GENERAL PART

SECTION 1. GENERAL RULES

Chapter 1. BASIC RULES

Article 1. Basic concepts used in this Code

1. The following basic concepts are used in this Code:

1) civil service - the professional service of civil servants to perform the duties and functions of treasury enterprises, state institutions, to provide technical services to state bodies and to ensure their operation;

2) civil servant - a person who holds a paid staff position in treasury enterprises, state institutions in accordance with the procedure established by the legislation of the Republic of Kazakhstan and exercises official powers in order to implement their tasks and functions, provide technical services to state bodies and ensure their operation;

3) the minimum amount of monthly salary is the guaranteed minimum amount of monetary payments paid to an unskilled (not very complex) worker in a month when he performs his labor duties under normal conditions and during the normal length of working hours established by this Code;

4) special clothing - clothing, shoes, headgear, gloves, other personal protective equipment designed to protect the worker from harmful and (or) dangerous production factors;

5) heavy work - types of activities of the worker that require the use of physical strength (more than 250 kcal/hour of energy consumption) related to moving, moving and transporting heavy (ten kilograms and heavier) objects by hand on a regular basis;

6) shift work - work in two, three or four shifts during the day;

7) social partnership - aimed at ensuring coordination of labor relations between workers (representatives of workers), employers (representatives of employers), state bodies and other relations directly related to labor relations, as well as their interests on issues of regulation of socio-economic relations, a system of mutual relations based on equal cooperation;

8) general, sectoral, regional agreement (hereinafter - the agreement) - a legal act in the form of a written agreement between the parties of social partnership, which defines the content and obligations of the parties to establish working conditions, employment and social guarantees for workers at the republican, sectoral and regional levels;

9) requirement on non-competition - requirements of the contract on non-competition, which limit the right of the employee to carry out actions that may harm the employer;

10) idleness - temporary suspension of work due to economic, technological, organizational, other industrial or natural reasons;

11) qualification category (grade) - the level of requirements for the employee's qualification, indicating the complexity of the work to be performed;

12) intermediary - an individual or legal entity engaged by the parties of labor relations to provide services for the resolution of labor disputes;

13) vacation - providing the employee with an annual vacation while maintaining the workplace (position) and the average salary in the conditions established by this Code, or dismissing the employee for a certain period for social purposes;

14) work - human activity aimed at creating material, spiritual and other values necessary for life and meeting the needs of a person and society;
15) labor hygiene - a set of sanitary-epidemiological measures and tools for the protection of workers' health, prevention of adverse effects of the industrial environment and work process;

16) labor dispute - disagreements between the employee (employees) and the employer (employers), including those who were previously in labor relations, on the application of the labor legislation of the Republic of Kazakhstan, the implementation or modification of the requirements of agreements, labor and (or) collective agreements, acts of the employer;

17) working conditions - payment for work, regularization of work, performance of work duties, conditions of work time and rest time regime, joint occupations (positions), expansion of service areas, performance of duties of an employee who is temporarily absent from work, labor safety and labor protection procedures, technical, industrial and household conditions, as well as other working conditions upon agreement of the parties;

18) the authorized state body on labor is the central executive body that carries out management and intersectoral coordination in the field of labor relations in accordance with the legislation of the Republic of Kazakhstan;

19) local body for labor inspection is a structural division of the local executive bodies of the region, city of republican significance, capital, exercising powers in the field of labor relations within the relevant administrative-territorial unit in accordance with the legislation of the Republic of Kazakhstan;

20) payment for labor - a system of relations related to the employer's provision of mandatory payment of remuneration to the employee for labor in accordance with this Code and other normative legal acts of the Republic of Kazakhstan, as well as agreements, labor, collective agreements and acts of the employer;

21) labor relations - relations arising between the employee and the employer during the exercise of rights and obligations provided for in the labor legislation of the Republic of Kazakhstan, agreements, labor, collective agreements and acts of the employer;

22) relations directly related to labor relations - the participation of workers (employees' representatives) in the organization and management of labor, employment, professional training, retraining of workers and improving their qualifications, social cooperation, conclusion of collective contracts and agreements, determination of working conditions, in the cases provided for by this Code, relationships formed in connection with the resolution of labor disputes and monitoring of compliance with the labor legislation of the Republic of Kazakhstan;

23) labor safety - the state of protection of workers provided by a set of measures that prevent the impact of harmful and (or) dangerous production factors on workers in the process of work;

24) conditions of labor safety - compliance of the labor process and production environment with the requirements of labor safety and labor protection when the employee performs his duties;

25) labor safety and labor protection monitoring - a system of monitoring the state of labor safety and labor protection in production, as well as assessment and prediction of the state of labor safety and labor protection;

26) standards in the field of labor safety and labor protection - ergonomic, sanitary-epidemiological, psychophysiological and other requirements that ensure normal and safe working conditions;

27) accident related to labor activity - harm that caused temporary or permanent loss of working capacity or death of an employee, an employee of the sending party due to industrial injury, sudden deterioration of health or poisoning while performing his/her labor (service) duties or the tasks of the employer or the host party and (or) impact of a dangerous production factor on an employee, an employee of the sending party;

28) labor duties - the obligations of the employee and the employer agreed upon in the regulatory legal acts of the Republic of Kazakhstan, the act of the employer, the act of the receiving party, labor and collective agreements;

29) length of service - the time spent by the employee in performing his duties, calculated by the calendar, as well as other periods included in the length of service in accordance with this Code;

30) labor order - the employer's and employees' compliance with the obligations set forth in the regulatory legal acts of the Republic of Kazakhstan, as well as in agreements, labor, collective agreements, acts of the employer, founding documents;

31) labor discipline - the procedure for regulating relations between employees and the employer on labor organization;

32) labor protection - a system of ensuring the safety of life and health of workers in the process of work, including legal, socio-economic, organizational-technical, sanitary-epidemiological, treatment-prophylactic, rehabilitation and other measures and tools;

32-1) labor protection management system - a complex of interrelated activities on the implementation of the labor protection policy, compliance with labor safety requirements, management of occupational risks;

33) labor protection technical inspector - a representative of workers who carries out internal control over labor safety and labor protection;

34) labor standardization - determining the necessary labor costs (time) of workers for the performance of work (production unit preparation) in specific organizational and technical conditions and establishing labor standards on this basis;

35) safe working conditions - working conditions in which the levels of influence of production factors on workers do not exceed the established standards;

35-1) a unified system for recording labor conditions - an information system for automating the recording of labor conditions, labor activity and number of employees;
36) employment contract - a written agreement between the employee and the employer, according to which the employee undertakes to perform certain work (labor function) personally, to observe labor discipline, and the employer to provide work to the employee according to the agreed labor function, in accordance with this Code, the laws of the Republic of Kazakhstan and undertakes to ensure the working conditions provided for in other normative legal acts of the Republic of Kazakhstan, the collective agreement, acts of the employer, to pay the employee a timely and full salary;

37) salary - remuneration paid for labor depending on the qualification of the worker, the complexity, quantity, quality and conditions of the work performed, as well as compensation and incentive payments;

38) personal protective equipment - means to protect the worker from harmful and (or) dangerous production factors, including special clothing;

39) employer - an individual or legal entity with whom the employee has labor relations;

40) representatives of employers - individuals and (or) legal entities authorized to represent the interests of the employer or a group of employers based on the founding documents and (or) power of attorney;

41) acts of the employer - orders, decrees, instructions, rules, regulations, shift schedules, rest schedules issued by the employer;

42) declaration of the employer’s activity - the procedure for recognizing the employer’s activity as meeting the requirements of the labor legislation of the Republic of Kazakhstan based on the application submitted by him;

43) employee - an individual who lives in labor relations with the employer and directly performs work under the employment contract;

44) representatives of workers are trade unions and their associations, and in their absence, elected representatives elected by the majority vote of the participants and authorized by the majority vote of the participants at the general meeting (conference) of workers in the cases provided for by this Code;

45) workplace - the permanent or temporary place of the employee during the performance of his duties in the course of his employment;

46) tariffing of work - performing certain tasks in accordance with the Unified Tariff-Qualification Manual of Jobs and Workers' Professions and the Qualification Manual of Tariff-Qualification Characteristics of Managers, Specialists and Other Employees' Positions, workers' Occupations and Model Qualification Characteristics of the Positions of Managers, Specialists and Other Employees of Organizations attribute to complexity;

47) working time - the time when the employee performs labor duties in accordance with the acts of the employer and the requirements of the employment contract, as well as other time periods attributed to working time in accordance with this Code, other regulatory and legal acts of the Republic of Kazakhstan, the collective agreement, the act of the employer;

48) summary report of working time - report of working time calculated by summing up working time in the accounting period set by the employer;

48-1) the sending party is a legal entity registered in accordance with the legislation of the Republic of Kazakhstan, carrying out activities on the provision of personnel services, including a branch of a foreign legal entity;

48-2) employees of the sending party - employees engaged on the basis of an employment contract concluded with the sending party in accordance with the contract for the provision of personnel services;

49) harmful working conditions - working conditions characterized by the presence of harmful production factors;

50) harmful production factor - a production factor that can cause illness or decrease in working capacity and (or) adversely affect the health of the offspring;

51) occupational disease - a chronic or severe disease caused by the influence of harmful and (or) dangerous industrial factors on the employee during the performance of his labor (service) duties;

51-1) professional risk - the risk of loss of working capacity (or death) of an employee while performing work (service) duties;

51-2) occupational risk management is a component of the labor protection management system, which includes the identification and assessment of occupational risks, corrective measures, control of occupational risk and its monitoring;

51-3) assessment of occupational risk - analysis of information on identification of risks in the organization and determination of the degree of occupational risk based on statistical data on illness and industrial injury, provision of collective and personal protective equipment;

52) guarantees - the means, methods and conditions by which the realization of the rights granted to employees in the field of social and labor relations is ensured with their help;

52-1) the receiving party is an individual or legal entity, an individual entrepreneur, including a farmer or a farmer, who engages the workers of the sending party for work in accordance with the contract for the provision of personnel services;

52-2) acts of the receiving party - orders, decrees, instructions, rules, regulations, shift schedules, rest schedules issued by the receiving party in accordance with the contract for the provision of personnel services;
53) safety norms - qualitative and quantitative indicators describing production conditions, production and labor process in terms of ensuring organizational, technical, sanitary-hygienic, biological and other norms, principles, procedures and criteria aimed at preserving the life and health of employees in the process of their work;

54) hazardous working conditions - work in which, in case of non-observance of the rules of labor protection, the influence of certain industrial or natural factors that cannot be eliminated leads to industrial injury, sudden deterioration of health or poisoning of the worker, as a result of which temporary or permanent loss of working capacity, occupational disease or death occurs.

55) dangerous production factor - a production factor whose influence may lead to temporary or permanent loss of working capacity (industrial injury or occupational disease) or death of the worker;

55-1) remote mixed work - implementation of the labor process by alternating the stages of performance of labor duties both at the place where the employer, the receiving party and their objects are located, and through remote work;

55-2) remote working - implementation of the labor process using information and communication technologies in the process of labor activity outside the place where the employer, the receiving party and their objects are located;

56) additional work - performance of another regular, paid work by an employee in his free time from his main work under the employment contract;

57) a foreign employee of a state body is a foreigner who is engaged in a state body under an employment contract;

58) holidays - national and state holidays of the Republic of Kazakhstan;

59) basic salary - a relatively permanent part of the salary, including tariff rates, official salaries, piece rate payments, and payments of a permanent nature provided for by the labor legislation of the Republic of Kazakhstan, industry agreement, collective and (or) labor contracts;

60) industrial equipment - machines, mechanisms, devices, devices, instruments and other technical means necessary for work and production;

61) industrial injury - damage to the health of an employee during the performance of work duties, resulting in his loss of working capacity;

62) industrial need - performing work to prevent or eliminate a major accident, emergency, or to immediately eliminate their consequences, to prevent accidents, idleness, destruction or damage to property, and in other special cases, as well as to replace an employee who is temporarily absent;

63) production activity - a set of activities of workers, which include the production and processing of various types of raw materials, the provision of various types of services and the execution of work, using the necessary labor tools to transform resources into finished products;

64) specialized organizations for the certification of production facilities - organizations that carry out the activity of certification of production facilities according to working conditions, have qualified personnel and test laboratories accredited in accordance with the legislation of the Republic of Kazakhstan;

65) certification of industrial objects according to working conditions - the state of safety, harmfulness, severity, heaviness, labor hygiene of work performed in industrial objects (shops, sites, workplaces, as well as in other departments of employers that are separate and carry out production activities) service for determining and assessing the conditions of the industrial environment in order to determine their compliance with the standards in the field of labor safety and labor protection;

66) industrial sanitation - a system of sanitary-hygienic, organizational measures and technical means that prevent or reduce the impact of harmful production factors on workers;

66-1) industrial and living conditions - working conditions that include the provision of sanitary and domestic premises, as well as conditions for rest and food, necessary for the employee’s presence at the workplace, including during the shift work method;

67) industrial factors - technical, sanitary, hygienic, industrial-household and other conditions that affect the worker in accordance with the legislative and other normative legal acts of the Republic of Kazakhstan;

68) gross negligence - actions of an employee contributing to the violation of the principles of labor protection and safety equipment and the safety of his health;

69) compensation payments - monetary payments related to compensation of expenses related to special mode of work and working conditions, loss of work, employees’ performance of labor duties or other duties stipulated by the laws of the Republic of Kazakhstan, as well as workers or other persons not living in labor relations (hereinafter - the student ) payments related to professional training, retraining and professional development;

69-1) staffing - sending an employee to the receiving party under a contract for the provision of staffing services to perform labor functions in the interest, management and control of the receiving party;

70) inter-level coefficient - the ratio between the tariff rates of adjacent tariff-qualification levels;

71) tariff system is a type of labor payment system, in which the wages of employees are differentiated on the basis of tariff rates (salaries) and tariff schedules;
72) tariff schedule - a set of tariff categories and tariff coefficients, which provide for the differentiation of the performed works by complexity and qualification of workers;

73) tariff rate (salary) - the fixed amount of payment for the work of an employee for performing work tasks of a certain complexity (qualification) within a unit of time;

74) tariff category - the level of complexity of the work and the indicator of the level of qualification required to perform this work;

75) disciplinary punishment - a measure of disciplinary influence on an employee applied by the employer or the first head of the national management holding in the cases provided for by the laws of the Republic of Kazakhstan for disciplinary misconduct;

76) disciplinary misconduct - the employee’s illegal, culpable or improper performance of his duties, as well as violation of labor regulations;

77) rest time - the time that the employee is free from performing work duties and can use at will;

78) collective protective means - technical means for simultaneous protection of two or more working workers from harmful and (or) dangerous production factors;

79) collective agreement - a legal act in the form of a written agreement between the employees and the employer, which regulates the social and labor relations in the organization and is concluded through the representatives of the employees;

80) overtime - work performed by an employee beyond the established duration of working hours (more than the normal number of working hours in the accounting period) at the initiative of the employer;

81) message - a written communication of an employee or an employer (in the form of a paper delivery or an electronic document certified by an electronic digital signature) by hand or courier mail, postal communication, facsimile communication, e-mail and other information and communication technologies, or by an employee or an application submitted in electronic form, ensuring authorization and identification of the employer;

82) business trip - sending an employee to a place outside the permanent workplace for a certain period of time to perform work duties, as well as sending an employee to another place for study, qualification improvement or retraining.

2. Other special concepts and terms of the labor legislation of the Republic of Kazakhstan are used in the meanings defined in the relevant articles of this Code.

Article 2. Labor legislation of the Republic of Kazakhstan

1. Labor legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Code, laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan.

2. Except for the cases provided by this Code, it is prohibited to introduce norms regulating labor relations, social partnership and labor protection relations into other laws of the Republic of Kazakhstan.

3. If the international treaty ratified by the Republic of Kazakhstan stipulates rules different from those of this Code, then the rules of the international treaty shall be applied.

International agreements ratified by the Republic of Kazakhstan are directly applicable to labor relations, except for cases where legislation is required for its application in an international agreement.

Article 3. The purpose and objectives of the labor legislation of the Republic of Kazakhstan

1. The goal of the labor legislation of the Republic of Kazakhstan is the legal regulation of labor relations and other relations directly related to labor relations aimed at protecting the rights and interests of the parties to labor relations, establishing the minimum guarantees of rights and freedoms in the field of labor.

2. The tasks of the labor legislation of the Republic of Kazakhstan are to create the necessary legal conditions aimed at balancing the interests of the parties to labor relations, social stability, social harmony.

Article 4. Principles of labor legislation of the Republic of Kazakhstan

Principles of labor legislation of the Republic of Kazakhstan:

1) not to allow restriction of the rights of a person and a citizen in the field of labor;

2) freedom of labor;

3) prohibition of discrimination in the field of labor, forced labor and the worst forms of child labor;

4) ensuring the right to working conditions that meet safety and hygiene requirements;

5) the priority of the life and health of the worker;
6) ensuring the right to remuneration for labor not less than the minimum wage;
7) ensuring the right to rest;
8) equal rights and opportunities of workers;
9) ensuring the right of workers and employers to unite to protect their rights and interests;
10) influence of the state in strengthening and developing social partnership;
11) state regulation of labor safety and labor protection issues.

Article 5. Freedom of labor

Everyone has the right to freely choose work or freely agree to work without any discrimination or coercion, to exercise control over his own work capacity, to choose a profession and type of activity.

Article 6. Prohibition of discrimination in employment

1. Everyone has equal opportunities to exercise their rights and freedoms in the field of work. No one’s rights in the field of labor are restricted except for the conditions and procedures provided by this Code and other laws of the Republic of Kazakhstan.

2. No one shall be discriminated against in the exercise of labor rights due to origin, social, professional and property status, gender, race, nationality, language, religion, belief, place of residence, age or physical disabilities, affiliation to public associations, or other circumstances. No discrimination shall be allowed.

3. Differences, exceptions, privileges and restrictions established in accordance with the laws of the Republic of Kazakhstan for the relevant types of labor activity, or caused by the state’s special care for people who need social and legal priority protection, are not discrimination.

4. People who believe that they have been discriminated against in the field of labor have the right to apply to the court or other places in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Warning. Article 6 was amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 7. Prohibition of forced labor

Forced labor is prohibited.

Forced labor means any work or service required of a person under threat of punishment, for the performance of which that person does not voluntarily offer his services.

Forced labor:

on the basis of a court act declaring the person guilty of a criminal or administrative offense entered into legal force in the event that the work is carried out under the supervision and control of state bodies and the person performing it is not transferred or transferred to the authority of private and (or) legal entities;

allowed only in case of emergency or war.

Warning. Article 7 was amended by the Law of the Republic of Kazakhstan 05.11.2022 No. 157-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 8. Scope of this Code

1. This Code:

1) labor relations;
2) directly related to labor relations;
3) social partnership;
4) regulates labor safety and labor protection relations.

2. The force of this Code, unless otherwise provided by the laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan, applies to employees located in the territory of the Republic of Kazakhstan, employees of the sending party, employers, as well as to the receiving party, including branches of foreign legal entities that have undergone account registration and (or ) is used for representations.

The provisions of this Code for an insurance organization are applied to a branch of a non-resident insurance organization of the Republic of Kazakhstan, which is opened in the territory of the Republic of Kazakhstan and carries out its activities on the basis of the license of the authorized body for regulation, control and supervision of the financial market and financial organizations.

3. Features of legal regulation of labor of certain categories of workers are established in this Code and other laws of the Republic of Kazakhstan.

4. Laws of the Republic of Kazakhstan should not reduce the level of rights, freedoms and guarantees established in this Code.
The term can also be defined by indicating the event that should begin.

If the end of the working day after that is considered to be the end of the term.

5. If this Code does not provide otherwise, if the last day of the term falls on a day that is not a working day, then the first working days are also included in the period calculated in calendar weeks or days.

Terms calculated in years, months, and weeks end on the corresponding days of the last year, month, and week.

4. Terms calculated in years, months, and weeks end on the corresponding days of the last year, month, and week.

3. The course of the period determined by the time period begins on the next day after the calendar day on which the beginning of the event is determined.

2. Provisions of social partnership agreements, collective, labor contracts, employer’s acts that worsen the situation of workers compared to the labor legislation of the Republic of Kazakhstan are recognized as invalid and should not be applied.

1. The term specified in this Code, labor or collective agreement, agreements is determined by the end of the time period calculated in calendar days, years, months, weeks or days. The term can also be defined by indicating the event that should begin.

2. The employer presents the draft of his act and the rationale for it to the representatives of the employees. When there are several representatives of workers, they form a single representative body, whose numerical composition is proportional to the number of workers whose interests they represent, to take into account the opinion on the acts of the employer.

3. Workers’ representatives discuss the draft of the employer’s act no later than five working days from the date of submission. If the representatives of the employees do not submit the decision within the terms established by this Code, the employer has the right to adopt the act without taking into account the opinion.

4. The decisions of the representatives of employees are formalized in a protocol, in which it is indicated that the representatives of employees agree (disagree) with the draft of the employer’s act, if they have suggestions, they are written down.

5. If, in the opinion of the employees’ representatives, there is no agreement on the draft of the employer’s act or there are proposals to change it, the employer:

1) in case of agreement, issues an amended act taking into account the proposals of the representatives of employees;

2) has the right to conduct additional consultations with representatives of employees in case of disagreement.

6. When an agreement is not reached on their drafts, where it is necessary to take into account the opinion of the representatives of employees in accordance with the agreements and collective agreement for the issuance of employer’s acts, the resulting disagreements are formalized with a protocol signed by one representative of the employer and the employees, after which the employer has the right to accept the act.

7. If the act issued by the employer contains provisions that violate or impair the rights and guarantees of employees provided for in this Code, labor, collective agreements, agreements, it can be appealed to the local labor inspection body or to the court.

Article 13. Calculation of the terms established in this Code

1. The term specified in this Code, labor or collective agreement, agreements is determined by the end of the time period calculated in calendar days, years, months, weeks or days. The term can also be defined by indicating the event that should begin.

2. In the cases stipulated by this Code, the term is calculated in working days.

3. The course of the period determined by the time period begins on the next day after the calendar day on which the beginning of the event is determined.

4. Terms calculated in years, months, and weeks end on the corresponding days of the last year, month, and week. If the end of the period calculated in months falls on a month without a corresponding date, then the period ends on the last day of this month. Non-working days are also included in the period calculated in calendar weeks or days.

5. If this Code does not provide otherwise, if the last day of the term falls on a day that is not a working day, then the first working day after that is considered to be the end of the term.
Article 14. Liability for violation of the labor legislation of the Republic of Kazakhstan

Persons guilty of violating the labor legislation of the Republic of Kazakhstan shall be liable in accordance with the laws of the Republic of Kazakhstan.

