzpatent.kg – KyrgyzPatent.

12.2. List of the basic magazines on labour protection and safety of production

In the Kyrgyz Republic, no magazines on labour protection and safety of production are published.

12.3. List of the main monographies, textbooks and manuals on labour protection and related safety issues published in the country

In the recent years, textbooks and manuals on labour protection and safety of production have been prepared and published in the Kyrgyz Republic. The published materials include:

- ◆ Labour protection issues;
- ◆ Study guide on labour protection at small enterprises;
- ◆ Guidelines for occupational safety in the use of personal computers;
- ◆ Guidelines for hygienic assessment and workplace certification;
- ◆ WIND Programme (Work Improvement in Neighbourhood Development, Program for Training in Safety, Working Conditions and Health Protection in Agriculture);
- ◆ Recommendations for development and implementation of a labour protection management system;
- ◆ Comments to the Labour Code of the Kyrgyz Republic;
- ◆ Practical tool for investigation of occupational accidents;
- ◆ Unified safety rules for mineral production by open mining;
- ◆ Safety rules for operation of standard, container and mobile petrol filling stations;
- ◆ Safety rules for operation of tail, slurry and hydraulic fill facilities;
- ◆ Safety rules for production, storage, transportation and application of chlorine (PBKh);
- ◆ Safety rules for production and consumption of air separation products (PBPRV);
- ◆ Unified safety rules for explosion operations;
- ◆ Unified safety rules for underground mining of ore, non-metal and placer mineral deposits;
- ◆ Unified safety rules for crushing, sorting and enrichment of minerals, and ore and mineral lumping;
- ◆ Safety rules in geological exploration;
- ◆ Safety rules for auxiliary facilities of the mining enterprises;
- ◆ General safety rules for fire-and-explosion hazardous chemical, petrochemical and oil refining production facilities;
- ◆ Rules for design and safe operation of pressure vessels.

13. BACKGROUND INFORMATION ON THE COUNTRY UNDER THE NATIONAL REVIEW

A. General information on the administrative arrangement and government in the Kyrgyz Republic.

- ◆ The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic, law-governed, secular, social state.
- ◆ Sovereignty of the Kyrgyz Republic is not limited and covers all its territory.
- ◆ The people of Kyrgyzstan are the bearer of sovereignty and a sole source of state power in the Kyrgyz Republic.
- ◆ The people of Kyrgyzstan exercise their power directly at elections and referenda as well as through a system of state bodies and bodies of local government on the basis of the Constitution and laws.

The President and the Zhogorku Kenesh, elected by the people of Kyrgyzstan, have the right to act on behalf of the people.

- ◆ Laws and other important issues of the state significance can be submitted to a referendum (national voting). The referendum procedure is established by the constitutional law.
- ◆ Citizens of the Kyrgyz Republic elect the President, deputies of the Zhogorku Kenesh, and deputies of local keneshes.

Elections are free and are conducted on the basis of universal equal and direct suffrage by secret ballot. The right to vote is granted to the citizens of the Kyrgyz Republic who have reached the age of 18 years.

A.1. Information on the state system, legislative, executive and judicial branches of power

The state power in the Kyrgyz Republic is based on the principles of:

- ◆ supremacy of the people's power, represented by the nation-wide elected President;
- ◆ division of the state power into legislative, executive and judicial branches, their concerted functioning and interaction;

- ◆ responsibility of the state authorities and local self-government bodies before the people and exercise of their powers in the interests of the people;
- ◆ separation of the functions and powers of the state authorities and local self-governance bodies.

Head of the state – the President is the head of the state, the highest official of the Kyrgyz Republic.

The President is the symbol of unity of the people and state power, guarantor of the Constitution, freedoms and rights of a person and citizen.

The President defines the guidelines of domestic and foreign state policy, represents the Kyrgyz Republic in the country and in international relations, takes measures for protection of sovereignty and territorial integrity of the Kyrgyz Republic, provides unity and continuity of the state power, consistent functioning and interaction of the state bodies, their responsibility before the people.

Legislature – the Zhogorku Kenesh – the parliament of the Kyrgyz Republic – is the highest representative body exercising legislative power and oversight functions within its competence.

The Zhogorku Kenesh consists from 120 deputies elected for a five year term on the basis of proportional representation.

Any citizen of the Kyrgyz Republic who reached 21 years of age and who possesses the electoral right may be elected a Deputy of the Zhogorku Kenesh.

A citizen who has a conviction record for a crime which has not expired or not duly expunged cannot be elected a Deputy of the Zhogorku Kenesh.

Executive power – executive power in the Kyrgyz Republic is exercised by the Government, ministries subordinated to it, state committees, administrative agencies, other executive bodies and local state administrations.

The Government is the highest body of executive government of the Kyrgyz Republic.

The Government is headed by the Prime Minister. The Government consists of the Prime Minister, Vice-Prime Ministers, Ministers and Chairmen of the state committees.

The structure of the Government is defined by the Prime Minister and includes ministries and state committees of the Kyrgyz Republic. The structure of the Government is approved by the Zhogorku Kenesh.

Judicial power – justice in the Kyrgyz Republic is administered only by court.

In cases and under the procedures envisaged in the law, citizens of the Kyrgyz Republic have the right to participate in administration of justice.

Judicial power is exercised by means of constitutional, civil, criminal, administrative and other forms of legal proceedings.

Judicial system of the Kyrgyz Republic is established by the Constitution and laws, it consists of the Supreme Court and local courts. Creation of extraordinary courts is not permitted.

A.2. Administrative division of the country and respective levels of governance

The Kyrgyz Republic is divided into 7 regions, 40 districts, 22 cities (two of them are republican subordination: Bishkek, Osh), 29 urban settlements, 472 aiylokmotu (rural communities).

The executive power in an administrative territorial unit is exercised by a local state administration.

Powers, organisation and procedure of activities of the local state administration are defined by law.

Local state administrations work on the basis of the Constitution, laws, regulatory acts of the President and the Government.

Decisions of local state administration, adopted within its competence, are mandatory in the respective area.

A body of labour protection management was established only at the central (republican) level – the Ministry of Labour, Migration and Youth of the Kyrgyz Republic.

B. General data on economy and labour force

B.1. Demographic data

B.1.1. Total number of the population

The population of the Kyrgyz Republic is 5.8 mln. people, including 49.5% men and 50.5% women.

Of this number: more than 1.9 mln people are younger than the working age, more than 3.5 mln people are of the working age, and about 0.4 mln people are older than the working age.

B.1.2. Total number of economically active population

Economy of Kyrgyzstan involves more than 2.2 mln people.

Among the employed population, more than 1 mln people or 47.3% are in non-wage employment (self- employed, working members of a family, etc.).

Paid employees amount about 1.2 mln people.

Employed population is distributed by the economy sectors as follows:

- ◆ industry: 9% or 212 thousand people;
- ◆ agriculture, forestry: 32% or 716 thousand people;
- ◆ construction: 11% or 245 thousand people;
- ◆ services: 48% or 1.1 mln people.

B.2. Human development index and its three components (life expectancy, education and per capita income), level of literacy

Table 9

Life expectancy at birth (longevity)

Years	2010	2011	2012	2013	2014
Both genders, years	69.3	69.6	70.0	70.2	70.4

Literacy of adult population (15 years plus)

1999 – 98.7%;

2009 – 99.2%.

Table 10

Total share of coverage by education

Years	2010/2011	2011/2012	2012/2013	2013/2014
Coefficient	67.7	69.1	69.5	70.4

Table 11

Poverty level of the population

Years	2010	2011	2012	2013	2014
Coefficient	33.7	36.8	38.0	37.0	30.6

B.3. Sectors (branches), types of economic activities

Table 12

Number of employed people, by types of economic activities

	Total, thousand people
Total	2263.0
Agriculture, forestry and fish culture	716.7
Mining	9.8
Manufacturing industry	156.9
Supply of electricity, gas, steam and air conditioning	29.8
Water supply, water treatment, waste treatment and disposal	15.9
Construction	244.9
Wholesale and retail trade, car and motorcycle repairs	359.9
Transport and warehousing	142.2
Hotels and restaurants	79.8
Information and communications	25.7
Financial intermediation and insurance	22.4
Real estate operations	7.5
Professional, scientific and technical activities	16.2
Administrative and auxiliary activities	16.8
Government and defence; mandatory social security	95.8
Education	174.9
Public health and social services	80.2
Art, entertainment and recreation	14.7
Other service activities	32.6
Private household activities	20.3
Activities of ex-territorial organisations	0.1

Data according to the integrated selective survey of household budgets and labour survey in 2013.

B.4. Economic indicators

Table 13

Gross domestic product (GDP)

Year	2014	January–May 2015
Gross domestic product – mln. soms	397277.1	139721.2
Growth rate, percent of the respective period	103.6	106.9
including:		
industry	98.3	121.8
agriculture	99.4	101.8
services	104.1	102.8

In January-May 2015, growth of real GDP was 6.9%.

- ◆ in industrial sector 21.8%.
- ◆ in agriculture of 1.8%.
- ◆ in services of 2.8%.

Income of the state budget in 2014 is 119.4 billion soms, or \$2.2 billion.

Per capita income in 2014 is 47.5 thousand soms, or \$885.

Annex

Regulatory framework on labour protection in the member countries of the Customs Union

Constitution

According to Para. 2, Article 24 of the Constitution of *Republic Kazakhstan* “everyone shall have the right to safe and hygienic working conditions, to just remuneration for labour without discrimination, as well as to social protection against unemployment”.

Article 41 of the Constitution of *Republic of Belarus* guarantees to the citizens of Republic of Belarus “the right to work as the worthiest means of human self affirmation, that is, the right to choose one’s profession, the type of occupation and work in accordance with one’s vocation, capabilities, education and vocational training, and having regard to social needs, and the right to healthy and safe working conditions”.

Article 37 of the Constitution of *the Russian Federation* establishes that “everyone shall have the right to labour conditions meeting the safety and hygienic requirements, for labour remuneration without any discrimination whatsoever and not lower than minimum wages and salaries established by the federal law, as well as the right to protection against unemployment”.

Comparing the guarantees provided to the citizens in the four said Constitutions, one can note that they are basically identical. However, even from these seemingly identical guarantees it is possible to draw a conclusion on the key accents placed by each of the states in the rights of the citizens to labour. For example, in the Constitution of the Kyrgyz Republic reference is made to the right to freedom of labour, in the Constitution of Republic Kazakhstan, protection against unemployment is guaranteed, in the Russian Federation more attention is given to remuneration of labour. Position of Republic Belarus seems most social-oriented and mature referring to self-affirmation of a citizen, that is, the right to choose one’s profession, one’s vocation, capabilities, the type of occupation and having regard to social needs as well as interrelation of the choice of occupation taking into account the public needs.

The Labour Code

Republic of Kazakhstan

The main law of Republic of Kazakhstan to establish the legal framework for labour protection is the Labour Code of Republic of Kazakhstan (hereinafter: the LC RK) that has come into force since June 1, 2007.

Labour protection aspects are covered in Section 5.

Republic of Belarus

The Labour Code of Republic of Belarus (the LC RB) was approved by the Law of Republic of Belarus dated July 26, 1999 and has come into force since January 1, 2000.

Labour protection aspects are covered in Chapter 16 «Labour protection”.

Russian Federation

The Labour Code of the Russian Federation was approved by the Federal Law No 197-FZ dated December 30, 2001 (the LC RF).

Labour protection aspects are covered in Section 10 of the LC RF.

Comparison of the Labour Code requirements for all four countries is provided in Table 14.

Comparison of the labour protection requirements of the Labour Code and the Constitution of the Kyrgyz Republic, Republic of Kazakhstan, Republic of Belarus and the Russian Federation

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
Constitution			
<p>Article 43. Everyone has the right to freedom of labour, disposing of one's ability to work, selection of trade and occupation, labour protection and working conditions meeting safety and hygiene requirements, as well as the right to remuneration for work not below the minimum living wage established by law.</p>	<p>Article 24. Everyone shall have the right to safe and hygienic working conditions, to just remuneration for labour without discrimination, as well as to social protection against unemployment.</p>	<p>Article 41. Citizens of Republic of Belarus shall have the right to work as the worthiest means of human self affirmation, that is, the right to choose one's profession, the type of occupation and work in accordance with one's vocation, capabilities, education and vocational training, and having regard to social needs, and the right to healthy and safe working conditions.</p>	<p>Article 37. Everyone shall have the right to labour conditions meeting the safety and hygienic requirements, for labour remuneration without any discrimination whatsoever and not lower than minimum wages and salaries established by the federal law, as well as the right to protection against unemployment</p>
Labour Code. Labour protection aspects			
<i>State administration, state regulatory requirements</i>			
<p>State regulatory requirements to labour protection</p>	<p>Guidelines of the state policy on labour safety and labour protection</p>	<p>Concept of labour protection, requirements to labour protection</p>	<p>Guidelines of the state policy labour protection policy</p>
	<p>State administration, control and supervision of labour safety and labour protection</p>	<p>State administration of labour protection (at the republican, sectoral, territorial level)</p>	<p>State regulatory requirements to labour protection</p>
			<p>State administration of labour protection</p>
			<p>State expert review of working conditions</p>

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Safety requirements</i>			
<p>Conformity of production facilities and products to labour protection requirements</p>	<p>Requirements to labour safety and labour protection (requirements to labour safety and labour protection are established by regulatory legal acts of Republic of Kazakhstan and should contain rules, procedures and specifications aimed at protection of life and health of workers in the course of their labour activities)</p>	<p>Conformity of products and facilities intended for product output and rendering of services, to the labour protection requirements</p>	<p>Conformity of production facilities and products to the state regulatory requirements to labour protection</p>
	<p>Adoption of regulatory acts on labour protection and labour safety (regulatory acts on labour protection and labour safety establish organisational, technical, technological, sanitary-and-hygiene, biological, physical and other standards, rules, procedures and criteria designed to protect the life and health of workers in the process of their labour activities; development, approval and revision of the labour protection and labour safety manuals shall be carried out by the employer according to the procedure established by the authorized labour body)</p>		
	<p>Requirements to labour safety and labour protection during designing, construction and operation of production facilities and means of production</p>		

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
	<p>Certification of production facilities according to the working conditions.</p> <p>Safety requirements to workplaces.</p>		
<i>Responsibilities of the employer</i>			
Responsibilities of the employer for ensuring labour protection	Monitoring and assessment of risks regarding labour safety and labour protection (for comprehensive assessment of working conditions at workplaces, reduction of occupational injuries and prevention of accidents at work, the authorised state labour body and local labour inspection body organise monitoring and assessment of risks regarding labour safety and labour protection)	Responsibilities of the employer for ensuring labour protection	Responsibilities of the employer for ensuring safe conditions and labour protection
	Rights of the employer regarding labour safety and labour protection		
	Responsibilities of the employer regarding labour safety and labour protection		
<i>Workers (responsibilities, rights, guarantees)</i>			
Responsibilities of the worker regarding labour protection	Guarantees of the rights to safety and labour protection at conclusion of employment agreement	Right of the worker to labour protection	Responsibilities of the worker regarding labour protection