Chapter 2. STATE REGULATION IN THE FIELD OF LABOR RELATIONS

Article 15. Competence of the Government of the Republic of Kazakhstan in the field of regulation of labor relations

The Government of the Republic of Kazakhstan:

1) develops and ensures the implementation of the main directions of state policy in the field of labor, labor safety and labor protection;

2) determines the amounts of social benefits for temporary incapacity for work;

3) approves the model regulation on terms of payment of wages and premiums for executive employees of state-owned national companies, joint-stock companies with control packages of shares;

4) approves the system of payment for the work of civil servants, employees of organizations covered by state budget funds, employees of treasury enterprises;

5) conclude a general agreement with republican associations (associations, unions) of employers and republican unions of workers;

6) establishes the procedure for adoption of regulatory legal acts in the field of labor safety and labor protection by relevant authorized bodies;

7) performs other functions assigned to him by the Constitution, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Warning. Article 15 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 16. Competence of the authorized state body on labor in the field of regulation of labor relations

Authorized state body for labor:

1) implements state policy in the field of labor, labor safety and labor protection;

2) organizes state control of compliance with the labor legislation of the Republic of Kazakhstan, including the requirements for labor safety and labor protection, the legislation of the Republic of Kazakhstan on employment of the population, as well as coordinates the activities of the local labor inspection body and carries out inspections;

3) carries out methodological guidance and coordination of local executive bodies in the field of labor relations regulation;

4) requests the necessary information on issues of labor relations from local labor inspection bodies;

5) removed - by the Law of the Republic of Kazakhstan No. 273-VI of 26.11.2019 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

6) coordinates the activities of state bodies on the development of technical regulations in the field of labor safety and labor protection;

7) carries out coordination and interaction with other state bodies, as well as representatives of workers and employers in the field of ensuring labor safety and labor protection;

8) determines the procedure for developing, approving, replacing and revising the employer’s labor standards, model standards and regulations on labor, uniform and (or) inter-industry, model standards and regulations on labor for all spheres of activity;

9) develops and approves the list of titles of employees belonging to the administrative staff;

10) establishes the procedure for submitting, reviewing and agreeing labor standards in organizations where state regulation of tariffs (prices, fee rates) is introduced for services (goods, works);

11) establishes the procedure for submitting, reviewing and agreeing on the criteria for the system of payment for the labor of the employees of organizations whose services (goods, works) are subject to state regulation of tariffs (prices, fee rates);

12) registers branch and regional agreements concluded at the level of the oblast (city of republican significance, capital);

13) conducts training and certification of state labor inspectors;

14) supervises the timely and objective investigation of accidents related to labor activity in accordance with the procedure established by this Code and other normative legal acts of the Republic of Kazakhstan;

15) implements international cooperation in the field of regulation of labor relations;

16) Development, revision, approval and application of the single tariff-qualification directory of jobs and labor occupations and the qualification directory of the tariff-qualification characteristics of the positions of managers, specialists and other employees, the tariff-qualification characteristics of labor occupations and the model qualification characteristics of the positions of managers, specialists and other employees of organizations determines the procedure;
16-1) Develops and approves the unified tariff-qualification directory of jobs and labor occupations, tariff-qualification characteristics of labor occupations, the qualification directory of the positions of managers, specialists and other employees;

16-2) develops and approves qualification characteristics of individual positions of specialists of state institutions and treasury enterprises common to all spheres of activity;

17) reviews and approves the qualification manuals or model qualification specifications for the positions of managers, specialists and other employees of various organizations of economic activity developed and approved by the authorized state bodies of the relevant spheres of activity;

18) the list of industries, workshops, professions and positions, the list of hard work, harmful and (or) dangerous work with harmful working conditions (hereinafter - The list of industries, workshops, professions and positions, the list of hard work, work with harmful and (or) dangerous work conditions), as well as determines the order of their transfer;

19) establish a commission to investigate group accidents in accordance with this Code and other regulatory legal acts of the Republic of Kazakhstan;

20) organizes monitoring and risk assessment in the field of labor safety and labor protection;

21) approves the model regulation on labor justice;

22) establishes a unified procedure for calculating the average salary;

23) determines the procedure for holding contests for entry into civil service and vacant positions of civil servants, except for the first head and teacher of the state educational organization;

24) determines the general requirements for professional training, retraining and improvement of the qualifications of personnel in the organization;

25) approves the form of work books, their maintenance and storage procedure;

26) approves the list of prohibited jobs for workers under the age of eighteen, maximum norms for transporting and moving heavy objects by workers under the age of eighteen;

27) approves the maximum norms for lifting and moving heavy objects by women;

28) approves the model regulation on labor safety and labor protection activities in the organization;

29) determines the procedure for mandatory periodical certification of production objects according to working conditions;

30) develops and approves the rules and deadlines for training, giving instructions and checking knowledge of workers, managers and persons responsible for ensuring labor safety and labor protection on labor safety and labor protection issues;

31) establishes the procedure for development, approval and revision of the employer's manual on labor safety and labor protection;

32) determines the procedure for assigning and paying social benefits for temporary incapacity for work;

33) approves the procedure for providing employees with milk or similar food products and (or) special products for dietary (therapeutic and preventive) nutrition, special clothing and other personal protective equipment at the expense of the employer, as well as equipping them with collective protective equipment, sanitary- establishes the procedure for providing household premises and appliances;

34) in agreement with the central authorized body for budget planning, approves the norms for providing employees with milk or equivalent food products and (or) special products for dietary (therapeutic and preventive) nutrition;

35) in agreement with the central authorized body on budget planning, approves the norms of providing special clothing and other personal protective equipment to employees of various economic activity organizations;

36) develops and approves the procedure for declaring the employer's activities;

37) determines the priorities of scientific developments in the field of labor safety and labor protection and regulation of labor relations;

38) organizes the development of scientific, scientific and technical projects and programs financed from the state budget and implements them;

39) develops and approves a form for recording collective labor disputes;

40) develops and approves uniform cross-industry standards for the number of employees providing technical service to state bodies and their operation;

40-1) the state bodies of the respective spheres of activity agree on the sectoral norms of the number of employees who provide technical service to the state bodies and ensure their operation, which are developed and approved in the manner established by the authorized state body on labor;
41) coordinates the registers of civil servants' positions developed and approved by the relevant authorized state bodies of the relevant service areas;

41-1) develops and approves a model regulation on the labor protection management system;

41-2) develops and approves principles of professional risk management;

41-3) develops and approves intersectoral model standards for the number of employees of labor protection services;

41-4) develops and approves the code of conduct of civil servants;

41-5) develops and approves the rules for presenting and receiving information about the employment contract in the unified system of recording employment contracts;

41-6) develops and approves the principles of formalization and application of order-permits during work in high-risk situations;

41-7) ensures the confidentiality and protection of personal data of the employee included in the unified system of record of employment contracts in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection;

41-8) provides individuals and legal entities with information from the unified system of recording employment contracts, taking into account the requirements of the legislation of the Republic of Kazakhstan on personal data and their protection;

41-9) develops and approves rules for ensuring labor safety and protection during work at height;

42) exercises other powers provided by this Code, laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Warning. Article 16 has been amended - RK 04.06.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 26.11.2019 No. 273-VI (enters into force ten calendar days after the date of its first official publication); 31.03.2021 No. 24-VII (enters into force ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (enters into force ten calendar days after the date of its first official publication); 12.10.2021 No. 67-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication) by Laws.

Article 17. Competence of the local body on labor inspection

Local body for labor inspection:

1) State control of compliance with labor legislation of the Republic of Kazakhstan, including labor safety and labor protection requirements;

2) monitors collective agreements proposed by employers;

3) analyzes the causes of industrial injuries and develops recommendations for their prevention;

4) investigates accidents related to work in accordance with the procedure established by this Code and other normative legal acts of the Republic of Kazakhstan;

5) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

6) removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

7) interacts with representatives of workers and employers on issues of improvement of labor safety and labor protection standards;

8) considers applications of employees, employers and their representatives on compliance with the labor legislation of the Republic of Kazakhstan, including issues of labor safety and labor protection;

9) carries out monitoring of certification of production objects according to working conditions;

10) removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

11) submit periodic reports to the authorized state body on labor based on the information system on labor protection and labor safety, as well as the results of monitoring the state of labor safety and labor protection;

12) monitors collective labor disputes according to the form established by the authorized state labor body;

13) provides necessary information on labor relations to the authorized state body on labor;

14) declares the employer's activities.

Warning. Article 17 has been amended - RK 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 18. Competence of local executive bodies in the field of regulation of labor relations

Local executive bodies:

1) implements state policy in the field of labor, labor safety and labor protection;
2) determines the list of positions of specialists in the fields of health care, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural areas who are civil servants and work in rural areas in agreement with the local representative body;

3) registers branch and regional agreements concluded at the city, district level;

4) agrees to hold strikes in organizations providing the people's livelihood (organizations providing public transport, water, electricity, heat);

5) concludes regional (regional, city, district) agreements with regional associations (associations, unions) of employers and regional associations of workers;

6) examines and agrees on the parameters of the system of payment for the labor of employees of organizations whose services (goods, works) are subject to state regulation of tariffs (prices, fee rates) in the manner established by the authorized state body for labor;

7) establishes a quota for employment of the population categories defined by the laws of the Republic of Kazakhstan;

8) exercises other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan in the interest of local state administration.

Warning. Article 18 has been amended - RK 15.06.2017 No. 73-VI (shall be enforced from 01.01.2019); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Chapter 3. SUBJECTS OF LABOR RELATIONS. FUNDAMENTALS OF DEVELOPMENT OF LABOR RELATIONS

Article 19. Subjects of labor relations

The employee and the employer are subjects of labor relations.

The head of a branch or representative office of a foreign legal entity exercises all rights and fulfills all duties of the employer on behalf of this legal entity.

Article 20. Workers' representatives and their powers

1. In accordance with the Law of the Republic of Kazakhstan "On Trade Unions", the interests of workers are represented by trade union bodies, and in their absence by elected representatives within the limits of their powers.

Elected representatives of employees are elected and authorized by the majority vote of the participants at the general meeting (conference) of employees of the organization when at least two-thirds of the total number of employees of the organization participate in it. It is allowed to hold a general meeting (conference) of the organization's employees for the election of elected representatives of employees by remote voting. The employee's participation in the general meeting (conference) is confirmed by an electronic digital signature or by another electronic method, ensuring the authorization and identification of the employee.

If the membership of workers in trade unions is less than half of the number of employees of the organization, then the interests of workers can be represented by trade unions and elected representatives.

If a trade union is established in this organization, it is not allowed to conduct collective negotiations between the employer and employees without the participation of the trade union.

2. Workers who are not members of a trade union and did not participate in the election of elected representatives of workers have the right to give the right to express their interests to trade union bodies and elected representatives of workers. Trade union bodies, elected representatives of employees ensure representation of the employee's interests based on a written request.

3. Elected representatives of workers:

1) to represent and protect labor rights and interests of workers;

2) to conduct collective negotiations with the employer on the development of projects and conclusion of collective agreements;

3) visit workplaces to study and take measures to ensure normal working conditions in accordance with collective agreements;

4) has the right to participate in the settlement of labor disputes between the employee and the employer in accordance with the procedure established by this Code.

Warning. Article 20 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 20-1. Associations (associations, unions) of employers and their powers

1. Employers have the right to form and join employers' associations (associations, unions) on a voluntary basis.

2. In accordance with this Code, the Entrepreneurial Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan, employers' associations (associations, unions) represent the interests of employers within the limits of their powers.

3. Associations (associations, unions) of employers protect the rights and interests of their members through social partnership mechanisms:
1) ensuring the guarantees of the rights of workers and employers in the field of labor and improving the labor legislation of the Republic of Kazakhstan;

2) work in tripartite republican, sectoral, regional commissions on social partnership and regulation of social and labor relations;

3) participation in the development of agreements and their conclusion;

4) participation in the conciliation commission during consideration of individual labor disputes, conciliation commission and labor justice during consideration of collective labor disputes;

5) through consultations and negotiations with representatives of employees on issues of regulation of labor relations and other relations directly related to them.

Warning. Chapter 3 was supplemented by Article 20-1 - Law of the Republic of Kazakhstan dated 04.05.2020 No. 321-VI (entered into force ten calendar days after the date of its first official publication).

Article 21. Basics of labor relations

1. Except for the cases established by the laws of the Republic of Kazakhstan, labor relations arise between the employee and the employer on the basis of the employment contract concluded in accordance with this Code.

2. Before concluding an employment contract in the cases and in the order established by the laws of the Republic of Kazakhstan, founding documents, acts of the employer:

1) election to a position (election);

2) to be elected on the basis of a competition for the relevant position;

3) appointment to a position or approval for a position;

4) sent to work by the bodies authorized by the laws of the Republic of Kazakhstan according to the established quota;

5) there may be procedures for issuing a court decision on concluding an employment contract.

3. Labor relations with the head of the executive body of a legal entity are carried out in accordance with this Code, laws of the Republic of Kazakhstan, founding documents and employment contract.

Article 22. Basic rights and duties of the employee

1. The employee:

1) to conclude, change, supplement, terminate the employment contract in the manner and under the conditions provided by this Code;

2) to require the employer to fulfill the requirements of labor, collective contracts, agreements, employer’s acts;

3) labor safety and labor protection;

4) to receive complete and clear information about working conditions and the state of labor protection;

5) timely and full salary payment in accordance with the requirements of labor and collective agreements;

6) to pay a fee in accordance with this Code for idleness;

7) rest, including annual paid leave;

8) unless otherwise provided by the laws of the Republic of Kazakhstan, to form a trade union, as well as to unite in order to express and protect one’s labor rights and interests, including the right to become a member thereof;

9) to participate in collective negotiations and drafting of a collective agreement through their representatives, as well as to get acquainted with the signed collective agreement;

10) compensation for damage caused to health in connection with the performance of labor (official) duties;

11) compulsory social insurance;

12) to be insured against accidents during the performance of labor (service) duties;

13) guarantees and compensation payments;

14) to protect his rights and legal interests in all ways that do not contradict the law;

15) without any discrimination, for the same pay for the same work, as well as the same industrial and living conditions;

16) to apply to the conciliation commission and the court in order to consider individual labor disputes in accordance with the procedure provided by this Code;
17) a workplace equipped in accordance with labor safety and labor protection requirements;

18) to be provided with personal and collective protective equipment, special clothing in accordance with the requirements stipulated by the legislation of the Republic of Kazakhstan, as well as labor and collective agreements;

19) to refuse to perform work, having notified the representative of the direct manager or the employer, in case of a situation that threatens his health or life;

20) to submit a request to the authorized state body for labor and (or) to the local body for labor inspection to investigate the conditions of labor safety and labor protection in the workplace, as well as to participate as a representative in the inspection and consideration of issues related to the improvement of working conditions, safety and labor protection;

21) to complain about actions (inaction) of the employer in the field of labor and relations directly related to it;

22) to be paid for work in accordance with qualifications, complexity of work, quantity and quality of work performed, as well as working conditions;

23) to resolve individual and collective labor disputes, including the right to strike, in accordance with the procedure established by this Code and other laws of the Republic of Kazakhstan;

24) to ensure the protection of personal data stored by the employer;

Notice of ZKAI!
Amendments to subsection 25) are provided by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication).

25) has the right to receive information about the employment contract and his/her employment from the unified system of recording employment contracts.

Notice of ZKAI!
Subsection 26) is provided to be supplemented by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication).

2. The employee:

1) perform labor duties in accordance with agreements, labor, collective agreements, acts of the employer;

2) to observe work order;

3) to comply with the requirements for labor safety and labor protection, fire safety, industrial safety and industrial sanitation at the workplace;

4) to take care of the employer’s and employees’ property;

5) to inform the employer about a situation that threatens the life and health of people, the preservation of the employer’s and employees’ property, as well as about idleness;

6) not to disclose state secrets known to him in connection with the performance of his work duties, information constituting official, commercial or other secrets protected by law;

7) is obliged to compensate the damage caused to the employer within the limits established by this Code and other laws of the Republic of Kazakhstan.

3. The employee has other rights and performs other duties provided for in this Code.

Warning. Article 22 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 23. Basic rights and obligations of the employer

1. The employer:

1) freedom of choice during recruitment;

2) to change, supplement, terminate and cancel employment contracts with employees in the manner and on the basis established by this Code;

3) to issue acts of the employer within his authority;

4) to create and join associations (associations, unions) in order to represent and protect their rights and interests;

5) to demand from employees the fulfillment of requirements of labor, collective agreements, principles of labor discipline and other acts of the employer;

6) to encourage employees, impose disciplinary punishments on them, bring employees to financial responsibility under the conditions and in the order provided by this Code;

7) to compensate the damage caused by the employee while performing his duties;

8) to apply to court in order to protect one's rights and legal interests in the field of labor;
9) to set a trial period for the employee;

10) to provide professional training, retraining and improvement of qualifications of employees in accordance with this Code;

11) to reimburse his expenses related to employee training in accordance with this Code;

12) to apply to the conciliation commission and the court in order to consider an individual labor dispute in accordance with the procedure provided by this Code;

13) applicants (with their prior consent) and employees have the right to receive information about their employment from the unified system for recording employment contracts.

2. Employer:

1) to comply with the requirements of the labor legislation of the Republic of Kazakhstan, agreements, collective labor contracts, acts issued by the Republic of Kazakhstan;

2) to conclude employment contracts with employees in the manner and under the conditions established by this Code during recruitment;

3) to demand documents necessary for concluding an employment contract in accordance with Article 32 of this Code during recruitment;

4) to offer the employee the work agreed upon in the employment contract;

5) timely and full payment of wages and other payments provided for by the normative legal acts of the Republic of Kazakhstan, labor, collective agreements, acts of the employer to the employee;

6) to contact the employee individually with the collective agreement, rules of labor discipline, other acts of the employer directly related to the employee’s work (labor function) and other acts of the employer in the cases provided by this Code or by courier mail, postal communication, facsimile communication, electronic to introduce by means of mail and other information and communication technologies;

7) to consider proposals of workers' representatives and provide workers' representatives with complete and clear information necessary for conducting collective negotiations, concluding collective agreements, as well as monitoring their implementation;

8) to conduct collective negotiations and conclude a collective agreement in accordance with the procedure established by this Code;

9) to provide workers with working conditions in accordance with the labor legislation of the Republic of Kazakhstan, labor and collective agreements;

10) to provide employees with equipment, instruments, technical documentation and other tools necessary for performing their work duties at their own expense;

11) to provide information to the authorized body on employment issues in accordance with the requirements of the legislation of the Republic of Kazakhstan on employment;

12) to comply with the instructions of state labor inspectors;

13) to suspend work if the continuation of work threatens the life and health of the worker and other people;

14) to implement mandatory social insurance of employees;

15) to insure the employee against accidents while performing his/her work (official) duties;

16) to give an employee annual paid leave;

17) to ensure the preservation and submission to the state archive of documents confirming the labor activity of employees and information on the withholding and transfer of money for their pension provision and mandatory social insurance;

18) to warn the employee about harmful and (or) dangerous working conditions and the possibility of occupational disease;

19) to take measures to prevent occupational risks in workplaces and technological processes, to carry out preventive work taking into account industrial and scientific and technical progress;

20) to keep records of working hours, including overtime, work in harmful and (or) dangerous working conditions, hard work performed by each employee;

21) compensation for damage caused to the life and health of an employee during the performance of labor (service) duties in accordance with this Code and other laws of the Republic of Kazakhstan;

22) officials of the authorized state body on labor and local body on labor inspection, representatives of workers, technical inspectors on labor protection to conduct inspections of the state of labor safety, conditions and labor protection in organizations and compliance with the legislation of the Republic of Kazakhstan, as well as labor-related activities to send without hindrance for investigation of accidents and occupational diseases;
23) to ensure the maintenance of registers or other documents where the surname, first name, patronymic (if it is indicated in the identity document) and year, date, month of birth of employees under the age of eighteen, determined by the employer;

24) to collect, process and protect personal data of the employee in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection;

25) to implement internal control over labor safety and labor protection;

26) to establish a conciliation commission in accordance with the procedure established by this Code;

26-1) to give leave to the employee to undergo screening tests, keeping the workplace (position) and average salary in the order and amount determined by the healthcare legislation of the Republic of Kazakhstan;

27) concluding and terminating an employment contract with an employee in accordance with the procedure determined by the authorized state body for labor, including the information provided in subsections 1), 2), 3), 4), 5) and 13) of Article 28, paragraph 1 of this Code, the changes to be made to it and (or) to enter information about additions into the unified system of recording labor conditions;

Notice of ZKAI!
Amendments to subsection 28) are provided by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication ).

28) is obliged to provide workers with the same pay for the same work, as well as the same industrial and living conditions, without any discrimination.

Notice of ZKAI!
Subsection 29) is provided to be supplemented by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication ).

3. The employer has other rights and performs other duties provided by this Code.

Warning. Article 23 was amended - RK 02.07.2018 No. 165-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (enters into force ten calendar days after the date of its first official publication); 07.07.2020 No. 161-VI (enters into force ten calendar days after the date of its first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

SPECIAL PART
SECTION 2. LABOR RELATIONS
Chapter 4. LABOR CONTRACT

Article 24. The object of the employment contract

According to the labor contract, the employee undertakes to perform the work (labor function) personally, observe the principles of labor discipline, and the employer undertakes to provide the employee with work according to the agreed labor function, in this Code, laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan, in the collective agreement, the employer undertakes to ensure the working conditions provided by the acts, to pay the employee timely and in full amount.

Article 25. Guarantees of equal opportunities when concluding an employment contract

1. It is forbidden to violate the equality of rights and opportunities when concluding an employment contract.

2. Except for the cases provided by this Code, pregnancy, having children under the age of three, minors, disability do not limit the right to conclude an employment contract.

Article 26. Prohibitions and restrictions on concluding an employment contract and employment

1. As follows:

1) on the basis of a medical opinion, to perform work that cannot be done due to a person’s health condition;

2) heavy work, work with harmful and (or) dangerous working conditions, as well as positions and work where the employee is fully financially responsible for not ensuring the safety of the employer’s property and other values, as well as harming their health and moral development. possible jobs (game business, work in night entertainment places, production, transportation and sale of alcoholic products, tobacco products, drugs, psychotropic substances and precursors) with citizens under eighteen years of age;

3) citizens who have been deprived of the right to occupy a certain position or engage in a certain activity according to a legally binding judgment of the court;

4) until the employer receives the permission of the local executive body to attract foreign labor, or before the foreign worker receives a certificate on the adequacy of his qualifications for self-employment, or a permit issued to the migrant worker in the manner determined by the authorized body on migration issues, or the restrictions established by the laws of the Republic of Kazakhstan or with foreigners and stateless persons temporarily staying in the territory of the Republic of Kazakhstan, without observing exceptions;

5) with foreign students and interns temporarily staying in the territory of the Republic of Kazakhstan who have not submitted certificates of vocational training and (or) internship from an educational organization, or a permit for the purpose of education;

6) with foreigners and stateless persons temporarily staying in the territory of the Republic of Kazakhstan who have not submitted a permit to come and stay there for the purpose of family reunification and a document confirming that they are married to a citizen of the Republic of Kazakhstan, recognized by the legislation of the Republic of Kazakhstan;
7) it is not allowed for one employer to enter into an employment contract with more than five migrant workers at the same time for the performance of work (services) in the household.

2. To:

1) to a person after termination of public service, if in the last one year prior to termination of public service, the person has directly exercised control in the form of inspection of the activities of this commercial organization in accordance with his official powers during the period of performance of public functions, or if the activity of this commercial organization was directly related to the said person in accordance with his competence, state organizations and the state's share in the charter capital is more than fifty percent, including in national management holdings, national holdings, national companies, national development institutes, the shareholder of which is the state, in their subsidiaries that own more than fifty percent of the voting shares (participation in the charter capital), as well as the person named in the commercial organization for one year, with the exception of legal entities whose voting shares (participation in the authorized capital) belong to the said subsidiary organizations more than fifty percent;

2) a person who has committed a crime of corruption against subjects of the quasi-state sector;

Notice of ZKAI!
Supplementation with subsection 2-1) is provided by the Law of the Republic of Kazakhstan of 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

3) to organizations in the field of education, upbringing and development, organization of rest and recreation, physical training and sports, medical provision, social services, culture and art with the participation of minors: murder, intentional harm to health, human health and morals, sexual Those who have or have had convictions for criminal offenses against inviolability, extremist or terrorist crimes, human trafficking, are being prosecuted or are being prosecuted (on the basis of subsections 1) and 2) of the first part of Article 35 of the Code of Criminal Procedure of the Republic of Kazakhstan, criminal prosecution against them is suspended (except for people) it is not allowed to employ people;

4) removed - by the Law of the Republic of Kazakhstan dated 12.10.2021 No. 67-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

5) with the exception of medical workers, it is not allowed to employ workers under the age of 18 and workers who work in hard work, dangerous work conditions.

Warning. Article 26 was amended - by the Code of the Republic of Kazakhstan No. 414-V of 23.11.2015 (shall be enforced from 01.01.2017); RK 16.04.2018 No. 147-VI (enters into force ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (enters into force ten calendar days after the date of its first official publication); 13.05.2020 No. 327-VI (enters into force ten calendar days after the date of its first official publication); 30.12.2020 No. 393-VI (enters into force ten calendar days after the date of its first official publication); 12.10.2021 No. 67-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 27. The difference between the employment contract and other types of contracts
The existence of one of the following requirements in the employment contract:

1) the employee's performance of work (labor function) according to a certain qualification, profession, profession or position;

2) personal performance of obligations subject to labor regulations;

3) receipt of wages by the employee for his work is a special feature of the labor contract from other types of contracts.

Article 28. Content of the employment contract

1. In the employment contract:

1) details of the parties:

surname, first name, patronymic of the employer individual (if it is indicated in the identity document), the address of his permanent residence and registration information at the place of residence, name, number and date of issue of the identity document;

personal identification number (business identification number);

name of the employing legal entity and its location, state registration number and date of the employing legal entity, business identification number;

employee's last name, first name, patronymic (if it is indicated in the identity document), the address of his permanent residence and registration information at the place of residence, name, number, date of issue of the identity document, personal identification number;

2) work on a specific specialty, profession, qualification or position (labor function);

3) must be the place where the work is performed.

During remote work, except for mixed remote work, the place of work is not specified;

4) term of employment contract;

5) date of commencement of work;

6) mode of working time and rest time;

7) amount and other terms of payment for work;
8) description of working conditions, guarantees and benefits if the work is hard work and (or) performed in harmful and (or) dangerous conditions;

9) rights and obligations of the employee;

10) rights and obligations of the employer;

11) the procedure for changing and terminating the employment contract;

12) responsibility of the parties;

13) must have the date and serial number.

2. The employment contract concluded with a person with a disability must include requirements for equipping the workplace taking into account his personal capabilities.

3. By agreement of the parties, other requirements that do not conflict with the legislation of the Republic of Kazakhstan may be included in the employment contract.

Warning. Article 28 was amended - RK 01.07.2021 No. 61-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 29. Non-Competition Agreement

1. Upon the agreement of the parties, a non-competition agreement may be concluded between the employer and the employee, which stipulates the employee’s obligation not to carry out actions that may harm the employer.

2. Limits and conditions of their acceptance are established in the contract on non-competition, as well as compensation for the period when this condition applies, except for the cases provided for by the legislation of the Republic of Kazakhstan.

3. The list of positions and works held or performed by the employee, for which a contract on non-competition may be concluded, is approved by the act of the employer.

Article 30. Term of employment contract

1. Employment contract:

1) for an unspecified period;

2) may be made for a certain period of not less than one year, except for the cases specified in subsections 3), 4), 5) and 6) of this clause.

When the term of the employment contract expires, the parties have the right to extend it for an unspecified or specified period of not less than one year.

If none of the parties informs about the termination of labor relations during the last working day (shift) when the term of the employment contract has expired, it is considered to have been extended for the same period as previously made, except for the cases provided for in paragraph 2 of Article 51 of this Code.

A fixed-term employment contract can be extended at most twice.

When employment relations continue, the employment contract is considered to be concluded for an indefinite period;

The provisions of the fourth and fifth parts of this subsection do not apply to foreign employees of independent educational organizations and their organizations.

3) to the time of execution of certain work;

4) for the time of replacement of temporarily absent employee;

5) for the time of seasonal work;

6) in accordance with the procedure determined by the authorized body on population migration issues, a permit to attract foreign labor, a permit to an immigrant worker, and a certificate on the adequacy of qualifications for self-employment issued by local executive bodies may be made within the time limits established by the legislation of the Republic of Kazakhstan.

2. Small business entities may conclude employment contracts with employees for a certain period of time without the restrictions provided for in subparagraph 2) of clause 1 of this article.

3. An employment contract with a foreign employee of a state body is concluded for a period determined by the head of the state body.

4. The owner of the property of a legal entity or a person (organ) authorized by him or an authorized body of a legal entity or a person authorized by him shall conclude an employment contract with the head of the executive body of the legal entity for the period and in the manner established by the laws of the Republic of Kazakhstan, the founding documents or the agreement of the parties.
If the employment contract concluded with the head of the executive body of a legal entity has expired, and none of the parties has notified the termination of employment no later than the last working day before the expiration of the employment contract, the founders of the employment contract, the owner of the property of the legal entity or a person (organ) authorized by him or it is extended for the period before the authorized body of the legal entity makes a decision on the election (appointment, confirmation) of a new head or the person himself, if no other extension period is specified in the specified decision.

5. In accordance with paragraph 3 of Article 11 of the Law of the Republic of Kazakhstan "On pension provision in the Republic of Kazakhstan", an employment contract with an employee who has reached retirement age and has a professional and high qualification level, taking into account his working capacity, without the restrictions provided for in the fourth part of subsection 2) of paragraph 1 of this article, may be extended annually.

Warning. Article 30 was amended by the Law of the Republic of Kazakhstan dated 06.04.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); By the Code of the Republic of Kazakhstan dated 23.11.2015 No. 414-V (shall be enforced from 01.01.2017); RK 04.05.2018 No. 321-VI (enters into force ten calendar days after the date of the first official publication); 30.12.2021 No. 95-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication) Article 31. The age limit for concluding an employment contract

1. It is allowed to conclude an employment contract with citizens who have reached the age of sixteen.

2. Employment contract:

1) with citizens who have reached the age of fifteen, in cases where they have received basic secondary, general secondary education in a secondary education organization;

2) with students who have reached the age of fourteen to perform work that does not harm their health and does not disrupt the educational process, during free time from studies;

3) in cinematography organizations, theaters, theater and concert organizations, circuses, in order to participate in the creation and (or) performance of works without harming their health and moral development, an employment contract may be concluded with persons under the age of fourteen, observing the requirements specified in subsection 2) of this clause.

3. In the cases specified in paragraph 2 of this article, the employment contract must be signed by a minor along with one of his legal representatives.

Warning. Article 31 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication). Article 32. Documents necessary for concluding an employment contract

1. The following documents for concluding an employment contract:

1) An identity card of a citizen of the Republic of Kazakhstan or a passport of a citizen of the Republic of Kazakhstan (birth certificate for persons under the age of sixteen) is required.

Kandastar presents a blood certificate issued by local executive bodies;

2) a foreigner's residence permit in the Republic of Kazakhstan or a certificate of a stateless person (for foreigners and stateless persons permanently residing in the territory of the Republic of Kazakhstan) or a refugee certificate;

3) a document on education, qualifications, special education or professional training at the time of concluding an employment contract for a job requiring relevant knowledge, training and skills;

4) a document confirming employment (for people with long service);

5) a document on the passing of preliminary medical certification (for persons who are required to undergo such certification in accordance with this Code and other normative legal acts of the Republic of Kazakhstan) is required.

2. A person for concluding an employment contract in the field of education, upbringing, organization of rest and recreation, physical training and sports, medical provision, social services, culture and art with the participation of minors: murder, intentional harm to health, harm to people's health and morals, provides information on the presence or absence of information about the commission of criminal offenses such as sexual involuntariness, extremist or terrorist crimes, human trafficking.

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Clause 3 is provided in a new edition - by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

3. At the time of employment for civil service, quasi-state sector entities, a certificate is provided about the presence or absence of information that a person has committed a crime of corruption.

4. In order to conclude an employment contract with another employer on additional work, the employee submits a certificate on the nature and conditions of work (workplace, position, working conditions) at the main workplace.

5. When foreign employees of the state body are engaged, the list of documents necessary for concluding an employment contract is determined in accordance with the procedure for engaging foreign employees approved by the Government of the Republic of Kazakhstan.

6. Except for the cases stipulated by the normative legal acts of the Republic of Kazakhstan, the employer has no right to demand documents not provided for in this article.
7. In the event that the employee agrees to keep the originals of the documents at the employer or temporarily leave them for the fulfillment of the procedures established by the legislation of the Republic of Kazakhstan, the employer shall give the employee a written obligation to return the documents.

Warning. Article 32 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 13.05.2020 No. 327-VI ("The Code of the Republic of Kazakhstan "On Taxes and Other Mandatory Payments to the Budget" (Tax Code) shall enter into force after the date of entry into force); 30.12.2020 No. 393-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 33. The procedure for concluding, changing and supplementing the employment contract

1. The employment contract is drawn up in writing in at least two copies and signed by the parties. Each copy of the employment contract is kept by the employee and the employer.

Conclusion of an employment contract, changes and additions to it can be made in the form of an electronic document certified by an electronic digital signature.

2. With the exception of the cases provided for in this Code, changes and additions to the employment contract, including when transferring to another job, are made by the parties in the form of an additional agreement in the form of an additional agreement in accordance with the procedure provided for in paragraph 1 of this article.

A notice of change to the terms of the employment contract is given by one of the parties to the employment contract and the other party considers it within five working days from the date of submission. The party receiving notice of the change in terms of the employment contract, including when transferring to another job, is obliged to inform the other party about the decision made within the period specified in this article.

3. Sending a person to work is carried out only after concluding an employment contract.

If there is no employment contract due to the fault of the employer and (or) it is not duly formalized, he shall be liable in accordance with the laws of the Republic of Kazakhstan. In this case, labor relations are considered to have arisen from the day the employee started working.

4. Recognizing the invalidity of the employment contract due to the fault of the employer does not lead to the loss of the former employee’s right to receive payment for his work, compensation for unused days of annual paid leave, other payments and benefits.

Recognizing the invalidity of individual terms of the employment contract does not lead to the invalidity of the employment contract as a whole.

Warning. Article 33 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 34. Formalization of recruitment

Employment is formalized by the act of the employer issued on the basis of the employment contract.

Article 35. Documents confirming the employee’s employment

Any of the following documents:

1) work book;
2) employment contract with the employer’s signature on the date of termination and the grounds for termination;
3) extracts from the acts of the employer confirming the creation and (or) termination of labor relations based on the conclusion and (or) termination of the employment contract;
4) excerpts from the pay slip for employees;
5) employment list (list of information about the employee’s work, employment) signed and stamped by the employer (when available);
6) extracts from the unified accumulative pension fund about the transferred mandatory pension contributions;
7) information from the State Social Insurance Fund about social transfers made;
7-1) contract on dual training;
8) archival certificate containing information about the employee’s employment;
9) the legally binding decision of the court on the determination of the legal fact confirming the existence of labor relations can be a document confirming the labor activity of the employee.

Warning. Article 35 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 08.01.2021 No. 410-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 36. Requirement for a trial period in the employment contract

1. When concluding an employment contract, a requirement for a trial period may be established in the employment contract in order to verify the suitability of the employee’s qualifications for the work to be performed. The trial period begins on the day of the start of the work specified in the employment contract.
2. The trial period is added to the employee’s work experience and should not exceed three months. The trial period can be extended up to six months for heads of organizations and their deputies, chief accountants and their deputies, heads of branches, representative offices of organizations.

3. The probationary period is suspended for the period when the employee is not actually at work.

Warning. Article 36 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 37. Recruitment test result

1. When the employee’s work during the trial period gives negative results, the employer has the right to terminate the employment contract by giving him a notice stating the reasons for termination of the employment contract.

2. If the probationary period ends and the employer does not notify about the violation of the employment contract, then the employee is considered to have passed the probationary period.

Warning. Article 37 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 38. Transferring an employee to another job

1. These are:

   1) change of the employee’s work (labor function), i.e. performing work in a different position, profession, profession, qualification;

   2) assignment of other work in which the working conditions agreed upon in the employment contract (salary amount, regime of working time and rest time, benefits and other conditions) change during its execution;

   3) transfer to an isolated structural unit of the employer;

   4) transfer to another place together with the employer is transfer of the employee to another job.

2. Except for the cases provided for in this Code, transfer of an employee to another job is allowed with the employee’s consent, which is formalized by making appropriate changes to the employment contract and by an act of the employer.

3. When there are contraindications confirmed by a medical report due to the employee’s health condition, it is not allowed to transfer the employee to another job.

Article 39. Transfer of the employee to another place together with the employer

1. The employer is obliged to notify the employee at least one month in advance of the employer’s move to another place, if the labor and collective agreements do not provide for a longer notice period.

2. In the event that the employee refuses to transfer to another place with the employer in writing, or when there is an act certifying the employee’s refusal to give a written refusal to transfer to another place with the employer, the employment contract with the employee is terminated on the basis provided for in subsection 1) of paragraph 1 of Article 58 of this Code.

Warning. Article 39 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 40. Sending an employee on a business trip

1. With the exception of the restrictions provided for by the legislation of the Republic of Kazakhstan, the employee (sent on a business trip) may work in another legal entity (including its branches, representative offices and (or) other isolated structural units), as well as in branches, representative offices and (or) other legal entities of the same legal entity, in isolated structural divisions, the performance of work on a certain specialty, qualification or position (labor function) or other position, specialty, qualification agreed in the employment contract is understood as sending the employee on a business trip.

For the purposes of this article, the receiving party is understood as the legal entities specified in the third part of this article.

In order to ensure the fulfillment of certain tasks, employees are assigned to the following host parties:

1) to a legal entity (its branches, representative offices and (or) other isolated structural divisions) that is the founder, participant or shareholder of the employer, and also indirectly owns the shares (participation in the authorized capital) of the employer-legal entity;

2) to a legal entity (its branches, representative offices and (or) other isolated structural subdivisions) whose shares (equity shares) belong directly or indirectly to the employer-legal entity;

3) on a business trip to a legal entity (its branches, representative offices and (or) other isolated structural units) whose shares (participation in the authorized capital) belong directly or indirectly to the persons who directly or indirectly own the shares (participation in the authorized capital) of the employer-legal entity sending is allowed.

2. The terms, order, term of sending an employee on a business trip, the list and number of positions of the employees sent on a business trip are determined by an agreement between legal entities in accordance with the civil legislation of the Republic of Kazakhstan, depending on the purposes of sending the employee on a business trip.
If more than ten percent of the average number of employees of a legal entity (including its branches, representative offices and (or) other isolated structural divisions) are sent on a business trip in one year, the sending on a business trip must be agreed with the representatives of the receiving party’s employees.

3. The job (position) of the employee sent on a business trip at the employer carrying out the business trip shall be preserved.

4. For the period of sending on a business trip, it is allowed to send on a business trip only with the written consent of the parties to the employment contract by signing an additional agreement to the employment contract, indicating the place of work. After the end of the period of sending on a business trip, if the employment contract is continued, the employer undertakes to provide the employee with the workplace (position) held by the employee before being sent on a business trip.

5. During the period of sending the employee on a business trip, the working time and rest time regime of the host party is used, except for the duration of annual paid leave and the procedure for granting it.

6. In the event that an employee sent on a business trip violates the labor order, the receiving party shall notify the employer of the employee sent on a business trip within three working days from the date of discovery of the said fact, providing supporting documents to make a decision to bring him to disciplinary responsibility in accordance with the labor legislation of the Republic of Kazakhstan.

7. In the event of an accident involving an employee sent on a business trip, organization of an investigation of an accident related to labor activity is entrusted to the receiving party with the participation of the employer’s representative.

8. To send on a business trip:

1) replacement of employees of the receiving party who refuse to perform work in the conditions and in the order established by the labor legislation of the Republic of Kazakhstan;

2) it is not allowed to carry out work if the host party is idle (temporarily suspending work), the host party has implemented bankruptcy proceedings, the host party has introduced a part-time working regime in order to save jobs when the host party is in danger of dismissing employees.

Warning. Article 40 in a new version - by the Law of the Republic of Kazakhstan 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication); amended - by the Law of the Republic of Kazakhstan No. 386-VI of 19.12.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 41. Temporary transfer to another job in case of production necessity

In the case of temporary replacement of an employee who is absent due to industrial need, the employer may replace the employee without his consent for a period of up to three months during the calendar year, with payment for his work for the work performed, but with a salary not less than the average salary in his previous job, not agreed in the employment contract and due to health conditions. has the right to be transferred to another job in the same organization, in the same place, or to a structural division of the employer located in another place.

In case of temporary transfer to the structural unit of the employer located in another place, compensation shall be paid to the employee in the amounts provided for in Article 127 of this Code.

Article 42. Temporary transfer to another job in case of unemployment

1. In the case of idleness, the employer has the right to transfer the employee to another job without contraindications due to health conditions, without his consent, for the entire period of idleness.

2. In the case of idleness, during temporary transfer to another job, the payment of the employee’s labor is made according to the work performed.

Article 43. Temporary transfer to another job due to health condition

1. On the basis of a medical report due to an occupational injury, occupational disease or other damage to health, or other damage to health not related to production, the employer shall suspend the employee until his or her fitness for work is restored or disability is determined, or until the loss of fitness for professional work is determined. is obliged to temporarily transfer him to another job without contraindications or to dismiss him from his job under the conditions stipulated in the labor, collective agreements, the act of the employer.

2. In the event that the employee refuses in writing to temporarily transfer to another job without contraindications due to health conditions, or when there is an act certifying the employee’s refusal to give a written refusal to temporarily transfer on such grounds, the employment contract with the employee is the basis provided for in subsection 3) of paragraph 1 of Article 58 of this Code will be terminated.

Warning. Article 43 in a new version - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 44. Temporary transfer of pregnant women to another job

On the basis of a medical report, the employer is obliged to transfer a pregnant woman to another job that does not prevent the influence of harmful and (or) dangerous production factors, according to the work performed, but paying a fee not lower than the average salary for the previous work.

The employer is obliged to temporarily transfer a pregnant woman working on a shift basis to a five-day or six-day work week, based on a certificate of pregnancy for twelve or more weeks, according to the work performed, but not lower than the average salary for her previous work.
Until a pregnant woman is given another job, she is entitled to be exempted from work while maintaining the average salary.

If a pregnant woman refuses to transfer to another job offered by the employer, she is subject to being exempted from performing work with contraindications, without salary, until the leave due to pregnancy and childbirth is granted.

Warning. Article 44 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 45. Transferring an employee to another workplace. Change of position (job) name

1. The employee's consent is not required to transfer the employee to another workplace or to another structural unit there, within the limits of the position, specialty, profession, and qualification agreed in the employment contract, and with the amount and terms of payment for labor, or to assign him to work in another mechanism or unit.

2. The employer may change the name of the employee's position (job), structural unit, change the management structure without the employee's consent, which does not lead to a change in working conditions for the employee.

Warning. Article 45 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 46. Changes in working conditions

1. Due to reorganization or changes in economic, technological conditions, labor organization conditions and (or) changes in the organization of production due to the reduction of the employer's workload, it is allowed to change the working conditions when the employee continues to work in accordance with his profession or profession, relevant qualifications. When working conditions change, appropriate additions and changes are made to the employment contract.

2. If the labor and collective agreements do not provide for a longer notification period, the employer is obliged to notify the employee about the change in working conditions for the reasons specified in paragraph 1 of this article no later than fifteen calendar days.

3. In the event that the employee refuses to continue working in writing due to changes in working conditions, or when there is an act certifying the employee's refusal to give a written refusal to continue working due to changes in working conditions, the employment contract with the employee shall be terminated on the basis provided for in subsection 2) of paragraph 1 of Article 58 of this Code.

If the circumstances specified in paragraph 1 of this article may lead to a reduction in the number of employees or staff, the employer has the right to introduce part-time working hours in order to save jobs.

Warning. Article 46 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 47. Labor relations when the employer's name, departmental affiliation has changed, the owner of the legal entity's shares (participation in the authorized capital) has changed, the employer's legal entity has been reorganized.

Warning. The title of Article 47 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

In cases where the name of the employer, departmental affiliation has changed, the owner of the legal entity's shares (participation in the authorized capital) has changed, the employer's legal entity has been reorganized, labor relations with employees will continue unchanged.

Warning. Article 47 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 48. Dismissal

1. In the cases stipulated by the laws of the Republic of Kazakhstan, the employer or the receiving party is obliged to suspend the employee, the employee of the sending party, based on the acts of the relevant authorized state bodies.

2. In addition to the cases provided for in paragraph 1 of this article, the employer or host party:

1) was in a state of alcoholic, narcotic, alcoholic (similar) intoxication at work or used substances that cause such intoxication during the working day;

2) did not submit exams for checking knowledge on issues of labor safety and labor protection or industrial safety;

3) did not use personal and (or) collective protective equipment provided by the employer or host party;

4) if it is mandatory according to the legislation of the Republic of Kazakhstan, has not passed a medical examination or medical certification before the shift;

5) in case of depriving the employee of the right to drive a vehicle or other permits necessary to perform the work agreed in the employment contract;

6) if his actions or inaction lead to serious consequences for his life and health, including those of other employees, industrial injuries and accidents, violations of labor protection, fire safety, or traffic safety rules, the employee, the employee of the sending party must be suspended from work.

3. The employer or the receiving party has the right to dismiss an employee, an employee of the sending party, who does not ensure the preservation of the property and other valuables given to the employee, an employee of the sending party, based on a written agreement on assuming full financial responsibility.
4. During the period of suspension from work, the salary of the employee, the employee of the sending party is not saved, and the social allowance for temporary incapacity for work is not paid at the expense of the employer or the receiving party.

5. Dismissal of an employee, an employee of the sending party, is carried out by the act of the employer or by the act of the receiving party for the period until the reasons for his dismissal are determined and (or) eliminated.

6. In the event that the employer or the receiving party illegally dismisses an employee, an employee of the sending party, their salary, social benefits for temporary incapacity for work and other payments provided for in the normative legal acts of the Republic of Kazakhstan, labor, collective agreements, acts of the employer or acts of the receiving party shall be preserved.

Warning. Article 48 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 49. Grounds for termination of employment contract

Grounds for terminating the employment contract:

1) termination of the employment contract by agreement of the parties;
2) expiration of the employment contract;
3) termination of the employment contract at the initiative of the employer;
4) due to the transfer of the employee to another employer;
5) termination of the employment contract at the initiative of the employee;
6) circumstances beyond the control of the parties;
7) employee’s refusal to continue employment;
8) in addition to the cases stipulated by the laws of the Republic of Kazakhstan, transfer of an employee to an elective job (position) or appointment to a position that excludes the possibility of continuing labor relations;
9) is a violation of the requirements for concluding an employment contract.

Article 50. Procedure for terminating the employment contract by agreement of the parties

1. The employment contract may be terminated by agreement of the parties.

2. One party to the employment contract who intends to terminate the employment contract by agreement of the parties shall send a notice to the other party to the employment contract.

The party that received the notification is obliged to inform the other party about the decision in writing within three working days.

According to the agreement of the parties, the date of termination of the employment contract is determined by agreement between the employee and the employer.

3. Removed - by the Law of the Republic of Kazakhstan 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Warning. Article 50 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 51. Procedure for terminating the employment contract after its expiration

1. An employment contract concluded for a certain period is terminated due to the expiration of the term.

2. If a pregnant woman submits a certificate of twelve or more weeks of pregnancy on the day of the expiration of the employment contract concluded for a certain period of not less than one year, and also has a child under three years of age, has adopted a child and is entitled to unpaid leave for child care if an employee who wishes to exercise his right submits a written request to extend the term of the employment contract, except for the case of replacing a temporarily absent employee, then the employer is obliged to extend the term of the employment contract including the end of the childcare leave.

3. The last day of the employment contract concluded for the time of execution of certain work is the day of completion of the work.

4. The expiration date of the employment contract concluded for the replacement of the temporarily absent employee is the date of departure of the employee whose job (position) has been retained or the date of termination of the employment contract with the employee who has retained the job (position).

Warning. Article 51 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 52. Grounds for terminating the employment contract at the initiative of the employer

1. An employment contract with an employee at the initiative of the employer:

1) the employer - legal entity has been dissolved or the activity of the employer - individual has been terminated;
2) the number of employees or staff is reduced;
3) the volume of production, performed works and provided services decreased, which led to the deterioration of the employer’s economic situation;

4) due to insufficient qualifications confirmed by the results of attestation, the employee is not suitable for the position he holds or the work he performs;

4-1) the employee did not meet the requirements for professional activity established by the laws of the Republic of Kazakhstan;

5) the employee, manager and person responsible for ensuring labor safety and labor protection has not passed the examination of knowledge on labor safety and labor protection or industrial safety;

5-1) has lost the certificate of “appraiser” qualification;

6) due to a health condition that prevents him from continuing work and does not prevent the possibility of continuing it, the employee is not suitable for the position he holds or the work he performs;

7) work results were negative during the trial period;

8) the employee was absent from work for three or more hours during one working day (work shift) without a valid reason;

9) the employee was in a state of alcoholic, narcotic, psychotropic, euphoric intoxication (similar to them) at work, including during the working day he used substances that cause a state of alcoholic, narcotic, euphoric intoxication (similar to them);

10) refused to undergo a medical examination to determine the fact of the use of substances that cause alcohol, narcotic, and alcoholic intoxication;

11) the worker has violated the rules of labor protection or fire safety or traffic safety, including industrial injuries and accidents, which have caused or may cause serious consequences for the life and health of workers;

12) determined by a legally binding court verdict or decree, the employee stole someone else’s property at the workplace (including petty theft), intentionally destroyed or damaged it;

13) guilty actions or omissions of an employee who provides services for monetary or commodity values, as well as uses his activity to obtain material or other benefits for himself or other people, regardless of the interests of the employer, in his own interest or in the interest of a third party, if these actions or inaction if there is a reason for the loss of trust in him on the part of the employer;

14) an employee performing educational functions has committed immoral actions incompatible with the continuation of this work;

15) the employee disclosed the state secrets known to him in connection with the performance of his work duties and information constituting other secrets protected by law;

16) an employee with a disciplinary penalty has repeatedly failed to perform labor duties without a valid reason or has repeatedly failed to properly perform them;

17) if the original documents or information are grounds for refusing to conclude an employment contract or transfer to another job, the employee has presented false documents or information to the employer during the conclusion of the employment contract or transfer to another job;

18) the head of the employer’s executive body, his deputy, or the head of the employer’s branch, representative office and (or) other isolated structural unit, as determined by the employer’s act, violated his duties, which led to material damage to the employer;

19) in cases established by the laws of the Republic of Kazakhstan, the employee’s access to state secrets is suspended;

20) may be violated in cases where the employee is on leave due to pregnancy and childbirth, and if the disease is included in the list of diseases with a longer period of incapacity for work approved by the authorized state body in the field of health care, the employee did not go to work for more than two months in a row due to temporary incapacity for work.

The workplace (position) of an employee who has lost working capacity due to an industrial injury or occupational disease is kept until the working capacity is restored or the disability is established;

21) except for the cases directly provided for by the laws of the Republic of Kazakhstan, the employee has committed a corruption offense that eliminates the possibility of further work in accordance with a legally effective court act;

22) after the decision of the court to declare the strike illegal or to suspend the strike was brought to the attention of the worker, he continued to participate in the strike;

23) powers of the head of the executive body of a legal entity, members of a collegial executive body or individual members of the executive body of a legal entity, as well as the powers of internal audit service employees and corporate secretary according to the Law of the Republic of Kazakhstan “On Joint Stock Companies” of the founder of a legal entity, the owner of property or the founder , prematurely terminated by the decision of the person (body) authorized by the owner or the authorized body of a legal entity;

24) the employee who has the right to annually extend the term of the employment contract by mutual agreement of the parties has reached the retirement age specified in paragraph 1 of Article 11 of the Law of the Republic of Kazakhstan “On pension provision in the Republic of Kazakhstan”;

25) may be terminated if the employee is absent from work for more than a month for reasons unknown to the employer.
1. Employment contract with the employee:

1) a citizen of the Republic of Kazakhstan - the head of a quasi-state sector entity, his deputy, a member of a collegial management body has the citizenship of a foreign state;

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Subsection 2) is intended to be amended by the Law of the Republic of Kazakhstan of 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

2) in cases where an employee of a quasi-state sector entity has committed a crime of corruption, it is subject to termination at the initiative of the employer.

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Subsection 3) is provided for addition - by the Law of the Republic of Kazakhstan of 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

2. The employment contract on additional work may be terminated at the initiative of the employer in case of concluding an employment contract with the employee for whom this work is the main one.