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
Guarantees of the right of the worker to labour protection	Guarantees of the rights of workers to labour safety and labour protection during labour activities	Guarantees of the right of the worker to labour protection	
	Rights of the worker to labour safety and labour protection	Responsibilities of the worker regarding labour protection	Right of the worker to work in the conditions meeting labour protection requirements
	Responsibilities of the worker regarding labour safety and labour protection		Guarantees of the right of workers to work in the conditions meeting labour protection requirements
<i>PPE</i>			
Providing workers with personal protective equipment and hygiene products		Providing workers with personal protective equipment, washing and decontaminating agents	Providing workers with personal protective equipment as well as washing and (or) decontaminating agents
<i>Medical examinations</i>			
Medical examinations of some categories of workers	Mandatory medical examinations of workers	Medical examinations and health checkup of some categories of workers	Medical examinations of some categories of workers as well as workers dealing with certain harmful and (or) hazardous substances
Transportation to medical institutions of the workers who fell ill at work			Organisation of the first aid to an affected person, and, if necessary, delivery of the affected person to a medical organisation (Article 228 RF LC)
<i>Sanitary and amenity provision and medical services</i>			
Sanitary and amenity provision and medical services to the workers		Provision of the workers with sanitary and amenity premises, devices, means	Sanitary and amenity provision and medical services to the workers

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Briefing and training in labour protection</i>			
Training and briefing of workers in labour protection	Training, briefing and examination of workers in labour safety and labour protection matters		Training in labour protection, briefing in labour protection, training in safe methods and techniques of works and providing first-aid to affected persons
<i>Milk, therapeutic-and-preventive meals</i>			
Giving out of milk and therapeutic-and-preventive meals			Giving out of milk and therapeutic-and-preventive meals
Mandatory insurance			
Separate section on harm compensation		Mandatory insurance against occupational accidents and occupational diseases	Included in the responsibilities of the employer
<i>Investigation and recording of accidents</i>			
Investigation and recording of occupational accidents and occupational diseases	Investigation and recording of accidents and other harm to the health of workers connected with labour activities (including special investigations of occupational accidents which include heavy and group accidents, fatal accidents, accidents at hazardous production facilities, accidents that occurred during man-induced emergencies due to a failure at a hazardous production facility)	Investigational and recording of occupational accidents and occupational diseases	Investigation and recording of accidents

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Labour protection services</i>			
Labour protection service		Labour protection service (labour protection officer)	Work protection service in an organisation
			Labour protection committees (commissions)
<i>Miscellaneous</i>			
Benefits and compensations for the working conditions		Right to compensation for the working conditions	Additional labour protection guarantees to individual categories of workers
	Financing of labour safety and labour protection measures (to be carried out at the expense of the employer and other sources not prohibited by the legislation of Republic of Kazakhstan; workers do not bear expenses for this purpose; the amount is defined by the collective agreement or an act of the employer)		Financing of measures for improvement of working conditions and labour protection
Limitation of heavy work and work in harmful or hazardous working conditions			
Other matters regulated by the Labour Code			
<i>General aspects</i>			
Key principles of legal regulation of labour relations and other relevant relations	Competence of the state authorities regarding regulation of labour relations	General rules for regulation of individual labour relations and other relevant relations	Fundamentals of the labour legislation

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Labour relations (general aspects)</i>			
Labour relations. Parties of labour relations. Bases for establishing labour relations. Entities of labour and other relations	Labour relations (including the matters pertaining to labour agreements, transfer of a worker to another job or another location)	Responsibilities of the workers and employers (including responsibilities of employers for organisation of labour of workers)	Labour relations. Parties of labour relations. Bases for establishing labour relations.
<i>Labour agreement</i>			
Labour agreement			Labour agreement (conclusion, amendment, transfer to another job, termination)
<i>Working hours, rest time</i>			
Working hours	Working hours	Working hours (including worktime standard setting)	Working hours
Rest time	Rest time	Labour and social leave	Rest time
			Leaves
<i>Remuneration and labour rate setting</i>			
Remuneration	Labour rate setting	Remuneration	Wages or salary
Labour rate setting	Remuneration	Worktime standards and price rates (including the requirement to provide normal conditions for meeting the worktime standards)	Labour rate setting
<i>Labour discipline</i>			
Internal labour regulations. Labour discipline	Internal labour regulations and labour discipline	Labour discipline	Internal labour regulations
		Disciplinary responsibility of workers	Labour discipline

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Guarantees and compensations</i>			
Guarantees and compensations	Guarantees and compensatory payments	Guarantees and compensations	Guarantees and compensations
		Guarantees to workers in connection with performance of military duties	
<i>Protection of personal data of a worker</i>			
		Matters of protection of personal data of workers	Protection of personal data of a worker
<i>Training, retraining, occupational development</i>			
Personnel training and retraining	National system of qualifications (national system of qualifications is a set of mechanisms of legal and institutional regulation of supply and demand for qualifications of specialists from the labour market)	On-job education	Training and further professional training of employees
	Training, retraining, and occupational development		
	Job placement (state guarantees at Job placement; rights of citizens at Job placement; rights and responsibilities of employers at Job placement; labour mediation)		

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Social partnership</i>			
Bodies of social partnership.	Social partnership and collective relations in labour (including agreements and collective contracts, consideration of collective labour disputes)	General provisions on social partnership	Representatives of workers and employers in social partnership
Collective negotiations		Collective negotiations	Bodies of social partnership
Collective contracts and agreements		Agreements, collective contracts	Collective negotiations Collective contracts and agreements
Collective labour disputes		Settling collective labour disputes	Consideration and settling of collective labour disputes
Individual labour disputes	Consideration of individual labour disputes	Settling individual labour disputes specific features	Consideration and settling of individual labour disputes
			Participation of workers in management of the organisation
			Self-defence by workers of the labour rights
			Protection of the labour rights and legitimate interests of workers by trade unions
			Responsibility of the parties to social partnership

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<i>Liability</i>			
Liability of the employer to the worker	Liability of the parties to the labour contract	Liability of workers and employers	Liability of the parties to the labour contract
Liability of the worker			
<i>Employer's liability for the harm inflicted to the workers by injury, occupational disease or other health impairment during fulfilment of their job duties</i>			
<ul style="list-style-type: none"> • workers under the age of 18 years • women and other persons with family responsibilities • people with disabilities • head of the organisation and members of the board • part-time workers • workers who concluded a labour contract for the term up to two months • seasonal workers • rotators 	<ul style="list-style-type: none"> • persons younger than 18 years • women and other persons with family responsibilities • part-time workers • workers occupied in heavy work, work in harmful (very harmful) and (or) hazardous working conditions • seasonal workers • rotators • domestic workers • home workers 	<ul style="list-style-type: none"> • heads and board members of a legal entity • women and workers with family responsibilities • youth aged from 14 to 18 years • invalids • temporary workers • seasonal workers • home workers • domestic workers • workers professionally occupied in sports 	<ul style="list-style-type: none"> • women, persons with family responsibilities • workers under the age of 18 years • heads and board members of an organisation • part-time workers • workers who concluded a labour contract for the term up to two months • seasonal workers • rotators • workers working for employers – physical persons
<i>Specific categories of workers</i>			