3. Unless otherwise established by the laws of the Republic of Kazakhstan, the termination of the employment contract on the grounds provided for in subsection 3) of Article 52 of this Code is referred to in Article 65 of this Code. The procedure for applying disciplinary punishment provided by Article 66 of this Code is observed.

1. The procedure for internal investigation is established in the act of the employer.

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Subsection 2) is intended to be amended by the Law of the Republic of Kazakhstan of 03.01.2023 No. 188-VII (shall be enforced from 01.01.2027).

Violation of the employment contract on the grounds provided for in subsection 13) of paragraph 1 of Article 52 of this Code is referred to in Article 65 of this Code. The procedure for applying disciplinary punishment provided by Article 66 of this Code is observed.
8. It is allowed to terminate the employment contract on the grounds provided for in subparagraph 20) of paragraph 1 of Article 52 of this Code after the employee submits a form of temporary incapacity for work.

9. The employment contract may be terminated on the grounds provided for in subsection 24) of paragraph 1 of Article 52 of this Code when the employee reaches the retirement age specified in paragraph 1 of Article 11 of the Law of the Republic of Kazakhstan "On pension provision in the Republic of Kazakhstan" until the date of termination of the employment contract after the employee reaches retirement age. It is allowed by notifying him at least one month in advance and paying compensation in the amount specified in the labor, collective agreements and (or) the act of the employer.

10. Termination of the employment contract on the grounds provided for in subsection 1, paragraph 25) of Article 52 of this Code is allowed when the employer does not provide information about the reasons for the employee’s absence within ten calendar days from the date of sending by mail a registered letter with a notification that the act of absence has been delivered to the employee.

11. Termination of the employment contract on the grounds provided for in subsection 1) of paragraph 1-1 of Article 52 of this Code is carried out on the basis of the recommendation of the internal affairs bodies of the Republic of Kazakhstan or diplomatic service bodies of the Republic of Kazakhstan.

12. Violation of the employment contract on the grounds provided for in subparagraph 2) of paragraph 1-1 of Article 52 of this Code:

1) a judgment of conviction entered into legal force by the court for the crime of corruption;

2) on the basis of a legally binding court decision to terminate a criminal case based on clauses 3), 4), 9), 10) and 12) of the first part of Article 35 of the Code of Criminal Procedure of the Republic of Kazakhstan or on the basis of a decision of a criminal prosecution body approved by the prosecutor on the basis of Article 36 is conducted.

Notice of ZKAI!
Paragraph 13 is supplemented by the Law of the Republic of Kazakhstan dated January 3, 2023 No. 188-VII (shall be enforced from January 1, 2027).

Warning. Article 53 was amended - RK 04.06.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 02.07.2018 No. 165-VI (enters into force ten calendar days after the date of its first official publication); 04.05.2020 No. 321-VI (enters into force ten calendar days after the date of its first official publication); 30.12.2020 No. 393-VI (enters into force ten calendar days after the date of its first official publication); 81.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 54. Limiting the possibility of terminating the employment contract at the initiative of the employer

1. With the exception of the cases provided for in clauses 1), 18) 20) and 21) of paragraph 1 of Article 52 of this Code, it is not allowed to terminate the employment contract at the initiative of the employer during the period of temporary incapacity for work and vacation of the employee.

2. Pregnant women, women with children up to three years old, single mothers raising a child up to fourteen years old (child with a disability up to eighteen years old), other people raising the mentioned category of children without a mother, who have submitted a certificate of pregnancy to the employer, in accordance with Article 52 of this Code It is not allowed to terminate the employment contract at the initiative of the employer on the grounds provided for in sub-paragraphs 2) and 3) of paragraph 1 of the article.

Warning. Article 54 has been amended - RK 30.12.2020 No. 393-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 55. The basis and procedure for terminating the employment contract due to the transfer of the employee to another legal entity

1. An employment contract with an employee shall:

1) more than fifty percent of the shares (participation in the authorized capital) belong directly or indirectly to the employer whose employment contract is terminated;

2) directly or indirectly owns more than fifty percent of the shares (participation in the authorized capital) of the employer whose employment contract is terminated;

3) the specified legal entity and the employment contract are terminated due to the transfer of more than fifty percent of the employer’s shares (participation in the authorized capital) belonging to one legal entity to another legal entity.

1-1. The employment contract with a civil servant is terminated due to transfer to another state institution, treasury enterprise, if the requirements of Article 139, Clause 8 of this Code are met.

2. The employee’s written application and written confirmation of another legal entity’s agreement to employment are grounds for terminating the employment contract. The date of termination of the employment contract is determined by agreement of the parties.

Warning. Article 55 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 56. Procedure for termination of the employment contract at the initiative of the employee

1. Except for the cases provided for in paragraph 3 of this article, the employee has the right to terminate the employment contract on his own initiative, notifying the employer at least one month in advance. In the labor contract, it is allowed to set a longer period for the employee to notify the employer about the termination of the labor contract.

2. The employment contract may be terminated at the initiative of the employee with the written consent of the employer, before the end of the notification period provided for in paragraph 1 of this article.
3. The employee has the right to notify the employer that the employer has not fulfilled the requirements of the employment contract. If the employer continues to fail to fulfill the requirements of the employment contract after seven working days from the date of notification, the employee has the right to terminate the employment contract by notifying the employer no later than three working days.

4. The employee may withdraw the notification during the notification period provided for in this article.

5. After the notification period specified in this article, the employee has the right to stop work, except for cases where the acceptance and transfer of the employer's property (documentation) has not been completed due to the fault of the materially responsible persons. The date of completion of the transfer of the employer's property (documents) is the date of termination of the employment contract with the materially responsible employees.

6. After the completion of the transfer of property (documents), the employee may notify the employer to terminate the employment contract in writing.

7. The date of entry into legal force of the court verdict or decision, the date of death of the employee or the employer is the date of termination of the employment contract.

8. If the employer fails to fulfill the requirements of the employment contract after seven working days from the date of notification, the employee has the right to terminate the employment contract by notifying the employer no later than three working days.

9. The employee may withdraw the notification during the notification period provided for in this article.

10. The date of completion of the transfer of the employer's property (documents) is the date of termination of the employment contract.

11. The employee may transfer to another place together with the employer.

12. The employee may continue working due to changes in working conditions.

13. The employee may withdraw the notification during the notification period provided for in this article.

14. The employee may continue working because of pregnancy and childbirth.

15. The employee may continue working because of a medical injury or occupational disease.

16. The employee may continue working because of temporary incapacity for work.

17. The employee may continue working because of temporary incapacity for work due to health condition.

18. The employee may continue working because of temporary incapacity for work due to the health status of the employee.

19. The employee may continue working because of temporary incapacity for work due to the health status of the employer.

20. The employee may continue working because of temporary incapacity for work due to the health status of the employer's property.

21. The date of completion of the transfer of the employer's property (documents) is the date of termination of the employment contract.
2) an employment contract for the performance of work is concluded in violation of a legally binding court verdict or decree that deprives a person of the right to occupy certain positions or engage in certain activities;

3) an employment contract is concluded with foreigners and stateless persons without obtaining a certificate of eligibility for self-employment or a permit for attracting foreign labor in the prescribed manner or without observing the restrictions or exceptions established by the laws of the Republic of Kazakhstan;

4) an employment contract with a foreign employee of a state body was concluded in violation of the requirements established by the normative legal acts of the Republic of Kazakhstan;

5) in cases where the employment contract is concluded with the persons specified in Clause 2 of Article 26 of this Code;

6) in other cases stipulated by this Code, the laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan, the employment contract is subject to termination due to the violation of the requirements for concluding an employment contract.

Warning. Article 60 was amended by the Code of the Republic of Kazakhstan dated 23.11.2015 No. 414-V (shall be enforced from 01.01.2017).

Article 61. Termination of the employment contract

1. In case of death of an employer - an individual (declared by the court to be dead or recognized as missing), the termination of the employment contract is formalized by the act of the employer, except for the termination of the employment contract and the termination of the employment contract with domestic workers.

2. In the act of the employer, the grounds for terminating the employment contract in accordance with this Code must be specified.

3. A copy of the act of the employer on termination of the employment contract shall be delivered to the employee within three working days from the date of issuance of the act of the employer, or it shall be sent to him by registered mail with a notification of its delivery.

Warning. Article 61 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 62. Issuance of documents confirming employment, as well as other documents related to employment

1. The employer is obliged to provide a document confirming the employee’s employment on the day of termination of the employment contract.

2. At the request of an employee (including a former employee), the employer shall submit a description of the profession (qualification, position), hours of work and salary, details of the employee’s qualifications and his attitude to work within five working days from the time of application. is obliged to submit the recommendation, as well as other documents stipulated by this Code.

3. When the employer - a legal entity is dissolved, goes bankrupt, or the employer - an individual ceases to operate, if the employer has debts to the employee, he is obliged to provide a duly formalized statement about the amount of the debt for wages and other payments.

Chapter 5. LABOR REGULATIONS. LABOR PROCEDURES

Article 63. Principles of labor discipline

1. The principles of labor discipline are approved by the employer.

2. The principles of labor discipline shall specify the working time and rest time of employees, conditions for ensuring labor discipline, and other issues of regulation of labor relations.

Article 64. Disciplinary sanctions

1. In cases provided by the laws of the Republic of Kazakhstan, the employer or the first head of the national management holding for disciplinary misconduct by the employee, as follows:

1) warning;

2) reprimand;

3) severe reprimand;

4) at the initiative of the employer, on the grounds provided for in subparagraphs 8), 9), 10), 11), 12), 13), 15), 16), 17) and 18) of paragraph 1 of Article 52 of this Code has the right to apply disciplinary punishment in the form of violation.

2. Disciplinary punishments not provided for in this Code and other laws of the Republic of Kazakhstan are not allowed.

Warning. Article 64 was amended - RK 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 65. Procedure for applying disciplinary sanctions

1. The employer applies disciplinary punishment by issuing an act of the employer, except for the cases stipulated by the laws of the Republic of Kazakhstan. In the cases provided for by the laws of the Republic of Kazakhstan, the provisions of this Article and Article 66 of this Code apply when the first head of the national managing holding applies disciplinary punishment.
2. Before applying disciplinary punishment, the employer is obliged to demand an explanation from the employee in written form (on a paper delivery or in the form of an electronic document certified by an electronic digital signature) or in electronic form, ensuring the authorization and identification of the employee.

A request for clarification on the fact of a committed disciplinary offense shall be formalized in written form (on a paper carrier or in the form of an electronic document certified by an electronic digital signature) and, confirming receipt of the employer’s request, shall be sent to the employee personally or by courier mail, postal communication, facsimile communication, e-mail and other information and communication technologies.

In case the employee evades or refuses to receive the demand, the representative of the employer shall make an appropriate act.

If the employee does not provide an explanation after two working days have passed from the date of receipt of the claim or the act of avoiding or refusing to receive the claim, then the representative of the employer shall make the corresponding act.

The employee’s failure to provide an explanation cannot be an obstacle to disciplinary action.

3. Only one disciplinary punishment may be applied to an employee for each disciplinary misconduct.

4. Act of the employer on applying disciplinary punishment to the employee:

1) the employee was temporarily unable to work;
2) the employee is dismissed for the time of performing state or public duties;
3) the employee was on vacation or between shifts;
4) the employee was on a business trip;
5) shall not be issued during the period of investigation of an accident related to labor activity in relation to persons who allowed violations of labor safety and labor protection requirements.

5. Within three working days from the date of issuance of the act on the application of disciplinary punishment, the employee subjected to disciplinary punishment shall be notified by putting his hand on it. If the employee refuses to sign and confirm that he has read the employer’s act, a corresponding entry will be made in the act on disciplinary punishment.

If it is not possible to introduce the employee to the employer’s act of disciplinary punishment in person, within three working days from the date of issuance of the employer’s act, the employer is obliged to send a copy of the act of disciplinary punishment to the employee by registered mail with a notification of delivery.

Warning. Article 65 has been amended - RK 24.05.2018 No. 556-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 521-VI (enters into force ten calendar days after the date of its first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 66. Term of setting and application of disciplinary sanctions

1. Disciplinary punishment shall be applied to the employee immediately upon detection of disciplinary misconduct, but not later than one month from the date of its detection, except for the cases provided for in Clause 4 of Article 65 of this Code and other laws of the Republic of Kazakhstan.

In the cases provided for in Article 176 of this Code, disciplinary punishments shall be applied no later than one month from the date of entry into legal force of the court decision declaring the strike illegal.

2. Disciplinary punishment - to be applied after six months from the date of disciplinary misconduct, and in cases established by the laws of the Republic of Kazakhstan, or in cases where disciplinary misconduct is determined as a result of an audit or examination of the financial and economic activities of the employer, after one year from the date of the employee’s disciplinary misconduct will not happen.

3. Expiration of the period for consideration of the issue of disciplinary liability and application of disciplinary punishment:

1) absence from work due to temporary incapacity of the employee;
2) dismissal for the performance of state or public duties;
3) being on vacation, on a business trip, or on shift leave;
4) during the period of proceedings in a criminal case, an administrative offense case, as well as before the judicial act affecting the resolution of the employee’s disciplinary responsibility or the act of an official authorized to review cases of administrative offenses enters into legal force;
5) attendance of an employee in training, retraining, professional development courses and internships;
6) appeal to the employer’s acts about the employee’s disciplinary misconduct through the court procedure;
7) shall be suspended during the period of investigation of an accident related to labor activity in relation to the persons who allowed violations of labor safety and labor protection requirements.

4. With the exception of violation of the employment contract on the grounds provided by this Code, the term of disciplinary punishment shall not exceed six months from the date of its application.
5. An employer who has imposed disciplinary punishment on an employee has the right to withdraw the disciplinary punishment ahead of time by issuing an act of the employer.

Warning. Article 66 has been amended - RK 26.11.2019 No. 273-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Chapter 6. WORKING TIME

Article 67. Working time and its types

1. Preparatory-final work (order-task, obtaining materials, tools, getting acquainted with equipment, documentation, preparing and assembling the workplace, handing over the finished product, etc.) time periods, labor technology, labor organization; interruptions provided by the principles of labor protection and labor safety; the time of being at the workplace or waiting for work, during which the employee cannot freely own his time; duties on holidays and weekends; home duty, as well as labor, other periods in accordance with collective agreements, acts of the employer or regulatory legal acts of the Republic of Kazakhstan are included in the working time.

2. Normal duration, reduced duration and part-time working hours are possible.

Article 68. Normal length of working hours

1. The normal length of working hours should not exceed 40 hours per week.

2. The employment contract may provide for shorter working hours with the same payment as for normal working hours.

3. The total duration of daily work for the main workplace and secondary work should not exceed 4 hours of the norm of daily work duration established in paragraph 4 of Article 71 of this Code.

Article 69. Reduced working hours for certain categories of workers

1. For employees under the age of eighteen:
   1) for employees from fourteen to sixteen years of age - no more than 24 hours a week;
   2) for workers from sixteen to eighteen years of age - reduced duration of working hours not exceeding 36 hours per week is established.

2. For workers engaged in heavy work, work with harmful and (or) dangerous working conditions, a reduced duration of working hours of no more than 36 hours per week is established in accordance with the list of industries, workshops, professions and positions, heavy work, work with harmful working conditions and (or) dangerous work.

   The reduced duration of working hours specified in this paragraph is applied to workers whose work is confirmed by the results of attestation of working conditions of production objects in severe, harmful and (or) dangerous conditions.

   In the event that the employer does not conduct certification of production facilities according to working conditions, as well as non-certifiable workplaces, the reduced duration of working hours is given in full in accordance with the list of industries, workshops, professions and positions, heavy work, harmful and (or) dangerous work.

   The workers of the sending party are given a reduced working time based on the results of certification of the production facilities of the receiving party on working conditions.

3. Workers with disabilities of the first and second groups are assigned reduced working hours of no more than 36 hours per week.

4. When the reduced duration of working hours is established for workers, payment for their work is carried out in accordance with this Code.

Warning. Article 69 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 19.12.2020 No. 386-VI (enters into force ten calendar days after the date of its first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 70. Part time job

1. When concluding an employment contract, as well as in the process of labor relations, part-time working hours may be established by written agreement between the employee and the employer.

   Less than the normal duration established by this Code, including:

   1) reducing the norm of the duration of part-time work, i.e. daily work (work shift);
   2) part-time working week, i.e. reducing the number of working days in the working week;
   3) simultaneous reduction of the norm of daily work (work shift) duration and reduction of the number of working days in the working week is considered as part-time work.

2. Working part-time does not lead to restriction of the length of annual paid leave, calculation of seniority and other rights in the field of labor for the employee specified in this Code, labor, collective agreements, agreements.

3. The employer is obliged to set a part-time work schedule for a pregnant woman, one of the parents with a child (children) under three years of age (adoptive child), as well as an employee who takes care of a sick member of the family according to a medical report.
Warning. Article 70 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 71. Operating time mode

1. A five-day working week with two days off is established for workers. During a five-day work week, the duration of daily work (shift) is determined by the employer's act, taking into account the specifics of the work and observing the established length of the work week.

2. A six-day work week with one day off is established in organizations where it is inappropriate to introduce a five-day work week due to the nature of production and working conditions.

3. The employer establishes a five-day or six-day work week in accordance with the requirements of the labor and collective agreements or the employer's act.

4. The duration of daily work does not exceed 8 hours, except for cases provided for by this Code and other laws of the Republic of Kazakhstan.

5. The duration of the daily work (work shift), the start and end time of the daily work (work shift), and the time of work breaks are determined in compliance with the requirements established in the rules of labor discipline, labor and collective agreements.

6. In accordance with the labor legislation of the Republic of Kazakhstan, acts of the employer, collective or labor conditions, a different duration of daily work (work shift) may be established for creative workers of professional organizations of art and cultural recreation, mass media workers, athletes, coaches.

Article 72. Dividing daily work (work shift) into parts

1. To divide daily work (work shift) into parts:
   1) in jobs with different work intensity;
   2) if it is related to social and household and other personal needs of the employee, it is allowed on his initiative.

2. When daily work (work shift) is divided into parts, the total duration of working time should not exceed the specified duration of daily work (work shift).

3. Daily work (work shift) types of work divided into parts, the number and duration of work breaks, as well as the types and amounts of compensation paid to employees for work with such conditions are defined in labor and collective agreements.

Breaks related to dividing the daily work (work shift) into parts are given for employees to rest and do not count as working time.

Article 73. Shift work

1. In cases where the duration of the production process exceeds the permissible duration of daily work, shift work may be established.

2. During shift work, the duration of the work shift, the transition from one work shift to another is determined by shift schedules.

3. The employer brings the shift schedules to the attention of the employees at least ten calendar days before these schedules are put into effect.

4. It is prohibited to employ an employee for two consecutive work shifts.

Article 74. Flexible working hours

1. For workers, including remote workers, a flexible working time regime may be established in order to coordinate their social, household and other personal needs with production interests.

2. During flexible working hours:
   1) fixed working hours;
   2) flexible (variable) working hours during which the employee has the right to perform work duties at his own discretion;
   3) the accounting period is established.

3. The period during which the average fixed working time must be maintained for this category of employees is recognized as the accounting period during flexible working hours.

4. The accounting period during flexible working hours does not exceed six months.

5. The duration of daily work (work shift) and (or) weekly working time in the flexible working time regime may be more or less than the norm of daily and (or) weekly working time.

6. The duration of fixed working hours, flexible (variable) working hours, accounting period in the flexible working time regime is established in the act of the employer, labor or collective agreements.
Warning. Article 74 was amended by the Law of the Republic of Kazakhstan dated 01.07.2021 No. 61-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 75. Summary report of working hours

1. The summary calculation of working hours is used in continuously working factories, workshops, sites and in some types of work where the daily or weekly duration of working hours established for this category of workers is not observed according to production (work) conditions.

2. The period during which the daily and (or) weekly working time norm established for this category of employees must be observed on average is recognized as the accounting period during the summary calculation of working time.

3. Any calendar period, but not more than one year, or the period of performance of certain work can be the accounting period during the summary calculation of working hours.

4. When setting the summary calculation of working time, it is mandatory to observe the duration of the employee’s vacation between the end of work and the beginning of the next working day (work shift).

5. The procedure for working during the summary calculation of working time, the categories of employees for which the summary calculation of working time is determined shall be defined in the collective agreement or the act of the employer.

6. It is not allowed to hire workers under the age of eighteen for the work where the summary calculation of working hours is used.

7. If the duration of the working day (work shift) exceeds eight hours, pregnant women are not allowed to use the cumulative calculation of working hours.

8. Employees with disabilities of the first group are not allowed to use the summary calculation of working hours.

If workers with disabilities of the second and third groups are prohibited from setting a summary report of working hours based on the conclusion of an expert occupational pathology commission, such a regime will not be set for them.

Warning. Article 75 was amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 76. Night work

1. Time from 10 pm to 6 am is considered night time.

2. For night work:

   workers under the age of eighteen;

   Pregnant women who have submitted a certificate of pregnancy to the employer will not be admitted.

3. Recruiting disabled workers to work at night is allowed only with their written consent, if such work is not prohibited due to their health condition according to a medical report.

4. Employer:

   1) women with children under the age of seven and other people raising children under the age of seven without a mother;

   2) workers raising children with disabilities under the age of eighteen have no right to engage in night work without their written consent.

Warning. Article 76 has been amended - RK 12.10.2021 No. 67-VII (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 77. Overtime

1. With the exception of the cases provided for in paragraph 2 of this article, overtime work is allowed only with the written consent of the employee.

2. Without the employee’s consent, in the following cases:

   1) when carrying out work necessary for the defense of the country, as well as for the prevention of emergency situations, earthquakes or industrial accidents or immediate elimination of their consequences;

   2) to eliminate other circumstances that disrupt the normal functioning of water supply, gas supply, heat supply, energy supply and other life support systems;

   3) if it is not possible to take a break in the work, in case the replacement worker does not come, to continue the work, taking measures to replace it with another worker immediately;

   4) overtime work is allowed to provide urgent and emergency assistance to citizens who are in danger of losing health or death.

3. The following workers are eligible for overtime work:

   1) pregnant women who submitted a certificate of pregnancy to the employer;
2) persons under the age of eighteen;
3) people with disabilities are not admitted.

Warning. Article 77 was amended by the Law of the Republic of Kazakhstan dated 27.06.2022 No. 129-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 78. Maximum number of overtimes
1. Overtime work should not exceed two hours per day for each worker, and one hour in heavy work, harmful and (or) dangerous work conditions.
2. The total duration of overtime work should not exceed twelve hours per month and one hundred and twenty hours per year.
3. The limitation of the maximum number of overtime works does not apply to the works in the cases provided for in subparagraphs 1) and 4) of paragraph 2 of Article 77 of this Code.

Article 79. Procedure for recording working hours
1. The employer is obliged to record the actual working hours of the employee.
2. The time the employee worked and did not work should be taken into account. At the same time, overtime, night time, work on weekends, holidays, and business trips are counted separately.
3. The form and procedure for recording working hours shall be defined in the act of the employer.
4. In cases where the employee's working time includes periods during which work is performed outside the workplace, or when the employer cannot record their performance in real time, these periods are designated in the working time records as the performance of the scope of work specified in the employment contract.

Warning. Article 79 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 7. BREAK TIME

Article 80. Types of rest time

Types of rest time:
1) breaks during the working day (work shift):
   - break for rest and food;
   - intra-shift and special breaks;
2) daily (intershift) rest;
3) weekends (rest between shifts);
4) holidays;
5) are vacations.

Article 81. A break for rest and food
1. The employee must be given one break of at least half an hour for rest and meals during the daily work (work shift).
2. The time and duration of breaks for rest and meals shall be established in the labor regulations, labor and collective agreements.
3. Break time for rest and meals is not included in working time. In works where it is not possible to take a break due to production conditions, the employer is obliged to provide the employee with the opportunity to rest and eat in a specially equipped place during working hours. The list of such works, the order and place of rest and meals are established in the collective agreement or acts of the employer.

Article 82. Shift and special breaks
1. In certain types of work, employees are given intra-shift breaks depending on production and labor technology and their organization, which are added to working hours. Unless otherwise established by the legislation of the Republic of Kazakhstan, these types of work, the duration of such breaks and the procedure for their provision are determined in the collective agreement or acts of the employer.
2. Workers who work outdoors, in unheated closed premises during the cold or hot season of the year, as well as those who work in loading and unloading operations, are given special breaks added to the working hours to warm up or cool down and rest. The employer is obliged to ensure the equipment of premises for warming, cooling and resting of employees.
3. For women with children up to one and a half years old, for fathers (adoptive parents) raising children up to one and a half years old without a mother, the duration of work for feeding the child (children) is as follows, not less than every three hours:
1) for those who have one child - each break is at least thirty minutes;

2) those who have two or more children - additional breaks, each break of at least one hour, are given.

4. At the request of the employee specified in paragraph 3 of this article, breaks for feeding the child (children) are added to rest and meal breaks, or total breaks are given at the beginning or end of the working day (shift).

5. Breaks for feeding the child (children) are included in the working time. Average wages of women, fathers, and adopters are maintained during the breaks.

Warning. Article 82 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 83. Duration of daily (intershift) rest

The duration of the employee’s daily (intershift) rest between the end of work and the beginning of the next day (work shift) shall not be less than twelve hours.

Article 84. Weekends

1. Workers are given weekly days off.

2. In a five-day work week, employees are given two rest days a week, and in a six-day work week - one rest day.

3. In the five-day and six-day working week, Sunday is a general day of rest. The second day of rest in a five-day working week is specified in the collective agreement or labor regulations.

4. Workers (groups of workers) who work in continuous productions or in productions where it is not possible to stop work on weekends due to production and technical conditions or due to the need to provide continuous services to the public, as well as workers (groups of workers) who work in shifts, on weekends according to shift schedules (shift schedules) every week days are given alternately.

5. Regardless of the applicable work regimes and shift schedules (hour schedules), the first day of Eid al-Adha, celebrated according to the Muslim calendar, January 7, is the Orthodox Christmas weekend.

6. An employee on a business trip shall use the rest days in accordance with the labor regulations of the employer to which he is sent.

Article 85. Work on weekends and holidays

1. The written consent of the employees and the issuance of the employer’s act are not required to hire workers who work in shifts according to the shift schedule or the shift schedule on holidays, as well as on the days off provided for in Article 84, Clause 5 of this Code.

With the exception of the cases provided for in Article 86 of this Code, work on weekends and holidays is allowed with the written consent of the employee or on the basis of the act of the employer at his request.

2. For work on weekends and holidays, at the discretion of the employee, he is given another day off or is paid in the amount specified in Article 109 of this Code.

3. The Government of the Republic of Kazakhstan has the right to change the days off to other working days during the holidays, as well as on the days off provided for in clause 5 of Article 84 of this Code, for the purpose of rational use of working hours.

4. It is forbidden to employ pregnant women who have presented a pregnancy certificate to the employer on weekends and holidays.

Warning. Article 85 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 86. Special cases of employment on weekends and holidays without the employee’s consent

Employment on weekends and holidays without the employee’s consent in the following cases:

1) to prevent emergency situations, earthquakes or industrial accidents or to eliminate their consequences immediately;

2) to prevent and investigate accidents, property destruction or damage related to work;

3) it is permitted to carry out urgent, unexpected work, which depends on the prompt execution of the further normal functioning of the organization as a whole or its individual units.

Article 87. Types of holidays

1. Employees are given the following types of holidays:

1) annual paid holidays;

2) social holidays.

2. Annual paid leave is dedicated to the employee’s rest, recovery of working capacity, strengthening of health and other personal needs of the employee and is given for a certain number of calendar days, keeping the workplace (position) and average salary.
3. Employees are given the following types of annual paid leave:

1) annual basic paid leave;
2) annual paid additional leave.

4. Social leave is defined as the dismissal of an employee for a certain period in order to create favorable conditions for motherhood, to undergo screening tests, to take care of children, to get an education without interruption from production and for other social purposes.

5. Employees are given the following types of social holidays:

1) leave without pay;
2) study vacation;
3) leave due to pregnancy and childbirth, adoption of a newborn child (children);
4) leave without pay due to the care of the child until he turns three years old;
5) leave for screening examinations in the amount of no more than three working days per year;
6) leave for medical records for pregnancy up to twelve weeks in the amount of at least three working days.

If the laws of the Republic of Kazakhstan do not provide otherwise, the period spent on social leave is counted as length of service.

6. Leave is formalized by an act of the employer.

Warning. Article 87 was amended by the Law of the Republic of Kazakhstan dated 07.07.2020 No. 361-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 88. Length of basic annual paid leave

If this Code, other regulatory legal acts of the Republic of Kazakhstan, labor, collective agreements and acts of the employer do not provide for a greater number of days, employees are given annual paid basic leave of absence of twenty-four calendar days.

Article 89. Additional paid annual leave

1. To:

1) an annual supplement paid to workers engaged in hard work, work with harmful and (or) dangerous conditions, according to the list of industries, workshops, professions and positions, hard work, work with harmful and (or) dangerous work conditions, with a duration of at least six calendar days working holidays are given.

Workers whose work in severe, harmful and (or) dangerous conditions is confirmed by the results of the certification of industrial facilities according to working conditions are granted additional annual paid vacations.

If the employer does not conduct certification of production objects according to working conditions, as well as non-certifiable workplaces, annual paid additional vacations according to the list of industries, workshops, professions and positions, heavy work, harmful and (or) dangerous work is given in full;

2) persons with disabilities of the first and second groups are granted additional paid annual leave of at least six calendar days.

Employees of the sending party are granted annual paid additional holidays based on the results of attestation of the working conditions of the production facilities of the receiving party.

2. Additional annual leave and its duration may be established by the laws of the Republic of Kazakhstan to other categories of workers.

3. In labor and collective agreements, annual paid additional vacations may be established for employees for continuous long work, important, complex, urgent work, as well as other types of work.

Warning. Article 89 was amended - RK 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 90. Calculation of the length of annual paid leave

1. The duration of annual paid leave is calculated in calendar days, regardless of the applicable work regimes and shift schedules, without taking into account the holidays that coincide with the days of annual paid leave.

2. When calculating the total length of annual paid leave, additional annual paid leave is added to the basic annual paid leave.

Article 91. Calculation of seniority when annual paid leave is granted

When annual paid leave is granted:

1) actual working time;
2) the time when the employee did not actually work, but his workplace (position) and salary were fully or partially preserved;

3) time when the employee did not actually work due to temporary incapacity for work, including time on leave due to pregnancy and childbirth;

4) the period of actual non-work before the employee is rehired is added to the length of service.

Article 92. Determining the period of annual paid vacations and the procedure for granting them

1. An annual paid vacation for the first and subsequent years of work shall be granted to the employee at any time of the working year by agreement of the parties.

2. The working year is twelve calendar months calculated from the first working day of the employee.

3. Annual paid leave may be divided into parts by agreement between the employee and the employer. At the same time, one part of annual paid leave should not be less than fourteen calendar days.

4. Payment for annual leave shall be made no later than three working days prior to its commencement, and if the leave is granted outside of the vacation schedule, no later than three working days from the day it was granted.

5. Annual paid leave to employees working under the employment contract on additional work is granted at the same time as leave from their main job.

If the duration of the annual paid vacation under the employment contract for secondary work is less than the duration of the vacation for the main job, the employer, at the request of the co-executive employee, grants him unpaid leave for the days that make up the difference in the duration of vacations.

6. Granting of leave, replacement or recall from annual paid leave shall be formalized by an act of the employer.

Warning. Article 92 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 93. Order of annual paid vacations

1. The sequence of granting annual paid leave to employees is determined annually according to the schedule of vacations approved by the employer taking into account the opinion of the employees, or is set outside of the schedule of vacations by agreement of the parties.

2. In case the vacation schedule is changed due to production needs, the employer is obliged to inform the employee about this at least two weeks before the start of the vacation.

Article 94. Conditions and procedure for replacement of annual paid leave

1. Annual paid leave in the following cases:

when the employee is temporarily unable to work;

During the leave due to pregnancy and childbirth, all or part of it is replaced.

2. In the cases provided for in paragraph 1 of this article, the annual paid leave (a part of it) is replaced by the period of the annual paid leave at the request of the employee. By agreement of the parties, the substituted leave can be added to the leave of the next working year or given separately in the current working year at the request of the employee.

3. It is prohibited to not give unused annual paid leave or part of it for two consecutive years.

Article 95. Recall from annual paid leave

1. The employer may interrupt the annual paid leave only with the written consent of the employee in case of industrial necessity.

2. The unused part of the annual paid leave due to recall shall be given at any time during the current working year or the next working year, or added to the annual paid leave of the next working year, upon the agreement of the parties to the employment contract.

3. When an employee is recalled from annual paid leave, instead of giving the unused part of the leave at another time, the employee is compensated for the days of the unused part of the annual paid leave according to the agreement between the employee and the employer.

4. It is not allowed to recall employees under the age of eighteen, pregnant women who have provided a certificate of pregnancy to the employer, and employees who work in heavy work, in harmful and (or) dangerous work conditions, from annual paid leave.

Warning. Article 95 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 96. Exercise of the right to annual paid leave and payment of compensation upon termination of the employment contract

1. Annual paid leave with subsequent termination due to the expiry of the employment contract may be granted if the leave period exceeds the term of the employment contract in whole or in part. The last day of annual paid leave is considered the day of its termination due to the expiration of the term of the employment contract.

2. When the employment contract is terminated, the employee who did not use or did not fully use the annual paid leave (annual leave) shall be compensated for the unused days of the annual paid leave (annual leave).
Compensation payment for unused days of annual paid leave (annual leave) is calculated at the expense of the employee’s average salary.

Warning. Article 96 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 97. Leave without pay

1. With the agreement of the parties to the labor contract, based on the request of the employee, he may be granted leave without pay.

2. The duration of leave without salary is determined by agreement between the employee and the employer.

3. Employer:

   1) when the marriage is registered;
   
   2) when a child is born;
   
   3) close relatives, as well as spouses and (or) their dependents (brothers and sisters with one parent and separated parents), parents (parents), children, grandfather, grandmother, grandchildren) when they die;
   
   4) in other cases stipulated by the labor and collective agreements, on the basis of the employee’s notification, he is obliged to give up to five calendar days of unpaid leave.

Warning. Article 97 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 98. Study vacation

1. Employees studying in educational organizations are granted educational leave to prepare for and pass tests and exams, perform laboratory work, prepare and defend a diploma thesis (project), and undergo training programs for military trained reserve.

2. Payment for study leave is defined in agreements, collective, labor contracts, study contract.

3. The employer provides study holidays to employees sent for study and internship abroad within the framework of the "Bolashak" international scholarship, while keeping their job (position).


1. Pregnant women, women who have given birth to a child (children), women (men) who have adopted a newborn child (children) are given the following holidays due to the birth of a child:

   1) leave due to pregnancy and childbirth;
   
   2) leave for employees who have adopted a newborn child (children);
   
   3) leave without pay due to the care of the child until he turns three years old.

2. A pregnant woman formalizes leave from the date specified in the form of temporary incapacity for work giving the right to leave due to pregnancy and childbirth by submitting a form of temporary incapacity for work confirming the right to the said type.

Duration of leave due to pregnancy and childbirth:

- during normal childbirth - seventy calendar days before childbirth and fifty-six calendar days after childbirth;

- in case of difficult childbirth or birth of two or more children - for seventy calendar days before childbirth and seventy calendar days after childbirth;

- for women living in the territories affected by nuclear tests, during normal childbirth - ninety-one calendar days before childbirth and seventy-nine calendar days after childbirth (in case of difficult childbirth or the birth of two or more children - ninety-three calendar days);

- in case of giving birth during the period from twenty-second to twenty-ninth week of pregnancy and giving birth to a child whose body weight is five hundred grams or more, and he lived for more than seven days - for seventy calendar days after childbirth;

- in the period from the twenty-second to the twenty-ninth week of pregnancy and in the case of a stillborn child or a child whose body weight is five hundred grams or more, and it was born before the seventh day of life - for fifty-six calendar days after childbirth;

- to women living in the territories affected by nuclear tests, who gave birth during the period from the twenty-second to the twenty-ninth week of pregnancy and gave birth to a child weighing five hundred grams or more and lived for more than seven days - for ninety-three calendar days after childbirth;

- to women living in the territories affected by nuclear tests, who gave birth during the period from the twenty-second to the twenty-ninth week of pregnancy and gave birth to a stillborn baby or a baby weighing five hundred grams or more, who was born before the seventh day of life - for seventy-nine calendar days after giving birth.

When a woman applies for temporary incapacity for work during pregnancy, leave is calculated cumulatively and is given in full, regardless of the number of days she actually used before childbirth and the length of time she worked for the employer.
When a woman applies for a certificate of temporary incapacity for work in the postpartum period, only postpartum leave with the duration specified in the second part of this paragraph is granted.

3. Employees (one of the parents) who have adopted a newborn child (children) are granted leave from the day of adoption and up to fifty-six days from the day of the child’s birth.

4. If it is stipulated in the requirements of the labor and (or) collective agreement, in the act of the employer, the employer has lost income due to pregnancy and childbirth, adoption of a newborn child (children), carried out in accordance with the legislation of the Republic of Kazakhstan on mandatory social insurance, while maintaining the average salary. deducting the amount of the social payment to be paid in this case, pays for the leave due to pregnancy and childbirth, the leave given to employees who have adopted a newborn child (children).

Warning. Article 99 has been amended - RK 02.07.2018 No. 165-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

Article 100. Unpaid care leave until the child reaches three years of age

1. Employer to employee:

1) at the choice of the parents - to the child’s mother or father;

2) to parents raising a child alone;

3) to another relative or guardian who is actually raising a child left without parental care;

4) an employee who adopts a newborn child (children) is obliged to provide unpaid leave for the care of the child until the child turns three years old.

2. Until the child turns three years old, unpaid leave related to his care is granted based on the written request of the employee, specifying its duration and presenting the child’s birth certificate or other document confirming the fact of the child’s birth.

An employee can use the leave related to child care in full or in part until the child turns three years old.

3. Until the child turns three years old, the employee’s place of work (position) is kept during the time off without pay due to his care.

4. If the child goes to work before the end of unpaid leave due to his care before the child turns three years old, the employee is obliged to inform the employer about his intention one month before the start of work.

Warning. Article 100 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 8. REGULATION OF LABOR AND PAYMENT OF LABOR

Article 101. Standardization of labor

1. Standards of labor (time, production, labor capacity, service, number) are a measure of labor costs and are established in accordance with the achieved level of equipment, technology, production and labor organization for an employee with appropriate qualifications.

2. The employer develops, implements, replaces and revises labor standards in accordance with the procedure established by the authorized state labor body.

3. Labor norms must be changed according to certification and rationalization of workplaces, introduction of new equipment, technology and organizational and technical measures that ensure increase in labor productivity.

Achieving a high level of production (service provision) due to the use of new work methods and improvement of workplaces by individual workers on their own initiative is not a basis for revising previously established labor standards.

4. Employees are notified at least one month in advance of the introduction of new labor standards by the employer.

5. When developing labor standards:

1) the quality of labor standards, their optimal approximation to the necessary labor costs;

2) establishing the same labor standards for the same work performed under similar organizational and technical conditions;

3) progressiveness of labor standards based on scientific and technical achievements;

4) coverage of work types for which it is possible and appropriate to establish labor norms with labor regulation;

5) the technical (scientific) validity of labor standards should be ensured.

6. In organizations where state regulation of tariffs (prices, fee rates) is introduced for their services (goods, works), labor standards are approved by the employer in accordance with the procedure established by the authorized state bodies in the relevant field of activity and the authorized state body for labor.
7. Model norms and standards on labor are developed and approved by industry associations of employers, uniform and (or) inter-
industry model norms and standards on labor for all spheres of activity are approved by the National Chamber of Entrepreneurs of the
Republic of Kazakhstan in accordance with the procedure established by the authorized state body on labor in agreement with the
representatives of employees.

8. The qualification requirements for employees and the complexity of certain types of work are based on professional standards,
and in their absence, the unified tariff-qualification directory of jobs and labor occupations, the qualification directory of the
tariff-qualification characteristics of managers, specialists and other employee positions, labor occupations, and heads of
organizations, specialists and other employees are established on the basis of standard qualification characteristics of their
positions.

Article 102. State guarantees in the field of payment of labor

State guarantees in the field of payment of wages to workers:

1) the minimum monthly salary;
2) the minimum hourly wage;
3) payment of overtime;
4) pay for work on holidays and weekends;
5) pay for night work;
6) limit the amount of deduction from the employee's salary;
7) includes the order and terms of salary payment.

Article 103. Amount of salary

1. The amount of the employee's monthly salary is determined based on the employee's qualifications, the complexity, quantity and
quality of the work performed, as well as working conditions. The amount of monthly salary is not limited to the maximum amount.
The salary is paid to the employee for the actual working time recorded in the employer's documents for recording working hours.

2. The amount of the monthly salary of the employee who has fully fulfilled the norms of working hours determined for this period
and fulfilled the labor norms or labor duties shall not be less than the minimum amount of the monthly salary established by the law of
the Republic of Kazakhstan on the republican budget for the relevant financial year.

Warning. Article 103 was amended by the Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry
of ten calendar days after the date of its first official publication).

Article 104. Determining the minimum wage

1. The minimum monthly salary established annually by the Law of the Republic of Kazakhstan on the republican budget for the
relevant financial year shall not be less than the minimum subsistence level and it does not include additional fees and bonuses,
compensation and social payments, bonuses and other incentive payments and for the time of work paid on a pro rata basis.

2. The minimum amount of hourly wages of an employee who has performed his duties should not be less than the minimum amount of
monthly wages divided by the number of average monthly working hours according to the balance of working hours in the relevant calendar
year.

3. The minimum amount of the monthly salary or the amount of the monthly tariff rate of the first-class employee stipulated in the
requirements of the labor, collective agreements and (or) acts of the employer should not be less than the minimum amount of the monthly
salary established by the law of the Republic of Kazakhstan on the republican budget for the relevant financial year.

Article 105. Paying for the labor of workers, workers of the sending party, who work in heavy work, working conditions are harmful and
(or) dangerous.

Warning. The title of Article 105 was amended by the Law of the Republic of Kazakhstan No. 386-VI of 19.12.2020 (shall be enforced upon expiry
of ten calendar days after the date of its first official publication).

1. Payment for the labor of workers engaged in heavy work, harmful and (or) dangerous work, compared to payment for the labor of
workers working in normal working conditions, increased official salaries (rates) or working conditions classified according to the
degree of harmfulness and danger determined by the industry agreement taking into account industry coefficients, additional fees, the
amount of which is determined in the collective agreement or the employer's act, are established.

2. Payment of increased wages for the labor of workers engaged in heavy work, work with harmful and (or) dangerous working
conditions is carried out in accordance with the list of industries, workshops, professions and positions, heavy work, work with harmful
working conditions and (or) dangerous work.
3. The requirements for payment of labor established in this article are offered to workers whose work in heavy work, harmful and (or) dangerous work conditions is confirmed by the results of attestation of production facilities on working conditions.

On the basis of the results of certification of the production facilities of the receiving party in terms of working conditions, during the conclusion of the contract for the provision of personnel services, the employees of the sending party will be assigned increased salaries (rates) or additional fees.

In the event that the employer does not carry out the certification of the industrial objects in terms of working conditions, as well as in the workplaces that are not subject to certification, payment for the labor of workers who work in hard work, in harmful and (or) dangerous work conditions. conditions are carried out according to the list of harmful and (or) dangerous work.

Warning. Article 105 was amended by the Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 106. Paying for labor by the hour

1. For work actually performed when the working day is not full or when the workload is not full, as well as for payment for work of a temporary or one-time nature, it is possible to establish hourly payment for labor in the requirements of the labor contract and (or) in the act of the employer. For certain categories of workers provided for by this Code, hourly payment for labor during reduced working hours is established.

2. During the total accounting of working hours, payment of wages is made according to the number of working hours actually worked according to the shift schedule (hours schedule). At the same time, the salary is calculated according to the tariff rate (postal salary) in accordance with the working time balance for the relevant calendar year and the hourly tariff rate calculated on the basis of the monthly rate of working time.

Article 107. Labor payment system

1. The salary for the employee is determined in the labor contract according to the existing labor payment systems at the employer.

2. The system of payment for labor is defined in the requirements of labor, collective agreements and (or) acts of the employer.

3. The employer may introduce bonus systems and other forms of labor incentives specified in the requirements of the collective agreement and (or) the acts of the employer in order to increase the interest of employees in increasing the production efficiency and the quality of the work performed.

4. The system of payment for labor must provide a share of the basic salary, which is at least 75 percent of the workers' salary, excluding one-time incentive payments.

5. The requirements for payment of labor defined in agreements, labor, collective agreements and acts of the employer cannot be worse than the requirements established in this Code and other normative legal acts of the Republic of Kazakhstan.

Article 108. Paying for overtime

When paying for labor by time, overtime work is paid in an increased amount in accordance with the requirements of labor or collective agreements and (or) the employer's act, but not less than one and a half times the daily (hourly) rate of the employee. During the payment of lump sums for labor, additional payment for overtime work is made in an amount not lower than fifty percent of the employee's fixed daily (hourly) rate.

By agreement of the parties, it is allowed to offer rest hours for overtime work with at least one hour of rest for one hour of overtime work.

Article 109. Payment for work on holidays and weekends

Payment for work on holidays and weekends is carried out in an increased amount in accordance with the requirements of the labor or collective agreements and (or) the employer's act, but not less than one and a half times the daily (hourly) rate of the employee.

Article 110. Paying for night work

For each hour of night work, a fee is paid in an increased amount in accordance with the requirements of the labor or collective agreements and (or) the employer's act, but not less than one and a half times the daily (hourly) rate of the employee.

When the night working time coincides with a holiday or a weekend, payment of labor is made separately for night hours in accordance with the first part of this article and for hours of a holiday or weekend in accordance with Article 109 of this Code.

Warning. Article 110 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 111. Paying for work during the simultaneous performance of positions, expansion of the service area and performance (replacement) of the temporarily absent employee.

1. In the same organization, additional payment is made to employees who, in addition to their main job as stipulated in the employment contract, perform additional work in another or similar position or perform the duties of an temporarily absent employee without being released from their main job.

2. Additional tasks assigned to employees:

1) the employee's performance of additional work on another vacant position in addition to his main job provided for in the employment contract (job manual) - concurrent performance of positions;
1. Calculation of the average salary for a five-day and similarly six-day work week for the time actually worked at the expense of the average daily (hourly) salary for the relevant period, taking into account the established additional fees and bonuses, bonuses and other incentive payments of a permanent nature provided for in the labor payment system is conducted.

2. According to this Code, the twelve calendar months before the event related to the payment of the appropriate fee (payment) is the settlement period for calculating the average salary. For employees who have worked for less than twelve calendar months, the average salary is determined by the actual working time.

If it does not worsen the situation of the employee, the collective agreement may provide for other periods of calculating the average salary.

3. For all cases of determining the average salary provided for in this Code, the authorized state body on labor shall establish a single procedure for its calculation.

Article 115. Withholdings from wages

1. Deductions from the employee’s salary are carried out according to a court decision, as well as in the cases provided for by the laws of the Republic of Kazakhstan and this Code.
2. Withholding from the employee's salary to pay off the employee's debt to the organization where he works, notifying the employee:

1) in connection with the business trip, as well as in case of failure to provide documents confirming the expenses related to the business trip, for reimbursement of money amounts not spent and not returned on time;

2) when there is a training contract, in cases where it is intended to compensate the employer for the costs related to the training of the employee in the case of early termination of the employment contract in proportion to the period of non-work;

3) to pay the unpaid advance given to the employee at the expense of wages;

4) with the exception of paragraph 3 of Article 95 of this Code, in cases of replacement of paid annual leave or recall of the employee from it;

5) with the written consent of the employee, in other cases it can be carried out on the basis of the act of the employer.

3. In the case of withholding from wages according to several executive forms, as well as in the cases provided for by the laws of the Republic of Kazakhstan and this article of the Code, the amount of monthly withholding should not exceed fifty percent of the salary due to the employee.

Article 115 was amended by the Law of the Republic of Kazakhstan dated 01.07.2021 No. 61-VII (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 9. VOCATIONAL TRAINING, RE-TRAINING AND SKILLS IMPROVEMENT

Article 116. Concepts used in this chapter

The following concepts are used in this chapter:

1) professional training - a form of professional training that allows to support, expand, deepen and improve previously acquired professional knowledge, training and skills;

2) dual training - a form of personnel training that combines training in an educational organization with mandatory periods of industrial training and professional practice in the enterprise (organization), offering jobs to students and paying compensation, under the equal responsibility of the enterprise (organization), educational institution and the learner;

3) contract on dual training - a written agreement between the learner, the educational institution that regulates the conditions and procedures for industrial training and professional practice, and the enterprise (organization) that provides a workplace for industrial training and professional practice;

4) professional training - a form of professional training aimed at the development of a person to acquire new or changed professional skills necessary to perform a certain type of work;

5) retraining - a form of professional training that allows mastering another profession or specialty;

6) training contract - a written agreement between the employer and the learner on the terms of professional training, retraining and professional development.

6-1) industrial training - training aimed at theoretical education and practical training of students on the basis of educational organizations and (or) enterprises (organizations);

7) regulated professions - professional activities that require confirmation of compliance and qualification;

8) a mentor is a qualified employee of an enterprise (organization) who has mastered the technologies of the field of production or service provision, conducts industrial training and professional practice management.

Article 116 was amended - RK 07.04.2018 No. 171-VI (shall be enforced from 01.01.2021); 04.07.2018 No. 172-VI (entered into force ten calendar days after the date of the first official publication).

Article 117. Professional standards and qualification system

1. The national qualification framework consists of writing general characteristics of professional activity for each qualification level.

The industry qualification framework classifies the requirements for the qualification of a specialist in the industry by levels depending on the complexity of the work performed and the nature of the knowledge, skills and competence used.

Professional standard is a standard that determines the requirements for the level of qualification and competence, content, quality and conditions of work in a specific field of professional activity.

2. Professional standards are developed, introduced, replaced and revised by employers' associations (associations, unions) on the basis of industry qualification frameworks and approved by the National Chamber of Entrepreneurs of the Republic of Kazakhstan in accordance with the procedure established by the authorized state body for labor.

2-1. The development, approval, replacement and revision of professional standards for services provided by state legal entities shall be carried out by the state bodies of the relevant field of activity in agreement with the authorized labor body.
3. The development and revision of the national qualification framework is carried out by the authorized state body on labor together with the authorized body in the field of education and approved by the republican tripartite commission on social partnership and regulation of social and labor relations.