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
<ul style="list-style-type: none"> • workers working for employers – physical persons • home workers • persons working in high mountain areas and remote and difficult-to-reach areas • transport workers • education workers • workers of religious organisations • diplomats, etc. 	<ul style="list-style-type: none"> • workers occupied in remote work • invalids • civil servants • small business entities • heads and board members of a legal entity • diplomats, etc. 	<ul style="list-style-type: none"> • Diplomats, etc. 	<ul style="list-style-type: none"> • home workers • remote workers • persons working in the regions of the Far North and equivalent areas • workers who are foreign citizens or persons without citizenship • transport workers • workers occupied in underground work • education workers • science workers, heads of scientific organisations, their deputies • workers of religious organisations • sportsmen and coaches • diplomats, etc.
<i>Supervision and control</i>			
State supervision and control of observance of laws and other labour regulations	State control regarding labour legislation	Supervision and control of observance of the labour legislation	State control (supervision) and departmental control of observance of the labour legislation and other regulations containing provisions of labour law

Kyrgyz Republic	Republic of Kazakhstan	Republic of Belarus	The Russian Federation
Civilian oversight of observance of the labour legislation is carried out by the trade unions	Internal control of labour safety and labour protection (including organization of creation and implementation of a labour protection control system, supervision of the working conditions, prompt analysis of production control data, assessment of risks and taking measures for elimination of the revealed uncompliances with the labour safety and labour protection requirements; to be carried out by the employer to assure observance of the established requirements to labour safety and labour protection at workplaces, and acceptance of immediate measures for elimination of the revealed violations)		Right of the trade unions to control observance of the labour legislation and other regulations that contain provisions of labour law, compliance with the terms of collective contracts or agreements
	Civilian oversight of observance of the labour legislation in an organization		
<i>Responsibility</i>			
Responsibility for violation of the labour legislation and other acts containing provisions of labour law (disciplinary, civil, administrative and criminal responsibility)	Responsibility for violation of the labour legislation (under the laws of Republic of Kazakhstan)	Responsibility for violation of the labour legislation (disciplinary, administrative, criminal and other responsibility) according to the legislation)	Responsibility for violation of the labour legislation and other acts containing provisions of labour law (disciplinary, material, civil, administrative and criminal responsibility)

After a comparative analysis of the basic document establishing the requirements to labour relations (the Labour Code), it is possible to draw a conclusion that the compared documents are mostly similar both in terms of the labour protection requirements and other requirements.

However, it should be noted that the Labour Code of Republic of Kazakhstan can be considered the most complete in terms of ensuring safety of workers, requirements to training and supervision.

The Labour Code of the Russian Federation is the most complete, in comparison with the others, in terms of social partnership.

The Labour Code of the Kyrgyz Republic, the Law of the Kyrgyz Republic “On labour protection” establishes the functions and rights of the state labour inspectors.

Law on labour protection

In the Russian Federation, the Federal Law on Fundamentals of Labour Protection was cancelled in 2008, in Republic of Kazakhstan – in 2009.

In Republic of Belarus as well as in the Kyrgyz Republic, the Law on Labour Protection is in force.

Table 15 shows a comparison of the requirements of the Law on Labour Protection and Labour Code of the Kyrgyz Republic and Republic of Belarus.

Comparison of the requirements of the Law on Labour Protection and the Labour Code of the Kyrgyz Republic and Republic of Belarus

Law on Labour Protection			
Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
Legislation of the Kyrgyz Republic on labour protection and its scope of application		Basic terms used in this Law and their definitions	
		Legislation on labour protection	
		Scope of this Law	
State regulatory requirements to labour protection	State regulatory requirements to labour protection	Requirements to labour protection	Concept of labour protection, requirements to labour protection
Guidelines of the state labour protection policy		Guidelines of the state labour protection policy	State governance of labour protection (at the republican, sectoral, territorial level)
State governance of labour protection		State governance of labour protection	
		Powers of the President of Republic of Belarus regarding labour protection	
		Powers of the Government of Republic of Belarus regarding labour protection	

Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
		Powers of the republican bodies of state administration and other state organisations subordinated to the Government of Republic of Belarus, regarding labour protection	
		Powers of local executive and administrative bodies regarding labour protection	
Right of a worker to work in the conditions meeting the labour protection requirements		Right of a worker to labour protection	
Guarantees of the right of workers on work in the conditions meeting the labour protection requirements		Guarantees of the right of workers to labour protection	
Restriction of performing heavy work and work in harmful or hazardous working conditions		Restrictions on performing particular types of works	
		Compensation for the working conditions	
		Labour protection for women	
		Labour protection for minors	
Labour protection service	Labour protection service	Labour protection service (labour protection officer)	Labour protection service (labour protection officer)

Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
		Powers of the labour protection service staff (labour protection officer)	
		Labour protection services	
		Accreditation of legal entities (individual entrepreneurs) for rendering labour protection services	
		Labour protection commission	
Rights of the employer regarding ensuring labour protection		Rights of the employer regarding labour protection	
Responsibilities of the employer regarding ensuring safe working conditions and labour protection	Responsibilities of the employer regarding ensuring labour protection	Responsibilities of the employer regarding ensuring labour protection	Responsibilities of the employer regarding ensuring labour protection
Responsibilities of the worker regarding labour protection	Responsibilities of the worker regarding labour protection		Right of the worker to labour protection
	Guarantees of the right of the worker to labour protection		Guarantees of the right of the worker to labour protection
		Responsibilities of the worker regarding labour protection	Responsibilities of the worker regarding labour protection
Compliance of the production facilities and products with the labour protection requirements	Compliance of production facilities and products with the labour protection requirements	Compliance of the area of the organisation with the labour protection requirements	Compliance of the products, facilities intended for manufacture of products and rendering of services, with the labour protection requirements

Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
		Compliance of the buildings (premises) with the labour protection requirements	
		Compliance of the production equipment and workplaces with the labour protection requirements	
		Compliance of the production processes with the labour protection requirements	
		Compliance of the products, facilities intended for manufacture of products and rendering of services, with the labour protection requirements	
Providing the workers with personal protective equipment	Providing the workers with personal protective equipment and hygiene products	Providing the workers with personal protective equipment, washing and decontaminating products	Providing the workers with personal protective equipment, washing and decontaminating products
Training in labour protection	Training and briefing of the workers in labour protection	Training, probation, briefing and examination in labour protection subjects	
		Labour protection manuals	
		Medical examinations and health check-up of some categories of workers	
		Additional special work breaks. Work pattern in adverse weather (meteorological) conditions	
		Providing the workers with sanitary-and-amenity premises	

Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
Financing measures for improvement of work conditions and labour protection		Financing measures for improvement of work conditions and labour protection (to be carried out at the expense of employers as well as republican and local budgets as implementation of the republican, sectoral and territorial target programs for improvement of working conditions and labour protection, and other sources not prohibited by the legislation)	
		Investigation and recording of occupational accidents and occupational diseases. Technical investigation of the causes of failures, incidents at hazardous production facilities	Investigation and the recording of occupational accidents and occupational diseases
State supervision and control	State supervision and control of compliance with the laws and other labour regulations	Supervision of compliance with the labour protection legislation. Departmental control.	Supervision and control of compliance with the labour protection legislation
		Public prosecutor's supervision of compliance with the labour protection legislation	
Civilian control of labour protection		Department of the State Labour Inspection of the Ministry of Labour and Social Security of Republic of Belarus	
State expert review was abolished in 2009		Civilian control of compliance with the labour protection legislation	
		State expert review of the working conditions	State expert review of the working conditions