4. The development and revision of the sectoral qualification framework is carried out by the authorized state bodies and employers' associations (associations, unions) of the respective spheres of activity and approved by the sectoral commissions on social partnership and regulation of social and labor relations.

5. Accredited organizations in accordance with the legislation of the Republic of Kazakhstan carry out compliance confirmation and qualification for regulated professions.

   The procedure for confirmation of compliance and qualification for regulated professions is determined by the authorized state bodies of the relevant service areas.

6. The development and revision of the list of regulated professions is carried out by the authorized state body on labor in cooperation with the authorized state bodies of the relevant spheres of activity, and it is approved by the republican tripartite commission on social partnership and regulation of social and labor relations.

   Warning. Article 117 was amended - RK 06.04.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.07.2018 No. 171-VI (see article 2 for the procedure for implementation); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 118. Vocational training, retraining and professional development

   1. The employer determines the need for professional training, retraining and skill improvement for the functioning and development of the organization.

   1-1. Educational programs of technical and vocational, post-secondary, higher and post-graduate education, retraining and professional development should be focused on learning outcomes and take into account the requirements of relevant professional standards for the implementation of a comprehensive system of certification and qualification.

   2. The employer shall provide professional training, retraining and improvement of the qualifications of employees or other persons (students) who do not have labor relations with him:

   1) directly in the organization (employer);

   2) in educational organizations implementing training programs of technical and professional, post-secondary, higher and post-graduate education;

   3) conducts personnel professional training, retraining and improvement of their qualifications in other organizations.

   3. Vocational training, retraining and upgrading of students’ qualifications on the employer’s referral is carried out at the expense of the employer’s funds or other funds not prohibited by the legislation of the Republic of Kazakhstan in accordance with the training contract.

   4. In the training contract:

   1) reference to the specific profession, qualification and (or) name of the qualification course that the learner receives;

   2) rights and obligations of the employer and the learner;

   3) the period of training and the period of compensation with work at the employer after the completion of training;

   4) the procedure and conditions for reimbursement of training-related costs to the employer in proportion to the outstanding period of compensation with work;

   5) guarantees and compensation payments related to training;

   6) the responsibility of the parties should be covered.

   The training contract may include other requirements determined by agreement of the parties.

   5. Employees undergoing vocational training, retraining and professional development may be dismissed or work part-time by agreement with the employer.

   6. The agreement, collective and (or) labor conditions may stipulate benefits and compensation payments related to training.

   7. The employer supports the training, retraining and upgrading of the personnel to the educational organizations implementing the training programs of technical and professional education.

   8. In accordance with the legislation of the Republic of Kazakhstan on education, employers offer places for vocational training, as well as industrial training, create safe conditions and fulfill the tasks stipulated in the contracts.

   Warning. Article 118 was amended - RK 04.07.2018 No. 171-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.07.2018 No. 172-VI (entered into force ten calendar days after the date of the first official publication)

Article 119. Dual training
Dual training is carried out in accordance with the contract on dual training, which is drawn up on the basis of the form of the model contract on dual training approved by the authorized body in the field of education.

During the period of industrial training and professional practice, the principles of labor discipline are applied to the learner.

During the period of industrial training and professional practice, the learner performs certain functional tasks that count towards the learner's seniority and may be compensated for that time.

Requirements for labor safety and labor protection apply to people undergoing industrial training and professional practice.

On the basis of the contract on dual training, the enterprise (organization) assigns a mentor to the learner for the implementation of industrial training and management of professional practice.

Warning. Article 119 was amended - RK 04.07.2018 No. 171-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.07.2018 No. 172-VI (entered into force ten calendar days after the date of the first official publication)

Chapter 10. MATERIAL RESPONSIBILITY OF THE PARTIES OF THE LABOR CONTRACT, EMPLOYEE OF THE SENDING PARTY

Warning. The title of Chapter 10 was amended by the Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 120. The duty of the party to the labor contract to compensate for the damage caused

1. The material responsibility of a party to an employment contract for damage (damage) caused to another party to the employment contract, unless otherwise provided for in this Code and other laws of the Republic of Kazakhstan, is culpable behavior against the law (act or inaction) and culpable behavior against the law and the resulting begins for the damage (damage) caused as a result of the causal connection between the damage (damage).

2. The party to the employment contract who caused harm (damage) to the other party shall compensate it in accordance with this Code and other laws of the Republic of Kazakhstan.

3. The financial responsibility of the employee and the employer may be specified in labor and collective agreements.

4. Termination of the employment contract after the damage (damage) has been inflicted does not release the parties to the labor contract from financial responsibility for compensation of the damage (damage) caused to the other party.

Article 121. Material responsibility of the employer for the damage caused to the employee by illegally depriving him of the opportunity to work

1. The employer is obliged to compensate the employee for the lost salary and other payments due to him in cases where the employee was illegally transferred to another job, the employee was illegally not sent to the workplace, the terms of the employment contract were unilaterally illegally changed, illegally suspended from work, or the employment contract was illegally violated.

2. Labor and collective agreements may specify additional conditions for compensation by the employer for the damage caused by illegal deprivation of the opportunity to work.

Article 122. Financial responsibility of the employer for damage to the life and (or) health of the employee

1. When an employee's life and (or) health is harmed in connection with the performance of labor duties, the employer is obliged to compensate the damage in the amount and in the manner provided by the legislation of the Republic of Kazakhstan.

2. Except for the case provided for in paragraph 3 of this article, the damage provided for in paragraph 1 of this article is compensated in full in the absence of insurance payments of the employee. In the case of insurance payments, the employer is obliged to compensate the employee for the difference between the insurance amount and the actual amount of damage.

3. In the case of damage caused to the employee in connection with determining the degree of loss of professional work ability from five to twenty-nine percent inclusive, the employer is obliged to compensate the employee for lost income and expenses caused by damage to health.

During the period of determining the degree of incapacity for work, the amount of expenses incurred by the employer due to damage to health should not exceed two hundred and fifty monthly calculation indicators established by the law on the republican budget for the relevant financial year at the time of payment.

Payment for reimbursement of expenses caused by damage to health is carried out on the basis of documents confirming these expenses submitted by the employee or person who incurred these expenses. At the same time, according to the legislation of the Republic of Kazakhstan in the field of health care, the expenses for medical care provided within the guaranteed scope of free medical care and in the mandatory social health insurance system are not subject to reimbursement.

Warning. Article 122 was amended by the Law of the Republic of Kazakhstan No. 80-VI of 30.06.2017 (shall be enforced from 01.01.2020).

Article 123. Financial responsibility of the employee, the employee of the sending party for damage to the employer or the receiving party

Warning. The title of Article 123 in a new version - by the Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).
1. Material liability of an employee, an employee of the sending party for damage to the employer or the receiving party begins in the cases provided for in this Code, other normative legal acts of the Republic of Kazakhstan and acts of the employer or acts of the receiving party.

2. If the damage is due to force majeure, due to which it was impossible to fulfill the duties properly, or extreme necessity, necessary protection, as well as the failure of the employer or the receiving party to fulfill the duty to ensure the appropriate conditions for the preservation of the property given to the employee, the employee of the sending party, the responsibility of the employee, the employee of the sending party for the damage caused to the employer or the receiving party is canceled.

3. The employee, the employee of the sending party is obliged to compensate the direct actual damage caused to the employer or the receiving party.

4. Direct real damage is a real decrease in the available property of the employer or the receiving party or deterioration of the specified property (including, if the employer or the receiving party is responsible for the preservation of this property, the property of third parties in the employer’s or receiving party), and the need to incur expenses or overpayments for the purchase or restoration of property for the employer or receiving party is understood.

5. It is not allowed to impose responsibility on an employee, an employee of the sending party, for damage that can be attributed to the category of normal industrial and economic risk.

6. The employer or the receiving party is obliged to create the necessary conditions for the employees, the employees of the sending party to work normally and to ensure the full protection of the property entrusted to them.

The provision of this paragraph does not apply to remote work, except for remote mixed work.

7. The list of positions and jobs held or performed by employees, as well as the model agreement on full financial responsibility, for which an agreement on full individual or collective (joint) financial responsibility may be concluded for failure to ensure the preservation of property and other valuables given to employees, is approved by the employer’s act.

8. As follows:

1) safety of the property and other valuables given to the employee, the employee of the sending party on the basis of a written agreement on assuming full financial responsibility is not ensured;

2) the property and other valuables taken into account by the employee, the employee of the sending party under the one-time document are not ensured;

3) damage was caused in the case of alcohol, drug or alcoholic intoxication (similar to them);

4) materials, semi-finished products, products (products), including during their development, as well as tools, measuring instruments, special clothes and other items provided by the employer or receiving party to the employee, to the employee of the sending party, were defective, intentionally destroyed or intentionally damaged;

5) in case of violation of the non-competition requirement, resulting in damage to the employer or the receiving party;

6) in other cases taken into account in the labor, collective agreements or acts of the receiving party, the full amount of material responsibility for the damage caused to the employer or the receiving party shall be imposed on the employee, the employee of the sending party.

Warning. Article 123 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 19.12.2020 No. 386-VI (enters into force ten calendar days after the date of its first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

**Chapter 11. WARRANTIES AND INDEMNIFICATION**

**Article 124. Guarantees when employees perform state or public duties**

1. In the cases stipulated by the laws of the Republic of Kazakhstan, the employer shall release them from the performance of labor duties while retaining their workplace (position) when they are involved in the performance of state or public duties.

2. The salary for the performance of state and public duties shall be paid to the employee at the place where the specified duties are performed, but not lower than the average salary at the workplace.

3. When employees who are to be conscripted for regular military service or military gatherings have a summons to the local military administration bodies during the period of passing the medical commission – the workplace (position), salary for the workplace will be preserved, and during the period of periodic military service or military gatherings, the workplace (position) is retained.

An employee whose job (position) has been kept during the period of military service or military training must resume his work duties no later than one month from the date of removal from military service or the end of military training.

Warning. Article 124 was amended by the Law of the Republic of Kazakhstan dated 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 125. Guarantees for workers sent for medical examination**

In accordance with this Code or the collective agreement, employees who are required to undergo periodic medical examination at the expense of the employer shall retain their current workplace (position) and average salary.
During the examination and donation of blood and its components, the employee’s job (position) and average salary will be preserved, as well as other guarantees are provided to them in accordance with the legislation of the Republic of Kazakhstan in the field of health care.

Article 126-1. Guarantees for women up to twelve weeks of pregnancy

During the time of examination of pregnant women and medical records for up to twelve weeks of pregnancy, the workplace (position) and average salary are preserved, as well as other guarantees are provided in accordance with the legislation of the Republic of Kazakhstan in the field of health care.

Warning. Chapter 11 was supplemented by Article 126-1 - Law of the Republic of Kazakhstan dated 07.07.2020 No. 361-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 126-2. Guarantees for workers who are donors of organs (parts of organs) and (or) tissues (tissue parts) for transplantation

Employees who are donors of organs (parts of organs) and (or) tissues (tissue parts) for transplantation shall have their workplace (position) and average salary for the time of examination and receiving organs (parts of organs) and (or) tissues (tissue parts). and other guarantees are provided in accordance with the healthcare legislation of the Republic of Kazakhstan.

Warning. Chapter 11 was supplemented by Article 126-2 - Law of the Republic of Kazakhstan dated 07.07.2020 No. 361-VI (entered into force ten calendar days after the date of its first official publication).

Article 127. Guarantees and compensation payments for workers sent on business trips

1. During the business trip, the employee’s workplace (position) and salary for the working days coming up to the days of the business trip are kept.

2. Employees sent on business trips:
   1) per diem payments for calendar days spent on a business trip, including time on the road;
   2) travel expenses to and from the destination;
   3) residential premises rental expenses are paid.

3. The terms and conditions of sending employees on business trips are defined in the labor, collective agreements or the act of the employer.

When working remotely, sending an employee on a business trip is carried out from the place of actual performance of work duties, unless otherwise stipulated in labor, collective agreements or an act of the employer.

4. If workers under eighteen years of age, pregnant women, and disabled workers are not prohibited from such work according to medical indications, it is allowed to send them on a business trip. At the same time, these employees have the right to refuse to go on a business trip.

5. Workers with children up to three years of age, if based on a medical report, disabled children or sick family members need regular care, workers caring for sick family members or raising children with disabilities have the right to refuse to go on a business trip.

6. Reimbursement of expenses for business trips, including business trips to foreign countries, at the expense of budget funds is carried out in the manner determined by the Government of the Republic of Kazakhstan.

The procedure for reimbursement of expenses for business trips, including business trips to foreign countries, at the expense of budget funds is developed by the central authorized body for budget planning.

Warning. Article 127 was amended - RK 30.11.2017 No. 112-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of its first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 127-1. Guarantees for workers working in areas of environmental disaster and radiation danger

Guarantees for workers performing work in areas of ecological disaster and radiation danger are established by the laws of the Republic of Kazakhstan.

Warning. Chapter 11 was supplemented by Article 127-1 - Law of the Republic of Kazakhstan dated 06.04.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 127-2. Guarantees for workers and employees participating in the peacekeeping operation

Guarantees for workers and employees participating in the peace operation are established by the laws of the Republic of Kazakhstan.

Warning. Chapter 11 was supplemented by Article 127-2 - Law of the Republic of Kazakhstan dated 06.04.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 128. Compensation payments when the employee is transferred to another place with the employer

1. When an employee is transferred to another place together with the employer, the employer shall:
   1) relocation of the employee and his family members;
   2) is obliged to pay expenses related to the transportation of the property of the employee and his family members.
2. The procedure and amount of compensation payments provided for in paragraph 1 of this article shall be defined in labor, collective agreements or an act of the employer.

**Article 129. Compensation payments due to the use of the employee’s personal property in the interest of the employer**

When an employee uses his personal property in the interest of the employer and with his consent, the employer shall pay compensation for the use, wear and tear (depreciation) of tools, personal vehicles, and other technical equipment, as well as for the expenses of their use, according to the agreement of the parties.

**Article 130. Compensation payments to employees in cases where their work takes place on the road or is of a commuting nature, or is connected with business trips within service areas, settlements**

Warning. The title of Article 130 in a new version - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. When the work takes place on the road or is of a traveling nature, or is connected with business trips within service areas, settlements, compensation to employees for each day spent outside their permanent place of residence in accordance with the procedure established by the agreement, collective, labor conditions and (or) the act of the employer payments are made.

2. Railway, river, sea, road transport, civil aviation, highways, gas distribution systems (including during trips within settlements) to employees whose permanent work is on the road or has a commuting nature or is connected with service sites, business trips within settlements, main pipelines, main communication lines and their facilities, radio relay networks and their facilities, overhead power lines and their facilities, employees of communication facilities, as well as employees serving the sections of the State Border of the Republic of Kazakhstan.

3. If the workers are traveling on certain days of the month and not on all working days, the payment is made in proportion to the actual number of days traveling to and from the place of work (work production).

Warning. Article 130 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 131. Compensation payments due to loss of employment**

1. The employer in the following cases:

   1) when the employer is dissolved as a legal entity or the employer terminates the activities of an individual, when the employment contract is violated at the initiative of the employer;

   2) in case of reduction of the number of employees or staff, when the employment contract is violated at the initiative of the employer;

   3) in case the employer does not fulfill the requirements of the employment contract, at the initiative of the employee, when the employment contract is terminated, he makes compensation payments due to the loss of his job in the amount of the average salary for one month.

2. In the event of a decrease in the volume of production, performed works and provided services, which led to the deterioration of the economic situation of the employer, the employer shall make compensation payments due to the loss of work in the amount of the average salary for two months when the employment contract is terminated at the initiative of the employer.

3. Labor, collective agreements or the act of the employer may stipulate a higher amount of compensation due to loss of job.

**Article 132. Procedure and conditions for payment of field equipment money**

1. To employees of geological exploration, topographic-geodetic, research organizations:

   1) outside the place of permanent residence without daily return to the place of residence;

   2) the field organization, which is not the place of residence, returns to the place of residence every day, but is outside the place of residence;

   3) field equipment money is paid when performing work in field conditions outside the place of residence by way of work organization by shift method.

2. The procedure, terms and amount of payment of field equipment money, the procedure for recording working time in field conditions shall be established in agreements, collective labor contracts and approved by an act of the employer.

**Article 133. Payment of social benefits to employees due to temporary incapacity for work at the expense of the employer**

1. The employer is obliged to pay social benefits for temporary incapacity for work to employees at his own expense.

2. Sheets on temporary incapacity for work issued in the order determined by the authorized body in the field of health care are the basis for payment of social benefits for temporary incapacity for work.

3. Social allowances for temporary incapacity for work are paid to employees from the first day of incapacity for work until the day of recovery of work capacity or until the establishment of disability in accordance with the legislation of the Republic of Kazakhstan.

4. Allowance for temporary incapacity for work:
1) to an employee who is temporarily unable to work due to industrial injuries sustained while committing a criminal offense, in case of being found guilty by a legally binding court verdict;

2) for the time during which the employee was forcibly treated (except for mentally ill patients) according to the decision of the court;

3) in the event that the employee is found guilty by a legally binding court verdict or decree, for the time he was in custody and for the time of forensic examination;

4) when the employee is temporarily unfit for work due to illnesses or industrial injuries caused by consumption of alcohol, drugs, psychotropic substances, similar substances and precursors;

5) for days of temporary incapacity for work corresponding to annual paid leave;

6) for the days of temporary incapacity for work that require unpaid leave;

7) until the child turns three years old, the days of temporary incapacity for work due to unpaid leave due to his care are not paid.

5. The amount of social benefits for temporary incapacity for work is determined by the Government of the Republic of Kazakhstan, the procedure for their appointment and payment is determined by the authorized state body on labor.

Employers have the right to establish additional payments to employees in the amount of social benefits for temporary incapacity for work established by the legislation of the Republic of Kazakhstan.

Warning. Article 133 has been amended - RK 02.07.2018 No. 165-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Chapter 12. FEATURES OF LABOR REGULATION OF INDIVIDUAL CATEGORIES OF EMPLOYEES

Article 134. Seasonal work

1. Due to climatic or other natural conditions, works performed during a certain period (season) but not more than one year are recognized as seasonal.

2. In the labor contract, the requirement to conclude a contract for the performance of seasonal work and a certain period of their performance must be indicated.

3. When concluding an employment contract for seasonal work, a trial period is not established for the purpose of checking the suitability of the employee for the work assigned to him.

4. Employment contract with workers engaged in seasonal work, in addition to the grounds provided for in Article 52 of this Code:

1) work at the employer is suspended for more than two weeks due to industrial reasons;

2) may be terminated at the initiative of the employer in cases where the employee has not gone to work for a month in a row due to temporary incapacity for work.

5. An employee engaged in seasonal work has the right to terminate the employment contract on his own initiative by notifying the employer seven calendar days in advance.

6. The employer is obliged to notify the employee working in seasonal work seven calendar days in advance of the termination of the employment contract on the grounds provided for in subparagraphs 1) and 2) of paragraph 1 of Article 52 of this Code.

7. In the event of termination of the employment contract with an employee engaged in seasonal work, the employer shall pay compensation for unused vacation in proportion to the time worked.

8. When the employment contract with an employee engaged in seasonal work is terminated on the grounds provided for in subparagraphs 1) and 2) of Article 52, Clause 1 of this Code, compensation in the amount of two weeks' average salary shall be paid.

Warning. Article 134 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 135. Hourly work method

1. The hourly method is a special form of labor process implementation outside the place of permanent residence of workers when it is not possible to ensure daily return to their permanent place of residence.

2. The employer must provide accommodation for workers working on a shift basis during the period of their stay at the object of work production, and organize their meals, transportation from the assembly point to the workplace and back, as well as conditions for performing work and resting between shifts. must provide.

The employer determines the procedure for using the shift work method in accordance with the labor, collective agreements and (or) the rules on the shift work method approved by the employer, as well as provides the necessary conditions for the employee’s stay at the facility where work is carried out and in specially equipped places for living (shift settlements).

While on duty, the employee is obliged to observe the rules established by the employer in the facility where work is carried out and in places specially equipped for living (on-duty settlements).
3. Employees under the age of eighteen, pregnant women who have provided a certificate of pregnancy, pregnant women who are twelve or more weeks pregnant, persons with disabilities of the first group are not allowed to work on the hourly basis from the date of submission of the medical report. Other workers may be involved in work performed in a rotational manner, if there are no contraindications for such work based on medical findings.

4. The period, which includes the time of performance of works at the object and the time of rest between shifts, is considered a shift. The duration of the watch should not exceed fifteen calendar days.

   With the written consent of the employee, the duration of the shift can be extended up to thirty calendar days in accordance with the collective labor conditions.

   With the consent of the employee, the duration of the shift can be extended up to one hundred and twenty days for the crew members of sea vessels.

5. During the shift method of work, a summary calculation of working time during a quarter or other longer period, but not exceeding one calendar year, or during the period of performance of certain work is established.

   It is allowed to change the working time regime (from a five-day or six-day work week) to a shift work method by agreement of the parties to the labor contract, with the time of replacement of the temporarily absent employee working by the hourly method, giving the employee rest days (hours) for the hours worked.

6. Working time and rest time within the accounting period are approved by the work schedule (schedule of shifts). The accounting period includes working time, rest time, travel time from the employer’s location or meeting place to the workplace and back, as well as other periods corresponding to this calendar part of time. At the same time, the total duration of working time in the reporting period should not exceed the norms established by this Code. The employer is obliged to keep records of working time and rest time of each employee who works on a shift basis.

   Travel time from the employer’s location or assembly point to the place of work and back is not included in working time.

   When the duration of the work shift exceeds eight hours, a break for rest and meals is set at least one hour.

7. Payment of wages for night, weekend and holiday work of hourly employees shall be made no later than the day of payment of wages for the month of work provided for in the labor and collective agreements.

   Warning. Article 135 has been amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 27.06.2022 No. 129-VII (enters into force ten calendar days after the date of the first official publication)

Article 136. Domestic workers

1. If the work (services provided) is not performed (provided) for the purpose of profiting the employer and (or) profiting for the employer, employees who perform household work (provide services) performed by one or more members of the family of the employer are recognized as domestic workers.

2. The employer does not issue an act on hiring a domestic worker or terminating employment with him, and does not enter information about his work in the labor book.

3. The terms of notification of the termination (violation) of the employment contract with the domestic worker, as well as the conditions and amount of compensation payment due to the loss of work shall be established in the employment contract.

4. Individual labor disputes between a domestic worker and an employer shall be resolved by agreement of the parties and (or) in court.

   Warning. Article 136 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 01.07.2021 No. 61-VII (enters into force ten calendar days after the date of the first official publication)

Article 137. Home workers

1. Persons who have signed an employment contract with the employer to perform work at home using their own materials and equipment, tools and devices provided by the employer or purchased at the expense of the employer are considered to be employees working at home.

2. The employee’s performance of work at home may be established upon conclusion of the employment contract and during the term of the employment contract by making appropriate changes to the employment contract.

3. In the employment contract on performing work at home:

   1) performing work using equipment, materials, tools and devices owned by the employee or distributed by the employer or purchased at the expense of the employer;

   2) the order and terms of providing the worker with raw materials, materials, and semi-finished products necessary for the performance of work;

   3) requirements for compensation and other payments to the employee must be provided.

Article 137-1. The procedure for the implementation of activities on the provision of personnel services
1. The sending party concludes an employment contract or an additional agreement to the employment contract and sends employees to the receiving party to perform the labor functions specified in their employment contracts in the interest, management and control of the receiving party. For the employees of the sending party, the sending party is the employer and has the rights and obligations stipulated by this Code.

2. It is allowed to send an employee of the sending party to the receiving party after the employee and the sending party sign an employment contract or an additional agreement to the employment contract, indicating the place of work in the receiving party.

It is allowed to send an employee of the sending party to the receiving party to perform heavy work, work with harmful and (or) dangerous working conditions, if there are results of attestation of the production facilities of the receiving party on working conditions, as well as if the employee of the sending party is presented with such results at his place of work.

In the event that the sending party carries out the activity within the framework of the contract for the provision of personnel services, the professional risk class of the sent employee must meet the requirements of the Law of the Republic of Kazakhstan "On compulsory insurance of the employee against accidents while performing labor (service) duties". The sending party does not have the right to send an employee of the sending party who is not insured under compulsory accident insurance while performing labor (service) duties, and the receiving party does not have the right to enter the workplace.

Notice of ZKAI!
Clause 2 is to be supplemented with the fourth part - by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication).

3. Employees of the sending party to the receiving party in the following cases:

1) to perform work in households of individuals;
2) for the time of performing certain work;
3) for the time of replacement of temporarily absent employee;
4) it is allowed to send seasonal work to the time of execution.

4. The date specified in the notification of the expiration of the term of engagement of the employees of the sending party sent by the receiving party to the sending party is the date of completion of the work of the employee of the sending party in the receiving party.

5. To send employees of the sending party to the receiving party to perform the work, the following:

1) replacement of workers participating in the strike in accordance with the procedure established by the legislation of the Republic of Kazakhstan;
2) replacement of workers who refuse to perform work in the conditions and in the order established by the labor legislation of the Republic of Kazakhstan, except for the deterioration of the worker’s health;
3) in order to save jobs when employees are threatened with dismissal, it is not allowed in cases of idling, implementation of bankruptcy procedure, introduction of part-time work regime.

6. The conditions and procedures for the performance of work by employees of the sending party are defined in the contract for the provision of personnel services, which is concluded between the sending and receiving parties in accordance with the civil legislation of the Republic of Kazakhstan.

In comparison with the labor legislation of the Republic of Kazakhstan, the provisions of the contract for the provision of staffing services that worsen the situation of the employees of the sending party are recognized as invalid and are not applicable.

7. The receiving party is obliged to respect the rights of the workers of the sending party during the regulation of the labor and rest regime provided for by the labor legislation of the Republic of Kazakhstan.

8. It is prohibited for the receiving party to discriminate in the field of payment of wages to the employees of the sending party during the conclusion of the contract for the provision of staffing services.

9. An employee of the sending party shall have the right to refuse to perform work by notifying the representative of the receiving party and the representative of the employer in the event of a situation that threatens his health or life, and shall have other rights and duties provided for by this Code.

10. The receiving party:

1) to require the employees of the sending party to comply with the requirements of the employment contract, rules of labor regulations and other acts of the receiving party;
2) to promote the employees of the sending party in the order provided by the act of the receiving party;
3) the sending party has the right to compensate the damage caused by the employee while performing his duties.

11. Receiving Party:

1) to acquaint the employee of the sending party with the principles of labor discipline and other acts directly related to the work (labor function) of the receiving party;
Remote work is established both during the conclusion of the employment contract and during the term of the employment contract, with appropriate amendments and additions to the employment contract.

Remote work for employees who perform official (postal) duties without concluding an employment contract, whose work is regulated by this Code with the exceptions provided by special laws of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan, including employees in military service, employees of special state and law enforcement agencies, civil servants the order and terms of work, the provision of necessary equipment for the performance of labor duties, information objects, communication services and other means in accordance with the legislation of the Republic of Kazakhstan on information, reimbursement of expenses are determined in the act of the employer.

2. At the initiative of the employee or the employer, remote work or mixed remote work may be established by agreement of the parties.

3. During a state of emergency or war, a state of emergency has been declared, or other restrictive measures by the decision of state bodies or their officials, including quarantine, as well as in other exceptional cases that pose a threat to the life or health of employees, the employer shall have the right to temporarily establish remote work or remote mixed work until the conditions are eliminated, by the act of the employer, indicating the reasons. At the same time, providing employees with the necessary equipment for the performance of labor duties, information objects, communication services and other means in accordance with the legislation of the Republic of Kazakhstan on information, reimbursement of expenses is defined in the act of the employer.

The act of the employer must:

1) the basis for temporary designation of remote work and (or) remote combined work;

2) a list of employees who have been temporarily assigned remote work and (or) remote combined work;

3) the period of remote work and (or) remote combined work should be included, not exceeding the day when the condition that is the basis for the temporary establishment of remote work and (or) remote combined work is eliminated.

4. The employer, the receiving party provides the employee with the necessary equipment for the performance of labor duties, information objects, communication services and other means in accordance with the legislation of the Republic of Kazakhstan on information. The employer bears the costs of their installation and maintenance.

In the process of performing labor duties, the employee is obliged to use the equipment provided by the employer, the receiving party, information objects, provided communication services and other means in accordance with the legislation of the Republic of Kazakhstan on information.

In the event that the employee uses his equipment, information objects and other means in accordance with the legislation of the Republic of Kazakhstan on informatization, as well as incurs the costs of payment for the provided communication services, the employer pays compensation, the amount, payment procedure and term are determined by agreement with the employee.

Upon agreement of the parties, the remote employee may be reimbursed for other reasonable expenses related to the performance of the work for the employer, the receiving party, including the cost of electricity.

5. For employees working remotely, a fixed account of working hours is established, while maintaining the limits of the daily duration of working hours, the specifics of its control are defined in the employment contract or the act of the employer.
The employee must be available for communication with the employer and the receiving party within working hours.

The employer, the receiving party, has no right to require the employee to be in the availability mode outside of working hours, except for the cases provided for in Article 77, Clause 2 and Article 86 of this Code.

In the event that it is necessary to perform remote work beyond the specified working hours, it is allowed to engage the employee to work with the payment of an increased amount in accordance with Articles 108, 109 and 110 of this Code, only with his written consent.

During remote work, if the employer, the receiving party cannot register the performance of the work in real time, the working time is specified in the document on recording the working time as the performance of the scope of work specified in the employment contract, the act of the employer.

According to Article 74 of this Code, a flexible working time regime may be established for remote workers upon agreement of the parties to the labor contract.

6. When working at a distance, the salary is paid in full, depending on the qualification of the employee, the complexity and quality of the work performed, upon completion of the scope of work based on the employment contract and the employer's act.

7. In order to ensure the safety and protection of labor of employees during the period when they perform work remotely, the employer shall, in subsections 2), 3), 8), 10), 11), 14), 16) and 17) of Article 182, Clause 2 of this Code performs the duties provided for, the receiving party performs the duties provided for in subsections 3), 8), 9) and 18) of paragraph 2 of Article 182-1 of this Code, as well as the employer or the receiving party with equipment, objects of information in accordance with the legislation of the Republic of Kazakhstan on information and when working with other means, develops and issues an act of the employer, an act of the receiving party with requirements for labor safety and labor protection.

Other obligations of the employer, the receiving party to ensure labor safety and labor protection established in this Code, unless otherwise provided for in labor, collective agreements, the act of the employer, the act of the receiving party, do not apply to employees during the period of remote performance of work.

8. In order to protect the official, commercial or other secrets protected by law during the process of remote work, the employment contract or the act of the employer, the act of the receiving party stipulates the agreement on the preservation and non-disclosure of this information of the employer, the information of the receiving party.

9. Labor relations of remote workers are carried out in accordance with this Code, taking into account the exceptions established in this article, the employment contract, and the act of the employer.

Warning. Article 138 in a new version - by the Law of the Republic of Kazakhstan No. 61-VII of 01.07.2021 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 139. Civil service

1. Entry into civil service is carried out by appointment or by competition.

2. The competition is organized and conducted by a state institution, treasury enterprise with a vacant position.

Volunteer activity of the candidate is taken into account when entering civil service, taking into account his personal abilities and professional training in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

3. Admission to civil service is carried out by concluding an employment contract and issuing an act of the employer.

Notice of ZKAI!

Clause 4 is provided in a new version - by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication).

A person who has committed a crime of corruption in the past shall not be admitted to a position related to the performance of administrative functions in civil service.

5. Development and approval of the register of positions of civil servants is carried out by the authorized state bodies of the relevant service fields in agreement with the authorized state body on labor.

6. Civil servant:

1) to use material and technical, financial and information security facilities, other state property and service information for non-service purposes;

2) to participate in activities that interfere with the normal functioning of civil service and the performance of official duties;

3) to use the service situation for purposes not related to civil service;

4) shall not have the right to disclose information that is known during the period of civil service and constitutes state secrets, official and other secrets protected by law.

7. The procedure and conditions for certification of civil servants shall be determined by the authorized state body of the relevant field of activity.

8. A civil servant may be transferred to another state institution, treasury enterprise upon agreement between the heads of relevant organizations upon his written request.
9. The Government of the Republic of Kazakhstan shall determine the payment for the work of civil servants held at the expense of the state budget.

Specialists in the fields of health care, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural areas, who are civil servants and work in rural areas, are provided with budget funds by the decision of local representative bodies, unless otherwise specified by the laws of the Republic of Kazakhstan. Compared to the salaries and rates of civil servants engaged in these types of work in urban conditions, official salaries and tariff rates are set, which are increased by at least twenty-five percent.

The list of positions of specialists in the fields of health care, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural territories, who are civil servants and work in rural areas, is determined by the local executive body in agreement with the local representative body.

10. Civil servants maintained at the expense of the state budget shall be granted an annual paid basic leave of absence of not less than thirty calendar days, with a health allowance in the amount of the official salary.

Health benefits are paid once per calendar year when civil servants are granted annual paid leave.

Warning. Article 139 was amended - RK 15.06.2017 No. 73-VIF (shall be enforced from 01.01.2019 ); 04.07.2022 No. 134-VII (shall be enforced upon expiry of sixty calendar days after the date of the first official publication)

Article 140. Features of labor regulation of the head of the executive body of a legal entity and other members of the collective executive body of a legal entity, as well as employees of the internal audit service and the corporate secretary

Warning. The title of Article 140 has been amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

1. Conclusion and termination of the employment contract with the head of the executive body of the legal entity, members of the collegial executive body, as well as the employees of the internal audit service and the corporate secretary, the procedure and conditions of payment for work, bringing to material and disciplinary responsibility, suspension from work in accordance with this Code, other provisions of the Republic of Kazakhstan and regulatory legal acts, documents approved by the founders of the legal entity, the owner or founders of the property, the person (organ) authorized by the owner or the authorized body of the legal entity, the regulations on the executive body of the legal entity, the internal audit service, the corporate secretary, and the employment contract.

2. If the sole founder (participant, shareholder) is an individual executive body of a legal entity, an employment contract shall not be concluded. Labor relations are formalized by the employer's act of employment, which must include the job function, the period of employment, the date of the start of work, the place of work, as well as the amount of payment for labor and other conditions.

In case of changes in the composition of the founders (participants, shareholders), a new employment contract is concluded with the head of the executive body of the legal entity, members of the collegial executive body, or based on the decision of the founders of the legal entity, the owner of the property, or the person (body) authorized by the founders, the owner, or the authorized body of the legal entity. Labor relations with them will be terminated.

3. If the head of the executive body of a legal entity, members of the collegial executive body, as well as employees of the internal audit service and the corporate secretary are appointed (elected, approved for a position) for a new term, appropriate changes and additions are made to the employment contract.

4. The employer's act on employment and termination of the employment contract is signed by the founders, the owner of the property of the legal entity, or the person authorized by the founders, the person (body) authorized by the owner, or the authorized body of the legal entity, or the person authorized by the documents approved by them.

5. Disciplinary punishment shall be applied to the head and other members of the collegial executive body of the legal entity, employees of the internal audit service and the corporate secretary immediately after the discovery of disciplinary misconduct, but no later than two months from the date of its discovery.

The procedure for applying disciplinary punishment to the head and other members of the collegial executive body of a legal entity, employees of the internal audit service and the corporate secretary, taking into account the peculiarities of the legislation of the Republic of Kazakhstan and the founding documents of the legal entity, is established by the founders of the legal entity, the owner of the property or the founders, the person authorized by the owner (body) or the act of the employer approved by the decision of the authorized body of the legal entity.

6. Features of regulation of the work of the head of the executive body of a legal entity provided by this Code apply to the individual executive body of a legal entity, as well as to other members of the collective executive body of a legal entity.

Warning. Article 140 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Notice of ZKAI!

Article 141 is provided in a new version - by the Law of the Republic of Kazakhstan dated 29.12.2022 No. 174-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

Article 141. Peculiarities of regulation of labor of workers belonging to aviation personnel of civil aviation

The work of workers belonging to aviation personnel of civil and experimental aviation directly related to flight safety, taking into account international standards and regulations in the field of civil aviation, is defined in the Law of the Republic of Kazakhstan "On the use of airspace and aviation activities of the Republic of Kazakhstan" and it is regulated by this Code along with the exceptions provided by other regulatory legal acts of the Republic of Kazakhstan.

Article 142. Regulation of labor of workers belonging to the crew members (swimming crew) of sea vessels
The labor of workers belonging to the members of the crews (swimming staff) of sea vessels is stipulated in the Law of the Republic of Kazakhstan "On Commercial Sailing" and other normative legal acts of the Republic of Kazakhstan, which establishes the features of the regulation of labor, payment for labor, working hours and rest time of the members of the crews (swimming staff) of sea vessels. are regulated by this Code with the exceptions provided by the Acts.

Article 143. Regulation of work of civil servants of the Republic of Kazakhstan, deputies of Parliament and maslikhats, judges

The labor of civil servants of the Republic of Kazakhstan, deputies of the Parliament and maslikhats, judges is regulated by the laws of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan, which establish the special conditions and procedures for entering the service, its transfer and termination, special conditions of work, conditions of payment for work, as well as additional benefits, privileges and restrictions. are regulated by this Code along with the exceptions provided by normative legal acts.

Article 143-1. Regulation of the labor of persons subject to the requirements of the Law of the Republic of Kazakhstan "On Anti-corruption".

The work of persons subject to the requirements of the Law of the Republic of Kazakhstan "On Anti-Corruption" is regulated by this Code with the features provided by the Law of the Republic of Kazakhstan "On Anti-Corruption".

Warning. Chapter 12 was supplemented by Article 143-1 - Law of the Republic of Kazakhstan No. 273-VI of 26.11.2019 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 144. Regulation of the work of people in the military service, special state, law enforcement agencies and employees of the state paramedic service

The special regulations of the Republic of Kazakhstan, which establish special conditions and procedures for entering, passing and terminating service, special working conditions, payment conditions for labor, as well as additional benefits, privileges and restrictions of employees of military service, special state, law enforcement agencies and state paramedic services, are regulated by this Code along with the exceptions provided by the laws and other regulatory legal acts of the Republic of Kazakhstan.

Article 145. Regulation of labor of employees of the National Bank of the Republic of Kazakhstan and its departments

The labor of civil servants of the Republic of Kazakhstan, deputies of the Parliament and maslikhats, judges is regulated by the laws of the Republic of Kazakhstan, which establish special requirements for appointment, termination of employment contracts, special working conditions, salary payment system and conditions, as well as privileges and limitations of employees of the National Bank of the Republic of Kazakhstan and its departments regulated by this Code with the exceptions provided for in normative legal acts and acts of the National Bank of the Republic of Kazakhstan.

Article 145-1. Regulation of the work of employees of the authorized body for regulation, control and supervision of the financial market and financial organizations

The work of the employees of the authorized body for regulation, control and supervision of the financial market and financial organizations is defined in the Law of the Republic of Kazakhstan "On State regulation, control and supervision of the financial market and financial organizations", other normative legal acts of the Republic of Kazakhstan and regulation, control and supervision of the financial market and financial organizations, are regulated by this Code, taking into account the special requirements for appointment to a position, termination of an employment contract, special working conditions, conditions for payment of labor, as well as additional benefits, privileges and restrictions provided for by the acts of the authorized body on supervision.

Warning. Chapter 12 was supplemented by Article 145-1 - by the Law of the Republic of Kazakhstan No. 262-VI of 03.07.2019 (shall be enforced from 01.01.2020).

Article 146. Regulation of the labor of workers who are part of the trade union bodies of the trade union

The labor of workers who are part of the trade union bodies of the trade union is regulated by this Code along with the exceptions provided by the Law of the Republic of Kazakhstan "On Trade Unions".

SECTION 3. SOCIAL COOPERATION AND COLLECTIVE RELATIONS IN THE FIELD OF LABOR

Chapter 13. SOCIAL COOPERATION IN THE FIELD OF LABOR

Article 147. Social partnership bodies, principles and tasks

1. On behalf of the state, the relevant executive bodies, their representatives authorized by the established procedure on behalf of workers and employers are the parties of social partnership.

2. Social partnership:

1) at the republican level - republican tripartite commission on social partnership and regulation of social and labor relations (hereinafter - republican commission);

2) at the sectoral level - sectoral commissions for social partnership and regulation of social and labor relations (further - sectoral commission);

3) at the regional (regional, city, district) level - regional, city, district commissions on social partnership and regulation of social and labor relations (hereinafter - regional commission) in the form of mutual cooperation of the parties through social partnership bodies;

4) at the level of organizations - on the basis of the legislation of the Republic of Kazakhstan, provides in the form of collective agreements establishing mutual specific obligations in the field of labor between the representatives of employees and the employer.

3. Permanently working republican, sectoral, regional commissions have the following principles:
1) the obligation to participate in the activities of commissions by representatives of executive authorities, representatives of employers and employees;

2) authority of the parties;

3) equal representation;

4) equal rights of the parties;

5) formed on the basis of mutual responsibility of the parties.

4. The independent composition of the participants of the commissions is formed independently by each party of the social partnership.

5. Social partnership in the Republic of Kazakhstan is aimed at solving the following tasks:

1) creating an effective mechanism for regulating social, labor and related economic relations;

2) assistance in ensuring social stability and social harmony based on objective consideration of the interests of all groups of society;

3) to provide guarantees of the rights of workers in the field of labor, to assist in the implementation of their social protection;

4) support the process of consultations and negotiations between the parties of social partnership at all levels;

5) assistance in solving collective labor disputes;

6) formulation of proposals for the implementation of state policy in the field of social and labor relations.

Article 148. Organization of social partnership

1. Republican, sectoral and regional commissions are permanent working bodies that ensure coordination of the interests of social partnership parties by conducting consultations and negotiations, which are formalized by relevant decisions that are binding for the implementation of the parties.

2. Ensuring the organization of social partnership:

1) to the authorized state body on labor at the republican level;

2) to the authorized state bodies of the relevant spheres of activity at the branch level;

3) is assigned to the local executive bodies of the relevant administrative-territorial unit at the regional level.

The list of industries for the purposes of this Code is established by the republican commission.

3. The following are representatives of the parties:

1) at the republican level - authorized representatives of the Government of the Republic of Kazakhstan, republican associations of trade unions, republican associations (associations, unions) of employers, republican associations for small entrepreneurship;

2) at the sectoral level - authorized representatives of the authorized state bodies of the respective spheres of activity, sectoral trade unions, sectoral associations (associations, unions) of employers, and in their absence - sectoral organizations;

3) at the regional level:

at the level of oblast, city of republican significance, capital - authorized representatives of local executive bodies, associations of territorial trade unions, associations (associations, unions) of employers in cities of regional or republican significance and in the capital, regional or republican city and capital associations for small entrepreneurship;

at the level of district, city of regional significance - authorized representatives of local executive bodies, district or city association of regional significance for small business, territorial trade union associations.

The independent composition of the participants in the commissions is formed independently by each side of the social partnership. Representatives of social partnership parties are given equal rights and powers.

4. Removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

5. Removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Warning. Article 148 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 149. The right to negotiate on the preparation of agreements

1. Any party of the social partnership has the right to be the initiator of negotiations on the development of the agreement, its content, its conclusion, change, addition.
2. If there are several representatives authorized by workers and employers at the republican, branch, regional levels, each of them is given the right to negotiate based on the principle of proportional representation based on the number of workers and employers they represent.

Article 150. The procedure for conducting negotiations, developing and concluding agreements

1. The parties, having received written proposals to start negotiations from the other side, are obliged to consider them and start negotiations within ten calendar days.

When there are disagreements between the parties on separate provisions of the agreements, the parties must sign the agreement on the agreed terms, drawing up a protocol of disagreements at the same time within three months from the date of the start of negotiations.

If the parties cannot come to an agreement, a protocol will be drawn up, which will include the final proposals of the parties on the terms of elimination of disagreements and resumption of negotiations.

2. The order of negotiations, terms of development and conclusion of agreements, as well as changes and additions to them are approved by commissions.

3. Agreements come into force from the moment of signing them by the parties or from the date specified in the agreements. All annexes to the agreements are an integral part of them and have the same legal force as them.

4. The term of validity of the agreement is established by the agreement of the parties or before the adoption of a new agreement, but should not exceed three years.

5. In cases where the force of several agreements is applied to employees at the same time, in the case of written requests of employees, the most favorable conditions of the agreements for employees are applied.

6. Decisions of the commissions are made only on the basis of reaching the agreement of all parties in the negotiations and formalized with appropriate agreements. Commissions develop and approve the procedure for making decisions and organizing work.

7. General, sectoral, regional agreements are approved by signatures of representatives of social partnership parties.

Warning. Article 150 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 151. Registration of agreements

1. Sectoral and regional agreements signed by the parties shall be sent for notification registration within ten days with their attachments.

2. Registration of sectoral and regional agreements concluded at the regional level is carried out by the authorized state body on labor.

3. Registration of industry and regional agreements concluded at the city and district levels is carried out by local executive bodies.

Article 152. Parties, types of social partnership agreements

1. At the republican level, a general agreement is drawn up between the Government of the Republic of Kazakhstan, republican associations of employers (associations, unions) and republican trade unions.

2. At the sectoral level, sectoral agreements are drawn up between the authorized state bodies of the respective sphere of activity, authorized representatives of employers and sectoral trade unions.

3. At the regional level, regional (regional, city, district) agreements are concluded between local executive bodies and authorized representatives of employers and territorial trade unions.

Warning. Article 152 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 153. Content of social partnership agreements

1. Agreements:

   1) about the term of use;
   2) on the procedure for monitoring its implementation;
   3) on the procedure for introducing changes and additions to the agreement;
   4) should include provisions on the responsibility of the parties in case of non-fulfillment of their obligations.

2. The content of the general agreement is determined by the republican commission based on drafts of the general agreement submitted by all parties of social partnership or one of them.

3. The content of sectoral and regional agreements is determined by sectoral and regional commissions on the basis of draft agreements submitted by all parties of social partnership or one of them.

4. In the general agreement:
1) on consideration of legal drafts in the field of social and labor relations;

2) on measures to prevent and prevent social and labor conflicts and strikes;

3) on the development of the labor market, promotion of effective employment of the population;

4) on approval of the national qualification framework;

5) on working conditions and labor protection, industrial and environmental safety;

6) on the development of social partnership and dialogue;

7) regulations on the procedure for formation of a group of observers and its activities for participation in the development and acceptance of agreements at the sectoral and regional levels should be provided.

5. In industry agreements:

1) on reviewing programmatic and strategic documents of the relevant field;

2) on the development of social cooperation and dialogue in the field;

3) on measures to prevent and prevent social and labor conflicts and strikes;

4) about the basic principles of the labor payment system of the industry, including:
   - the lowest tariff rates (salaries) in the industry;
   - the lowest values of intergrade coefficients;
   - establishment of a unified procedure for setting additional fees for workers engaged in heavy work, harmful and (or) dangerous work conditions;

5) regulations on approval of the framework of industry qualifications should be provided.

6) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

7) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

8) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

9) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

6. In regional agreements:

1) development of social partnership and dialogue in the region;

2) review of programmatic and strategic documents of the region;

3) measures to prevent and prevent social and labor conflicts and strikes;

4) assistance to employers and workers' representatives in settlement of labor disputes;

5) use of measures aimed at ensuring employment and reducing the unemployment rate;

6) Regulations on the activities of the council on the prevention and resolution of collective labor disputes should be provided.

7. Provisions of the agreement that worsen the situation of the employee in comparison with the labor legislation of the Republic of Kazakhstan are recognized as invalid and should not be applied.

Warning. Article 153 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 154. Application of social partnership agreements, monitoring of their implementation and responsibility of the parties

1. The force of the general agreement applies to state bodies, employers, and their representatives authorized in the prescribed manner on behalf of employees.

2. The force of the sectoral agreement is applied to state bodies of the relevant field of activity, employers, employees and their representatives of the relevant field.

3. The regional agreement applies to local executive bodies of the relevant administrative-territorial unit, employers, employees and their representatives.

4. Agreements apply to organizations that are registered in the territory of the Republic of Kazakhstan, are foreign citizens or foreign legal entities or are owners, founders (participants) or shareholders of the property of legal entities with foreign participation, as well as branches and representative offices of foreign legal entities.

5. The authorized state body on labor - at the republican level, state bodies of the relevant field of activity - sectoral and local executive bodies at the regional level are obliged to officially announce the agreements within thirty calendar days from the date of signing them.
6. Control of the implementation of agreements is carried out by the parties of social partnership.

7. Avoidance of the representatives of the parties to participate in the negotiations on the conclusion, amendment, addition or unjustified refusal of the conclusion of the agreement, violation of the terms of negotiations and failure to ensure the work of the relevant commission, failure to provide the necessary information for conducting negotiations and monitoring compliance with the provisions of the agreements, as well as their requirements Violation or non-fulfilment of this Agreement shall result in liability established by the laws of the Republic of Kazakhstan.

Article 155. Public control of compliance with the labor legislation of the Republic of Kazakhstan

Republican and branch unions of workers carry out public control of compliance with the labor legislation of the Republic of Kazakhstan in the conditions and in the order established in the agreements and collective agreements.

Chapter 14. COLLECTIVE AGREEMENT

Article 156. Parties to the collective agreement. Conduct of collective negotiations, development and conclusion of collective agreement

1. The employer and their representatives authorized in accordance with the established procedure on behalf of the employees are parties to the collective agreement.

2. A proposal to start collective negotiations and conclude a collective agreement may be made by any of the parties.

The party that received the notification of the other party with the proposal to start negotiations on the conclusion of a collective agreement is obliged to consider it within ten working days and start negotiations in accordance with the procedure established in clause 4 of this article.

3. Collective agreement can be concluded in organizations, branches and representative offices of foreign legal entities. A collective agreement is concluded in the organization.

4. To conduct collective negotiations and draft a collective agreement, the parties will form a commission based on balance. The number of members of the commission, its independent composition, the terms of project development and conclusion of a collective agreement are determined by the agreement of the parties.

Employees who are not members of the trade union have the right to authorize the trade union body to express their interests in mutual relations with the employer.

When there are several representatives of workers in the organization, they form a single representative body to participate in the work of the commission, discuss and sign the collective agreement.