Law of the Kyrgyz Republic "On labour protection" No 167 dated August 1, 2003	Labour Code of the Kyrgyz Republic (LC KR)	Law of Republic of Belarus (RB) "On labour protection" No 356-Z dated June 23, 2008	Labour Code of Republic of Belarus (LC RB)
		Cooperation and interaction of the bodies authorised to control (supervision) of compliance with the labour protection legislation	
Responsibility for violation of the labour protection requirements	Responsibility for violation of the labour legislation and other acts containing provisions of labour law	Responsibility for violation of the labour protection legislation	Responsibility for violation of the labour legislation and other acts containing provisions of labour law
Responsibility of organisations for release and supply of products not meeting the labour protection requirements			
Suspension of activities of organisations or their structural units due to violations of the labour protection requirements			
Liquidation of an organisation or termination of activities of its structural unit due to a violation of the labour protection requirements			

As it can be seen from the above table, the labour protection requirements stated in the Labour Code of the Kyrgyz Republic almost completely duplicate the requirements stated in the Law on Labour Protection.

Unlike the Labour Code and the Law on Labour Protection of the Kyrgyz Republic, the Labour Code of Republic of Belarus (the LC RB) states the principal, basic requirements, and in the Law on Labour Protection they are substantially expanded, described in more detail, and supplemented with the requirements that have not been included in the LC RB.

Technical regulations and standards

In the *Russian Federation*, the status of the technical regulations and standards is similar to the status of the technical regulations and standards of the Kyrgyz Republic. State labour protection standards are documents of voluntary application; however, if the employer undertakes a commitment to observe the requirements of these standards and consolidates this commitment in local bylaws of the organisation, requirements of these standards become mandatory for the given employer.

In *Republic of Belarus*, the status of the standards can be referred to as mandatory. According to the Law of Republic of Belarus “On technical rate setting and standardization” No 262-Z dated 05.01.2004:

“technical regulation is a technical legal instrument developed in the process of rate setting that establishes, directly and (or) by referring to the technical codes of established practice and (or) state standards of Republic of Belarus, mandatory technical requirements, connected with safety of products, processes of the product development, production, operation (use), storage, transportation, realization, and disposal, or to rendering of services;

standard is a technical legal instrument developed in the process of standardization based on the agreement of the majority of interested parties of the rate setting and standardization, and containing technical requirements to products, processes of the product development, production, operation (use), storage, transportation, realization, and disposal, or to rendering of services;”

To comply with the technical regulations, the state standards are used as evidence basis that explain the requirements of the technical regulations and establish control methods.

State standards are based on modern achievements of science, technology, international and interstate (regional) standards, rules, norms and recommendations on standardization, and advanced standards of other states. Therefore, the state standards become assistants to producers for compliance with the requirements of technical regulations as well as for choosing most acceptable solutions for producing high quality and competitive products.

In Republic of Kazakhstan, the system of technical regulation is, perhaps, is the most sophisticated and flexible. The Law of Republic of Kazakhstan “On technical regulation” No 603-II dated November 9, 2004 (hereinafter: the Law), similar to the legislation of the Kyrgyz Republic and the Russian Federation, says that a technical regulation contains mandatory requirements, while a standard is a document of voluntary application. However, Article 21 of the Law establishes that:

“1. National standards are mandatory in case laws of Republic of Kazakhstan or technical regulations contain instructions thereof”.

2. National standards are subdivided into:

1) fundamental standards establishing general organizational-methodological provisions of the state system of technical regulation;

2) standards for product or service that establish requirements to uniform groups of products or services, and, if necessary, to a specific product or service;

3) standards for processes;

4) standards for methods of control of products, service, processes;

5) military standards for the goods (products), works and services of military and dual purpose.

...

5. National standards can establish:

1) necessary requirements to safety of products, processes, providing compliance with the requirements established by the technical regulations;

2) requirements to classification of a product, service;

3) indicators of harmonization, compatibility and interchangeability of a product;

4) terms and definitions;

5) indicators of functional purpose, including consumer properties and characteristics of a product, service that determine a level of their quality;

6) rules for acceptance, packing, marking, transportation, storage, disposal and destruction;

7) methods of quality and safety testing;

8) requirements to conservation and rational use of all types of resources;

9) requirements to organisation of production enabling implementation of the management systems;

10) organizational-methodological provisions for a particular area of activities and also general technical codes and rules”.

That is, in some cases the national standards can have the status of a mandatory document.

Programs and strategies

In Republic of Belarus, the Republican Targeted Program for improvement of working conditions and labour protection is developed every 5 years as well as similar sectoral and territorial programs.

In the Russian Federation, programs for improvement of the working conditions and labour protection have been developed for a number of years at the level of the constituent entities of the Russian Federation on the basis of a model program approved by the Ministry of Labour and Social Security of the Russian Federation. Since 2014, compliance with the requirements of the model program is mandatory, the indicators characterising the change of working conditions and labour protection at the level of the constituent entities have been harmonized, as well as the procedures for assessing efficiency of the regional programs.

In Republic of Kazakhstan, a similar program was developed at the national level for 2005-2007. There is no information about subsequent national programs.

Rule-making

In the member countries of the Customs Union (in of Kazakhstan, Republic of Belarus and the Russian Federation), a number of regulations covering particular issues regarding labour protection (for example, procedure for training in labour protection, Statute of the labour protection service and labour protection commission, etc.) are approved by the federal bodies of executive power responsible for the functions of development of the state policy and legal regulation in the field of labour.

State supervision and control

Republic of Kazakhstan

In Republic of Kazakhstan, control functions in the field of labour are carried out by the Committee for Labour, Social Security and Migration of the Ministry of Health and Social Development of the Republic of Kazakhstan, which is an agency of the Ministry of Health and Social Development of Republic of Kazakhstan. The Committee includes the departments located in the regions of the Republic.

Republic of Belarus

Supervision of observance of the labour legislation and labour protection legislation is carried out by the Department of the State Labour Inspection of the Ministry of Labour and Social Security of Republic of Belarus. The department consists of the central office and separate territorial units located in the regions of the Republic.

The Russian Federation

The functions of control and supervision in the field of labour are carried out by the Federal Service for Labour and Employment (Rostrud) that is under jurisdiction of the Ministry of Labour and Social Security of the Russian Federation. Rostrud consists of the central office and territorial bodies – state labour inspections in the constituent entities of the Russian Federation.

It appears that among all the reviewed forms of supervision of compliance with the labour legislation, the most promising one is the Kyrgyz Republic as the supervision is carried out by the inspection which is an independent body, not in jurisdiction of the ministry that defines policy in this field.

State expert review

Republic of Belarus

State expert review of the working conditions in Republic of Belarus is carried out by the bodies of state expert review of working conditions according to the Statute of the Bodies of State Expert Review of Working Conditions of Republic of Belarus, approved by the Government of Republic of Belarus.

Bodies of state expert review of working conditions are established within the Ministry of Labour and Social Security of Republic Belarus and in the committees for labour, employment and social security of the regional and Minsk city executive committees, according to the legislation.

Bodies of state expert review of working conditions:

- carry out supervision of compliance with the labour legislation regarding providing compensation to workers for the work in harmful and (or) hazardous working conditions;
- carry out control of the quality of the conducted by the employers workplace certification regarding the working conditions;
- carry out state expert review of the working conditions and quality of workplace certification regarding the working conditions;

- analyse the results of the workplace certification regarding the working conditions.

Republic of Kazakhstan

There is no data on the state expert review of working conditions in Republic of Kazakhstan, however, the mechanism for certification of production facilities regarding the working conditions is in place.

Certification of production facilities regarding the working conditions is carried out by the dedicated organisations for certification of production facilities or by the employer that has a labour safety and labour protection service and a laboratory for laboratory and instrument testing of the factors of production environment periodically not less than once in five years.

Supervision of the timeliness and quality of certification of the production facilities is carried out by the state labour inspectors.

The Russian Federation

State expert review of the working conditions in the Russian Federation is carried out for assessment of: quality of special assessment of the working conditions, correctness of providing guarantees and compensations to workers for work in harmful and (or) hazardous working conditions, and actual working conditions of the workers.

Expert review is carried out by Rostrud to assess correctness of providing guarantees and compensations for work in harmful and (or) hazardous working conditions to workers of the organisations that have branches in several constituent entities of the Russian Federation, and by the bodies of executive power of the constituent entities of the Russian Federation to assess the quality of special assessment of the working conditions and actual working conditions, and also correctness of providing guarantees and compensations for work in harmful and (or) hazardous working conditions to workers of the organisations that have no branches in the constituent entities of the Russian Federation.

Mandatory social insurance

In the *Russian Federation* there are three types of mandatory social insurance: pension insurance, medical insurance and insurance against occupational accidents and occupational diseases. The latter type of insurance is regulated by Federal Law No 125-FZ dated 24.07.1998. Responsibility for mandatory insurance of every worker is borne by the employer. Fund of Social Insurance of the Russian Federation is responsible for collection of insurance contributions and for insurance payments.

Insurance rate is established depending on the class of occupational risk. Class of occupational risk is a one-figure indicator that is calculated for every type of economic

activities depending on the average rate of occupational injuries, occupational diseases and amounts of compensatory payments on the insured events. At the moment, there are 32 classes of occupational risks, and the size of insurance rate varies by class from 0.2 to 8.5 percent of the wages fund of an organisation.

The Fund of Social Insurance makes payments of sick leaves for temporary disability caused by occupational injury or occupational disease in the form of monthly payments and lump sums. Sanatorium-and-spa treatment and rehabilitation is also paid from these means.

In Republic of Belarus, there is the Social Security Fund within the Ministry of Labour and Social Security of Republic Belarus. Functions of the Fund include payments for temporary disability and sanatorium-and-spa treatment. The Fund is not involved in insurance.

Insurance (including that against occupational accidents and occupational diseases) is carried out by large insurance companies.

Total insurance rate is 0.6% (0.6% and 0.1% for state-financed organisations).

Decree of the President of Republic of Belarus No 221 dated 01.06.2015 amended the Decree of the President of Republic of Belarus No 531 dated August 25, 2006 «On establishment of insurance rates, insurance contributions, and limits of liability for individual types of mandatory insurance».

According to the new rules:

«Insurers are distributed by classes of occupational risk according to the appendix to these Rules depending on the ratio of their individual integral indicators of occupational risk and republican integral indicator of occupational risk.

Individual integral indicator of occupational risk of the insurer is calculated as a ratio of the amount of paid insurance coverage for the insured events on mandatory insurance against occupational accidents and occupational diseases to the amount of insurance contributions paid and additionally paid (overpaid) by the insurer for mandatory insurance against occupational accidents and occupational diseases (hereinafter: insurance contributions) in the calendar year prior to the year of calculation of extra charges and discounts by the insurer (hereinafter: base year).

Republican integral indicator of occupational risk of the insurer is calculated as a ratio of the amount of paid insurance coverage in connection with the insured events for all insurers for mandatory insurance against occupational accidents and occupational diseases to the amount of paid and additionally paid (overpaid) insurance contributions by all insurers in the base year.

Insurance rate for mandatory insurance against occupational accidents and occupational diseases, taking into account the extra charge or discount established to the insurer, is a number with two characters after decimal point.

Values of the republican integral indicator of occupational risk and individual integral indicators of occupational risk of insurers are calculated and approved by the insurer annually when extra charges and discounts for the next calendar year are established”.

Table 3 shows distribution of the coefficients of discounts and extra charges to the base insurance rate depending on the class of occupational risk, used in Republic of Belarus.

Table 16

Classes of occupational risk of insurers and respective extra charge and discount coefficients

Ratio of individual integral indicator of occupational risk of the insurer and republican integral indicator of occupational risk, percent	Class of occupational risk of the insurer	Extra charge or discount coefficient
0 to 90	1	0.50
90 to 100	2	1.00
above 100 to 110	3	1.05
110 to 120	4	1.10
120 to 130	5	1.15
130 to 140	6	1.20
140 to 150	7	1.25
150 to 160	8	1.30
160 to 170	9	1.35
170 to 180	10	1.40
180 to 190	11	1.45
190 and above	12	1.50

Mechanisms of insurance against occupational accidents and occupational diseases in Republic of Kazakhstan are partially similar to the mechanisms working in the Kyrgyz Republic.

According to the Law of Republic Kazakhstan “On mandatory insurance of a worker against accidents during execution of labour duties (service) by the worker” dated 07.02.2005 the employer is obliged to conclude a contract for mandatory insurance of the worker against accidents with the insurer who has a licence for a given type of insurance.

Legislation establishes the minimum and maximum insurance premiums depending on the class of occupational risk and category of personnel by type of economic activities.

Procedure of referring the types of economic activities to the classes of occupational risk is established by the Government of Republic of Kazakhstan.

According to the Law, insurance rates are distributed through three categories of the personnel (industrial, auxiliary and administrative-managerial) and through all 22 classes of occupational risk, depending on the types of economic activities, and are (in % of the insurance coverage):

- for administrative-managerial personnel: from 0.04% to 0.1%;
- for auxiliary personnel: from 0.47% to 2.15%;
- for industrial personnel: from 0.04% to 9.99%.

Table 17 shows distribution of insurance rates depending on the classes of occupational risk applied in Republic of Kazakhstan.

Table 17

Insurance rates

Category of personnel	Class of occupational risk	Minimum rate (%)	Maximum rate (%)
Industrial personnel			
	1	0.04	0.13
	2	0.04	0.10
	3	0.16	0.35
	4	0.23	1.80
	5	0.23	0.53
	6	0.32	2.00
	7	0.47	2.15
	8	0.50	1.41
	9	0.50	1.57
	10	0.56	1.17

Category of personnel	Class of occupational risk	Minimum rate (%)	Maximum rate (%)
	11	0.58	2.90
	12	0.74	1.96
	13	0.80	2.74
	14	1.03	3.08
	15	1.07	3.40
	16	1.08	3.36
	17	1.15	9.83
	18	1.21	2.60
	19	1.45	4.08
	20	1.48	4.44
	21	2.94	9.99
	22	4.36	9.17
Administrative-managerial personnel	For all classes of occupational risk	0.04	0.10
Auxiliary personnel	For all classes of occupational risk	0.47	2.15

Taking into account the above comparisons, it is possible to draw the following conclusions and make the following recommendations.

In the member countries of the Customs Union, a similar scheme of mandatory social insurance, in particular, against occupational accidents and occupational diseases, is applied:

The class of occupational risk is assigned to a type of economic activity according to the state procedure, based on the average level of injuries, diseases and amounts of insurance payments for compensation of the insured events. Next, depending on the class of occupational risk, the insurance rate is established at the state level, for which a discount or extra charge factor is applied, depending on the situation at a particular enterprise in comparison with the average level at the type of economic activity.

Collection and accumulation of means for this type of insurance as well as payment for the insured events is carried out either by the state bodies (as in the Russian Federation), or by state and unitary establishments (as in Republic of Belarus), or by private insurance companies that have licence for this type of insurance (as in Republic of Kazakhstan).

Assessment of the working conditions

Republic of Belarus

Procedure of workplace certification was approved by the Resolution of the Council of Ministers of Republic of Belarus "On workplace certification according to the working conditions" No 253 dated February 22, 2008.

According to the Labour Code of Republic of Belarus, the employer is responsible for carrying out certification of all workplaces at least once in 5 years. Measurement and assessment of the working conditions is carried out by specialised organisations that have state accreditation and are included in the state register. Based on the workplace certification results, compensations, milk, therapeutic-and-preventive meals are prescribed to the workers, and their right to early retirement is confirmed.

The Resolution of the Ministry of Labour and Social Security of Republic of Belarus No 35 dated 22.02.2008 approved the manual for assessment of the working conditions in workplace certification and for providing compensations base on its results.

Workplace certification is carried out by the employer together with the organisations duly accredited according to the national legislation.

The Russian Federation

Since January, 1, the Federal Law "On special assessment of the working conditions" dated 28.12.2013 has come into force in the Russian Federation. According to the Labour Code of the Russian Federation, the employer is responsible for carrying out a special assessment of the working conditions at least once in 5 years. Identification of potentially harmful and/or hazardous production factors, their measuring and referring to the classes of working conditions are carried out by specialised organisations that have state accreditation and are included in the state register. Based on the results of the special assessment of the working conditions, compensations, milk, therapeutic-and-preventive meals are prescribed to the workers, their right to early retirement is confirmed, and amount of the additional contributions to the Pension Fund of the Russian Federation is specified.

The Order of the Ministry of Labour of Russia No 33n dated 24.01.2014 approved the procedure for carrying out a special assessment of the working conditions, the classifier of harmful and/or hazardous production factors, the form of reporting on carrying out a special assessment of the working conditions and the instruction for filling the form. Order of the Ministry of Labour of Russia No 976n dated 05.12.2014 approved the procedure for improving the class (subclass) of the working conditions in case of application of effective personal protective equipment by the workers occupied at workplaces with harmful working conditions that passed mandatory certification according to the procedure established by an appropriate technical regulation.

Special assessment of the working conditions is carried out by the employer together with the organisations duly accredited according to the national legislation.

Republic of Kazakhstan

Requirements to assessment of the working conditions in Republic of Kazakhstan (RK) are considerably different from the above described requirements.

According to the RK Labour Code, the employer is obliged to carry out certification only of the production facilities according to the working conditions. Rules for mandatory periodic certification of the production facilities according to the working conditions were approved by the Resolution of the Government of Republic of Kazakhstan No 1457 dated December 5, 2011.

In the Resolution, the following definitions are used:

- Certification of the production facilities according to the working conditions are activities for assessment of production facilities (shops, production areas, workplaces as well as other stand-alone units of the organisations that carry out production activities) to determine the status of safety, harm, intensity of the work carried out at these facilities, labour hygiene, and to assess compliance of the conditions of production environment with the labour safety and labour protection requirements.
- Laboratories are the laboratories carrying out activities involving laboratory and instrument testing of the factors of production environment and determination of compliance of the conditions of production environment to the labour safety and labour protection requirements.
- Production facilities are shops, production areas, workplaces as well as other stand-alone units of the organisations involved in production and manufacturing of products, development, mining and processing of minerals, construction and other types of production activities.
- Specialised organisations for certification of production facilities are the organisations that carry out activities for certification of production facilities regarding the working conditions, possess qualified personnel and laboratories for laboratory and instrument testing of the factors of industrial environment and working conditions, or have contracts with the organisations that have such laboratories.
- Certification of production facilities can be carried out by the employer if a duly accredited laboratory is available to the employer. In case of absence of such laboratory, certification is to be carried out by specialised organisations that have their own accredited laboratories or contracts with such laboratories. Data

on these organisations are also placed in the web site of the RK Ministry of Labour.

- Results of certification, similar to the above described cases, are also used to assign compensations, prescribe milk, therapeutic-and-preventive meals to the workers, and confirm their right to early retirement. Based on the results of certification, the mandatory social insurance rate is also specified. However, this procedure is, in fact, rather congenial to the mechanism used in the Soviet Union, and which was also used for workplace rationalisation in terms of their re-equipment on the basis of advances of modern science and technology.

Medical examinations

Preliminary (pre-employment) and periodic medical examinations of workers are practically similar in all member countries of the Customs Union.

Documents In force in Republic of Kazakhstan:

- Order of the Health Committee of the Ministry of Health, Education and Sports of Republic of Kazakhstan “On the procedure for carrying out the mandatory pre-employment and periodic medical examinations of the workers who are exposed to harmful, hazardous and adverse production factors, and for determination of occupational suitability” No 278 dated May 24, 1999;
- Order of the Minister of Health of Republic of Kazakhstan “On approval of the List of harmful production factors, occupations that require mandatory pre-employment and periodic medical examinations, and Instructions on carrying out mandatory pre-employment and periodic medical examinations of the workers who are exposed to harmful, hazardous and adverse production factors” No 243 dated March 12, 2004.

In Republic of Belarus, Decision of the RB Ministry of Health No 33 dated 08.08.2000 approved the procedure for carrying out mandatory medical examinations of workers. In addition to the procedure, the Decision contains the Appendices:

- list of harmful substances and adverse production factors that require mandatory pre-employment and periodic medical examinations of the workers for prevention of occupational diseases; medical specialists participating in these medical examinations; and necessary laboratory and functional tests for particular etiologic factors in the course of work; medical counter-indications to the work involving exposure to hazardous, harmful and adverse production factors;
- list of activities that require mandatory pre-employment and periodic medical examinations of the workers; medical specialists participating in the medical examinations; necessary laboratory and functional tests for the types of activities;

medical counter-indications to the work for prevention of diseases and ensuring labour safety;

- list of the groups subject to pre-employment and periodic examinations for prevention of infectious and parasitic diseases;
- general medical counter-indications to the work connected with harmful and hazardous substances and adverse factors;
- list of the groups subject to periodic medical examinations (the list form);
- list of the persons subject to periodic medical examination at the enterprise, shop (the list form);
- final certificate of periodic medical inspection (form of certificate);
- appendix to the final certificate of periodic medical examination (list of persons who have not passed the physical examination; list of persons suspected of an occupational disease revealed in occupational medical examination; list of persons with an occupational disease revealed for the first time in the current year; lists of the follow-up patients with an occupational disease revealed in the previous medical examinations; list of persons with a general disease revealed for the first time which does not prevent continuation of the work; list of persons with general diseases which prevent continuation of the current work; list of persons with the general diseases who are individually allowed to work in occupationally harmful conditions; list of persons who need in additional examination; list of persons for whom treatment and health improvement measures proposed in the previous certificate have not been provided).
- Scheme of description of the factors of production environment and labour process used for specifying quantitative and qualitative indicators of such factors as noise, local and general vibration, ultrasound and infrasound, ultraviolet radiation; sources of radiation (hygiene assessment of the factors of production environment is provided based on the results of tests, measurements carried out by laboratories of the Centre for Hygiene and Epidemiology, industrial enterprises, research institutions, medical institutes, universities, academies, and on the results of workplace certifications).

In the Russian Federation, Order of the RF Ministry of Health and Social Development No 302n dated April 12, 2011 approved the lists of harmful and (or) hazardous production factors and activities at which mandatory preliminary and periodic medical examinations (checkups) are carried out, and the procedure of the mandatory preliminary and periodic medical examinations (checkups) of the workers occupied in heavy work and work with harmful and (or) hazardous working conditions.

Labour protection services (officer)

In Republic of Belarus, according to Article 227 of the RB Labour code, a position of labour protection officer is established in the production organisations with the number of workers exceeding 100 people, and in other types of organisations if the number of workers exceeds 200 people. (It should be noted that according to the ILO recommendations this number should exceed 50 people).

At a smaller number of workers, the employer can establish a position of labour protection officer or assign the respective labour protection responsibilities to an official authorised by the employer, who have necessary training.

Decision of the RB Ministry of Labour and Social Security approved “The Standard Statute of labour protection service of an organisation” No 98 dated 30.09.2013.

In case of impossibility of discharging the responsibilities of a labour protection officer by the workers of the organisation, the employer can hire a legal entity (individual entrepreneur), duly accredited for rendering labour protection services.

Services for implementation of the functions of labour protection officer are provided on a contractual basis by the organisations that have state accreditation for rendering this service and are included in the state register.

In Republic of Kazakhstan, according to the requirements of Article 339 of the RK Labour Code, the employer establishes a labour safety and labour protection service in order to provide internal control of compliance with the labour safety and labour protection requirements in the organisations involved in production activities, where the number of workers exceeds 50 people; with the service to be subordinated directly to the first head of the organisation or person authorised by him/her.

At the number of workers less than 50, the employer establishes a position of labour safety and labour protection officer taking into account the specifics of activities, or assigns labour safety and labour protection responsibilities to another member of staff.

“The Standard Statute of labour safety and labour protection service in an organisation” was approved by the Resolution of the RK Government No 1219 dated 28.10.2011.

Information on a possibility to conclude a contract with an organisation for rendering services of a labour protection officer is not available.

In the Russian Federation, according to Article 217 of the RF Labour Code, every employer involved in production activities, where the number of workers exceeds 50 people, in order to provide control of compliance with the labour protection requirements, establishes a labour protection service or position of a labour protection officer, who has the necessary training or experience in this area.

At the number of workers less than 50, the employer decides on establishing a labour protection service or position of a labour protection officer taking into account the specifics of production activities.

In case the employer has no labour protection service or full-time labour protection officer, their functions are carried out by the employer-individual entrepreneur (personally), head of the organisation, another worker authorised by the employer, or organisation or specialist rendering labour protection services, hired by the employer under a civil law contract.

For rendering this service, the organisation must have the state accreditation and be included in the state register.

Guarantees and compensations

Republic of Kazakhstan

In Republic of Kazakhstan, the list of production facilities, shops, occupations and positions, the list of heavy works, works in harmful (very harmful) and (or) hazardous working conditions, where work gives a right to shorter working hours, additional paid annual holiday and higher wages/salary, as well as the procedure for their awarding is determined by the authorised labour state body.

Republic of Belarus

In Republic of Belarus, a worker occupied in the works with harmful and (or) hazardous working conditions, has the right to higher wages/salary, free therapeutic-and-preventive meals, milk or equivalent foodstuff, paid breaks according to the working conditions, reduced working day, additional holiday, and other compensations. Amounts (sizes) and procedure for awarding compensations according to the working conditions are established by the Government of Republic of Belarus.

Additional holiday for work in harmful and (or) hazardous working conditions is provided to a worker on the basis of workplace certification according to the working conditions, depending on the class (degree) of harm or hazard of the working conditions.

To the workers occupied in the works with harmful and (or) hazardous working conditions, on the basis of workplace certification according to the working conditions, reduced working hours are established – not exceeding 35 hours per week.

At heavy works, works with harmful and (or) hazardous working conditions and works in the territories exposed to radioactive contamination from the accident at the Chernobyl NPP, higher wages/salary is established according to the procedure defined by the Government of Republic Belarus or body authorised by it, and also by the collective contract or agreement, or by the employer.

Resolutions of the Council of Ministers of Republic of Belarus approved the lists of production facilities, types of work, occupations, positions and indicators of the works with harmful and hazardous working conditions where early retirement is established. For awarding early retirement, not only the occupation must be included in said lists, but also the workplace should be categorized as harmful working according to the workplace certification.

The Russian Federation

In the Russian Federation, the workers occupied at workplaces with harmful and hazardous working conditions have the right to appropriate guarantees and compensations. Necessity of awarding such guarantees and compensations as the shorter working hours, additional paid holiday, higher wages/salary, and also their amount is determined from the results of special assessment of the working conditions.

Calculation of the work record for awarding early retirement for work in harmful and hazardous working conditions is also carried out taking into account a special assessment of the working conditions.

That is, in Republic Belarus and the Russian Federation, providing of guarantees and compensations for the work in harmful and hazardous working conditions is linked with determination of the working conditions by means of workplace certification and special assessment of working conditions, respectively.

In Republic of Kazakhstan, guarantees and compensations for harmful working conditions are provided not on the basis of determination of the working conditions, but according to the lists of occupations. It appears that this model applied in the former USSR when the state was the employer for everybody, and the state also determined the level of guarantees and compensations, is outdated in the conditions of development of market economy.

Statistics

Republic of Belarus

Decision of the National Statistics Committee of Republic Belarus No 239 dated 31.08.2011 approved the forms of statistical reporting on implementation of the measures of the current republican, sectoral and territorial targeted programs for improvement of working conditions and labour protection; number of the workers occupied in the conditions of exposure to harmful production factors, not meeting the to hygienic specifications, and also in heavy and intense work; number of the workers using compensations according to the working conditions.

Republic of Kazakhstan

In Republic of Kazakhstan, the following forms of statistical reporting on the working conditions and labour protection are approved: form “Report on occupational injuries and occupational diseases” approved by the Order of the Chairman of the Committee for Statistics of the Ministry of National Economy of Republic Kazakhstan No 51 dated November 14, 2014; the form “Report on the number of workers involved in harmful and other adverse working conditions” approved by Order of the Chairman of the Committee for Statistics of the Ministry of National Economy of Republic Kazakhstan No 71 dated December 8, 2014.

The Russian Federation

In the Russian Federation, the following forms of statistical reporting on the working conditions and labour protection are approved: form “Information on the state of working conditions and compensation for the work in harmful and (or) hazardous working conditions” was approved by the Order of the Russian Federal State Statistics Service (Rosstat) No 580 dated 24.09.2014; the form “Information on injuries at work and occupational diseases” was approved by the Order of the Rosstat No 216 dated 19.06.2013. The said forms are used by the employers for reporting to the territorial body of Rosstat in a constituent entity of the Russian Federation.

Besides, the Order of the Rosstat No 244 dated October 3, 2008 approved the forms: “Data on the number of the recorded group occupational accidents, occupational accidents with heavy and fatal outcome” and “Data on the number of victims with fatal outcome resulting from the recorded occupational accidents”, the data for which is supplied to the Rosstat by the Federal Labour and Employment Service (Rostrud).