5. The draft collective agreement prepared by the commission is subject to mandatory discussion by the employees of the organization. The commission elaborates the project taking into account the received comments and suggestions.

6. When the agreement of the parties is reached, the collective agreement is drawn up in at least two copies and it is signed by the representatives of the parties.

7. When there are disagreements between the parties on separate provisions of the collective agreement, within one month from the date of their occurrence, the parties must sign a collective agreement with the agreed requirements, simultaneously drawing up a protocol of disagreements. Disagreements that arise during collective negotiations may be the subject of subsequent collective negotiations for their settlement during the introduction of changes and additions.

8. Amendments and additions to the collective agreement shall be made only upon mutual agreement of the parties in accordance with the procedure established for its conclusion in this article.

9. If the received information constitutes state secrets, official, commercial or other secrets protected by law, the parties to collective negotiations have no right to disclose them.

10. Parties to collective bargaining may be exempted from performing labor duties while maintaining their salary during negotiations.

11. The employer is obliged to submit the collective agreement signed by the parties to the local labor inspection body for monitoring within one month from the date of signing.

Warning. Article 156 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 157. Content and structure of the collective agreement

1. The content and structure of the collective agreement shall be determined by the parties in accordance with the general, branch and regional agreements.

To the collective agreement:

1) about labor regulation, labor payment systems, tariff rates and amounts of salaries, allowances and additional fees for workers, including those who work in heavy work, in harmful and (or) dangerous work conditions;

2) on establishing inter-grade coefficients;

3) about the duration of working time and rest time, vacations;
4) на создание здоровых и безопасных условий труда и проживания, на объем финансирования мероприятий по охране труда и
предотвращению заболеваний;
5) на создание условий для деятельности профсоюза;
6) на процедуру введения изменений и дополнений в коллективный договор;
7) на контроль за выполнением коллективного договора и ответственность работников и работодателя;
8) о действиях работодателя, рассмотрении мнений представителей работников;
9) в соответствии с абзацем 1 статьи 11 Закона Республики Казахстан "О пенсионном обеспечении в Республике Казахстан",
предусмотрены положения о порядке отправки работников, достигших пенсионного возраста, на тяжелый труд, работу,
выполняемую в условиях вредных и (или) опасных производственных факторов.

2. К коллективному договору:
1) на улучшение организации труда и повышение производительности труда;
2) на процедуру индексации заработной платы;
3) на обеспечение занятости, обучения, повышения квалификации, переподготовки и трудоустройства уволенных;
4) об условиях и гарантиях, предоставляемых работникам, проходящим обучение, переподготовку и повышение квалификации, равно
как и работникам, выполняющим работы сверх рабочего времени;
5) на улучшение жилищно-бытовых условий работников;
6) о здоровье работников, санаторно-курортном лечении и их отдыхе;
7) о гарантиях для работников, избранных в профсоюзные органы, а также избранных представителей и условиях их
деятельности;
8) на способность учитывать обоснованное мнение профсоюзного органа при нарушении трудового договора работников,
членами профсоюза;
9) на выплату компенсации в случае нарушения трудового договора работником, достигшим пенсионного возраста;
10) о компенсации времени, проведенного работником на дороге от места работы до места работы и обратно;
11) реализованных в соответствии с законодательством Республики Казахстан о социальном страховании,
отпуска по беременности и родам, отпуска пособия на уход за новорожденным ребенком (детьми), при сохранении
среднего заработка за счет размера социальной выплаты за счет утраты дохода по причине беременности и родов,
последования в отношении обновленных детей;
12) о ответственности работников и работодателя за ущерб, причиненный ими;
13) о добровольных пенсионных взносах;
14) об обеспечении обязательного медицинского страхования работников и их семей, о средах труда;
15) об обязательных пенсионных взносах для его единовременного страхования за счет средств работодателя при
нехватке средств работника для заключения пенсионного договора с страховыми организациями;
16) на меры по обучению работников основному законодательству Республики Казахстан;
17) на выплату пособий и компенсационных выплат, включая выплаты в случае профессиональных заболеваний;
18) взаимные обязательства работников и работодателей могут быть введены на другие вопросы, определенные сторонами,
в соответствии с настоящим Кодексом.

3. Коллективный договор не должен ухудшить положение работников в сравнении с трудовым законодательством Республики
Казахстан, общих, единых, региональных соглашений. Такие положения будут незаконны и не будут действовать.

Предупреждение. Статья 157 была учтена Законом Республики Казахстан от 06.04.2016 № 483-V (будет действовать при истечении
периода, равного десяти календарным дням после даты первоначального опубликования).

Статья 158. Срок действия, круг и ответственность сторон

1. Коллективный договор заключается на срок, определенный сторонами.

2. Если иначе не указано в положениях коллективного договора, он вступает в силу с момента подписания
и будет обязательным для сторон.
In the event that the collective agreement expires, it is considered to be extended for a period not exceeding one year, until the conclusion of a new collective agreement, when at least one of the parties submits a proposal to conclude a new collective agreement before its expiration.

The collective agreement may not limit the period specified in the second part of this clause, but extend it until the date of the conclusion of a new collective agreement.

3. The force of the collective agreement applies to the employer and the employees of the organization on whose behalf the collective agreement was concluded and the employees who joined it. The procedure and terms of joining are defined in the collective agreement.

4. When the organization is dissolved, it is declared bankrupt, the application of the collective agreement is terminated from the date of termination of employment contracts with all employees.

5. The representatives of the parties avoid participating in the negotiations on the conclusion, amendment, addition of the collective agreement or unjustifiably refuse to conclude the collective agreement, violate the terms of negotiations and do not ensure the work of the relevant commission, do not provide necessary information for conducting negotiations and monitoring compliance with the provisions of the collective agreement, that Violation or non-fulfillment of its requirements will result in the liability established by the laws of the Republic of Kazakhstan.

Warning. Article 158 was amended by the Law of the Republic of Kazakhstan No. 147-VI of 16.04.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 15. REVIEW OF INDIVIDUAL LABOR DISPUTES

Article 159. The procedure for consideration of individual labor disputes

1. Disputes arising between an employer and a micro-entrepreneurial entity, an employee of a non-profit organization with no more than fifteen employees, a domestic worker, an individual executive body of a legal entity, the head of an executive body of a legal entity, as well as other members of a collective executive body of a legal entity with the exception of individual labor disputes - conciliation commissions, and unsettled issues or non-implementation of conciliation commission decisions are considered by courts.

The requirement to create a conciliation commission to consider individual labor disputes in the manner specified in this Code applies to certain categories of employees regulated by the Labor Code of the Republic of Kazakhstan, including employees in military service, employees of special state and law enforcement agencies, with exceptions provided for in special laws and other normative legal acts of the Republic of Kazakhstan. , does not apply to civil servants.

2. The conciliation commission is a permanent working body created by the equal number of employer and employee representatives in organizations, its branches and representative offices.

The collective agreement may provide for the creation of negotiation commissions in other isolated structural units of the organization.

3. The quantitative composition of the members of the negotiation commission, its working procedure, the content of the decision of the negotiation commission and the procedure for its adoption, the term of authority of the negotiation commission, the issue of involving a mediator shall be established in a written agreement or collective agreement between the employer and the representatives of the employees.

4. The application received by the negotiation commission must be registered on the day of submission by the said commission.

The dispute is considered with the participation of the applicant and (or) the representative authorized by him within the limits of the powers granted in accordance with the normative legal acts of the Republic of Kazakhstan. When the applicant has written consent, it is allowed to consider the dispute without his participation.

Notice of ZKAI!

Clause 4-1 is supplemented by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

5. The conciliation commission is obliged to consider the dispute within fifteen working days from the date of registration of the application and to provide a copy of the decision to the parties of the dispute within three working days from the date of its adoption.

6. The decision of the conciliation commission, except for the dispute about re-employment, must be implemented within the period specified in it.

7. In cases where the decision of the conciliation commission is not implemented within the specified period, and the issues are not settled, the employee or a person who was previously in labor relations or the employer has the right to apply to the court.

8. The members of the conciliation commission are obliged to undergo annual training on the application of the labor legislation of the Republic of Kazakhstan, the development of skills in conducting negotiations and reaching a fatwa in labor disputes.

Warning. Article 159 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 160. Terms of application for consideration of individual labor disputes

The following deadlines are established for applying to the conciliation commission or the court for consideration of individual labor disputes:

1) for re-employment disputes - one month from the date of submission of a copy of the employer's act on termination of the employment contract to the conciliation commission or sent by mail with a registered letter with a notification of submission, and for applying to court - when applying for unsettled disputes or employment contract two months from the date when the party fails to comply
1. A collective labor dispute shall be deemed to have arisen from the date of notification to the employer of the requirements of the employees formalized in accordance with Article 162 of this Code on the application of the labor legislation of the Republic of Kazakhstan, the implementation or modification of the requirements of agreements, labor and (or) collective agreements, employer’s acts of implementing or modifying labor and (or) collective agreements.

2. The employer shall consider the demands of the workers no later than three working days from the date of their receipt, and employers’ associations (associations, unions) no later than five working days and take measures to resolve them, and when it is not possible to resolve them within the specified period, further review of the arising disagreements representing their representatives, must convey their decisions and proposals to the employees in writing.

Warning. Article 163 was amended - RK 04.05.2020 No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 16. CONSIDERATION OF COLLECTIVE LABOR DISPUTES

Article 162. Concepts used in this chapter

The following concepts are used in this chapter:

1) labor justice is a temporary body established by the parties to a collective labor dispute, when an agreement is not reached in the conciliation commission, involving authorized persons to resolve the labor dispute;

2) strike - full or partial stoppage of work in order to satisfy the socio-economic and professional demands of workers in a collective labor dispute with the employer;

3) conciliation commission - a body established by agreement between the employer and the employees (their representatives) to settle the collective labor dispute by reconciling the parties;

4) conciliation procedures - consideration of the collective labor dispute initially in the conciliation commission, and in the event that an agreement is not reached - in the labor court, as well as by mutual agreement of the parties using the mediation procedure.

Article 163. The occurrence of a collective labor dispute

1. Collective labor disputes are resolved in the following order: the employer (employers’ association (association, union)), in case it is not possible to resolve - the conciliation commission, when an agreement is not reached - the labor court, on issues not settled by it - the courts.
2. The demands of employees on the application of the labor legislation of the Republic of Kazakhstan, the implementation or change of the requirements of agreements between employees and the employer, employers' association (association, union), collective and (or) labor contracts, employer's acts are formed at the general meeting (conference) of employees and approved.

A meeting of workers is recognized as legitimate if at least two-thirds of the total number of employees of the organization participate in it.

The conference is recognized as legitimate if at least two-thirds of the delegates elected by the workers participate in it in accordance with protocol decisions.

The decision of the workers' meeting (conference) is considered to be adopted if at least two-thirds of the participants vote in favor of the demands presented by them. When it is not possible to hold a workers' meeting (conference), the workers' representative body has the right to approve its decision by collecting signatures of at least two-thirds of the workers in support of its proposed demands.

Workers' representatives agree with the employer on the regulations, place, time, and number of participants of meetings (conferences) of workers' meetings (conferences).

3. The demands of the workers shall be written down and sent to the employer, employers' associations (associations, unions) within three calendar days from the date of the meeting (conference).

4. In the event that the specified requirements are submitted by employees of different employers, these requirements may be presented by sectoral or territorial associations of trade unions or other individuals and (or) legal entities authorized by the employees.

5. The employer, employers' association (association, union) is obliged not to intervene in any way that prevents workers from holding a meeting (conference) on making demands.

6. When it is not possible to resolve the workers' claims, they are considered in the order of reconciliation procedures.

7. The parties may apply to the mediator at any stage of collective labor dispute consideration. The mediation procedure is independent from theconciliation procedures in the conciliation commission, labor justice and can be conducted simultaneously with them.

Warning. Article 164 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 165. Conciliation Commission

1. The conciliation commission is a body created by a joint decision of the parties on the basis of an equal number of representatives of the employer and employees.

The decision to create a conciliation commission shall be made within three working days from the day when the employer, the employer's association (association, union) (their representatives) brought their decision to the attention of the employees (their representatives) or did not notify it, or made a protocol of disagreements during collective negotiations. When there are several representatives of workers in the organization, they form a single representative body to participate in the work of the commission.

2. The employer, employers' association (association, union) shall create necessary conditions for the work of the conciliation commission.

3. The Conciliation Commission considers the claims of employees (their representatives) within seven working days from the date of their receipt. The procedure for consideration of claims by the Conciliation Commission, the extension of the indicated period of consideration is carried out by the agreement of the parties and formalized with a protocol.

4. In the process of the conciliation procedure, the conciliation commission conducts consultations with the employees (their representatives), the employer, the employers' association (association, union) (their representatives), state bodies and other interested persons.

5. The decision of the commission shall be made on the basis of the agreement of the parties, formalized by a protocol signed by the representatives of the parties, shall be binding for the parties and shall be executed in the manner and within the time limits established by the decision of the conciliation commission. If one of the parties refuses to sign the protocol, the other party makes an appropriate entry in the protocol.

6. When an agreement is not reached in the conciliation commission, its work is suspended, and a labor court is established to resolve the dispute.

Warning. Article 165 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 166. Labor Justice

1. Labor arbitration shall be established by the parties to a collective labor dispute within five working days from the date of termination of the work of the conciliation commission.

2. The number of members of the labor court, its independent composition, the procedure for consideration of a labor dispute shall be determined on the basis of balance with the agreement of the parties. Labor justice must consist of at least five people. Labor justice includes a state labor inspector.

The members of the conciliation commission cannot be included in the composition of the labor court according to the considered demands of the workers.
3. The chairman of the labor court is elected by the members of the court from among themselves.

4. The labor court considers the collective labor dispute with the mandatory participation of the representatives of the parties to the collective labor dispute, and when necessary, with the participation of representatives of other interested persons.

5. The procedure for reviewing the dispute is determined by the labor court and it is brought to the attention of the parties to the collective labor dispute.

6. The decision of the labor arbiter shall be made by a simple majority vote of the arbitrator members no later than seven working days from the date of its establishment. The chairman’s vote is decisive in the case of an equal division of labor arbitration members’ votes. The decision must be reasoned, written down and signed by all members of the jury.

7. When the parties to a collective labor dispute do not reach an agreement in the conciliation commission, it is mandatory to establish labor justice in organizations where strikes are prohibited or limited by the laws of the Republic of Kazakhstan.

8. The decision of the labor court is binding for the parties to the collective labor dispute.

9. If the decision of the labor court is not implemented within the specified period, the parties have the right to resolve the dispute by court procedure.

Warning. Article 166 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 167. Consideration of a collective labor dispute with the participation of a mediator

1. The procedure for consideration of a collective labor dispute with the participation of a mediator is determined by agreement of the parties to a collective labor dispute.

2. The parties identify independent organizations and individuals related to them as mediators. Republican, sectoral, regional commissions for the regulation of social and labor relations, with the agreement of the parties to a collective labor dispute, can involve the heads and workers of central and local executive bodies, associations and other public associations, employers, as well as independent experts in the work on the regulation of collective labor disputes.

In all cases of involvement of mediators, written consent to mediate must be obtained from them.

Article 168. Consequences of the parties reaching an agreement on a collective labor dispute

1. In all cases where the parties to a collective labor dispute have reached an agreement to settle the dispute with or without the participation of a mediator, the unfinished reconciliation procedures shall be terminated, and the terms of the agreement between the parties shall be considered as the terms of dispute settlement.

Agreements reached by the parties to a collective labor dispute shall be formalized in writing.

2. Reaching an agreement on dispute resolution between the parties, if a strike has been declared, leads to its suspension.

Article 169. Guarantees related to the settlement of collective labor disputes

The members of the Conciliation Commission are dismissed from their jobs while they participate in the negotiations on the resolution of the collective labor dispute.

Representatives of workers and their associations participating in the settlement of collective labor disputes shall not be subject to disciplinary punishment, transferred to another job, or terminated at the initiative of the employer without the prior consent of the body authorized to represent them.

Article 170. Duties of the parties and conciliation bodies on settlement of collective labor disputes

1. None of the parties has the right to avoid participation in reconciliation procedures.

2. Unsettled disagreements in the collective labor dispute must be brought to the attention of the parties in writing.

3. If it is not possible to settle the disagreements of the parties to the collective labor dispute due to the insufficient powers of the employer’s representative, the workers’ claims shall be directed to the property owners, organizations, including the founders of organizations located in the territory of the Republic of Kazakhstan, whose property owners are foreign individuals or legal entities or organizations with foreign participation. (participants) or shareholders.

4. In case of disagreement with the results of the procedures specified in clauses 2 and 3 of this article, employees have the right to use all other ways of protecting their interests provided by law.

5. Employer:

1) to notify the local labor inspection body about the occurrence of a collective labor dispute within five working days from the date of receipt of formalized demands of employees in accordance with paragraph 3 of Article 164 of this Code, and to inform the local labor inspection body about the situation until it is finally resolved;

2) is obliged to inform the prosecutor’s office of the Republic of Kazakhstan and the local labor inspection body about the start of strikes conducted without observing the requirements of this Code within one day.

Article 171. The right to strike
1. If the resolution of the collective labor dispute is not achieved through conciliation procedures, as well as in cases where the employer evades the conciliation procedures or does not fulfill the agreement reached during the resolution of the collective labor dispute, the workers may decide to strike.

2. The decision to hold a strike is made at a meeting (conference) of workers (their representatives).

   A meeting of workers is recognized as legal if more than half of the total number of employees of the organization participate in it.

   The conference is recognized as legitimate if at least two-thirds of the delegates elected by the workers participate in it in accordance with protocol decisions.

   It is assumed that the decisions of the meeting (conference) of workers were made by the majority of the voters. When it is not possible to hold a meeting (conference) of workers, the representative body of workers has the right to approve its decision by collecting the signatures of more than half of the workers who support the strike.

3. The strike is managed by the body (strike committee) authorized by the workers (their representatives). If the workers of several employers (their representatives) make the same demands and declare a strike, it can be managed by a joint body formed by the same number of these workers' representatives.

4. Participation in the strike is voluntary. No one can be forced to participate in a strike or to refrain from participating in a strike.

5. Persons who force workers to participate in a strike or refuse to participate in a strike shall be liable in accordance with the procedure established by the laws of the Republic of Kazakhstan.

**Article 172. Announcing the start of a strike**

1. The body authorized by the workers specified in Clause 3 of Article 171 of this Code must notify the employer, employers' association (association, union) (their representatives) about the start of the strike and its estimated duration in writing no later than five working days before announcing it.

2. In the decision to declare a strike:

   1) the list of disagreements of the parties that were the basis for the strike;

   2) date, place and time of the start of the strike, estimated number of participants;

   3) the name of the body managing the strike, the composition of workers' representatives authorized to participate in conciliation procedures;

   4) recommendations on the minimum amount of necessary work (services to be provided) to be performed during the strike period.

**Warning.** Article 172 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 173. Powers of the body leading the strike**

1. The body leading the strike acts within the limits of the rights granted to it by this Code and on the basis of the powers given by the workers (their representatives).

2. The body leading the strike:

   1) to represent the interests of employees in mutual relations with the employer, employers' association (association, union) (their representatives), state, trade union, other legal entities and officials on issues of solving the set demands;

   2) to receive information from the employer, employers' association (association, union) (their representatives) on issues affecting the interests of employees;

   3) publish the progress of consideration of workers' demands in mass media;

   4) to involve specialists to provide conclusions on disputed issues;

   5) have the right to suspend the strike with the consent of the workers (their representatives).

3. Resumption of a previously suspended strike is not required to be reviewed by a conciliation commission, a mediator, or reviewed by a labor court. The employer, the employers' association (association, union) (their representatives) and the labor dispute settlement body must be notified of the resumption of the strike no later than three working days.

4. In cases where the parties to a collective labor dispute have signed an agreement on its settlement, as well as in cases where the strike is recognized as illegal, the powers of the body managing the strike shall be terminated.

**Warning.** Article 173 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

**Article 174. Duties of parties to a collective labor dispute during a strike**

During the period of the strike, the parties to the collective labor dispute are obliged to continue to resolve this dispute through negotiations.
The employer, state bodies, and the body managing the strike are obliged to take their own measures to ensure public order, preservation of the organization’s property and safety of workers, as well as the operation of machines and equipment, the stoppage of which directly threatens the life and health of people, during the strike.

Article 175. Guarantees given to workers in connection with a strike

1. Organization of strikes or participation in them (with the exception of the cases provided for in paragraph 1 of Article 176 of this Code) is not considered a violation of the labor order by the employee and does not lead to the application of disciplinary measures provided for in this Code.

2. During a strike, an employee’s workplace (position), right to social benefits payment for temporary incapacity for work, length of service, and other rights arising from labor relations are guaranteed.

Except in cases where the strike was held due to non-payment or timely payment of wages, the wages of the workers participating in the strike during the period of the strike will not be kept.

Article 176. Illegal strikes

1. Strikes:

1) in the periods when the state of war or state of emergency or special measures are introduced in accordance with the laws of the Republic of Kazakhstan “On the state of war” and “On the state of emergency”; in the military management bodies and military units of the Armed Forces of the Republic of Kazakhstan, other troops and military units, and in organizations dealing with issues of national defense, state security, emergency rescue, search and rescue, fire fighting, prevention of emergency situations or their elimination; in special state bodies and law enforcement agencies; in organizations that are dangerous production facilities; in emergency and emergency medical care stations;

2) in organizations directly related to energy supply, heat supply, water supply and drainage, gas supply, aviation, railway, automobile, public and water transport, communications, health care, if the representatives of employees have been approved by the local executive body if the minimum list and volume of the services provided to the population, determined on the basis of the regional agreement, are not observed;

2-1) in hazardous production facilities, where suspension of operation is associated with serious and dangerous consequences, if continuous operation of main equipment, mechanisms is not ensured;

3) in case of publication without taking into account the terms, procedures and requirements provided for in this Code;

4) in situations that pose a real threat to people’s lives and health;

5) is recognized as illegal in other cases provided by the laws of the Republic of Kazakhstan.

If there is one of the grounds specified in this paragraph, the prosecutor has the right to suspend the strike until the court makes an appropriate decision.

2. Removed - by the Law of the Republic of Kazakhstan 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication).

3. The decision to declare the strike illegal shall be made by the court in accordance with the laws of the Republic of Kazakhstan.

4. The decision to recognize a strike as illegal shall be made by the court at the request of the employer or the prosecutor.

The court decision is brought to the attention of the workers through the body managing the strike, which is obliged to inform the participants of the strike immediately about the court decision, and in the absence of the body managing the strike - it is delivered directly by the employer.

The employer shall ensure that the text of the court decision is placed in accessible places where it can be seen by the public.

The court decision declaring the strike illegal must be implemented immediately, and the strike must be stopped.

In case of direct threat to people’s life and health, the prosecutor or the court has the right to suspend the strike until an appropriate decision is made.

5. The strike managing body has the right to appeal the court decision in accordance with the procedure established by the laws of the Republic of Kazakhstan.

6. Persons inciting to continue participation in a strike recognized by the court as illegal shall be liable in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Warning. Article 176 was amended - RK 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 10.06.2020 No. 344-VI (enters into force ten calendar days after the date of the first official publication)

Article 177. Consequences of declaring a strike illegal

When the court recognizes the strike as illegal, the employer may bring disciplinary responsibility to the workers who participated in the organization or conduct of the strike.

Article 178. Prohibition of lockout
In the process of settlement of a collective labor dispute, including a strike, it is prohibited to violate the labor contracts concluded with them at the initiative of the employer, except for the cases provided for in subsection 22) of paragraph 1 of Article 51 of this Code, due to the lockout, that is, the participation of workers in a collective labor dispute or strike.

SECTION 4. LABOR SAFETY AND LABOR PROTECTION

Chapter 17. STATE REGULATION IN THE FIELD OF LABOR SAFETY AND LABOR PROTECTION

Article 179. State regulation in the field of labor safety and labor protection

State regulation in the field of labor safety and labor protection:

1) state supervision, control and monitoring of compliance with the requirements of the legislation of the Republic of Kazakhstan in the field of labor safety and labor protection;

2) development and adoption of normative-legal acts and normative-technical documentation of the Republic of Kazakhstan in the field of labor safety and labor protection;

3) creation and implementation of systems of economic incentives for the improvement of working conditions, labor safety and labor protection, development and implementation of safe techniques and technologies, individual and collective protection of workers;

4) to increase the efficiency of the state internal control of compliance with the legislation of the Republic of Kazakhstan in the field of labor safety and labor protection;

5) to conduct scientific research on the problems of labor safety and labor protection, taking into account the advanced domestic and foreign experience in improving working conditions and labor protection;

6) protection of the legal interests of workers affected by work-related accidents and occupational diseases, as well as their family members;

7) establish guarantees and compensations for hard work and work with harmful and (or) dangerous working conditions that cannot be eliminated at the modern technical level of production and labor organization;

8) training and improving the qualifications of labor safety and labor protection specialists;

9) establishment of a unified procedure for recording accidents and occupational diseases related to labor activity;

10) ensuring the operation of a unified information system in the field of labor safety and labor protection;

11) includes international cooperation in the field of labor safety and labor protection.

Article 180. Requirements for labor safety and labor protection and funding of activities

1. The requirements for labor safety and labor protection are established in the regulatory legal acts of the Republic of Kazakhstan and should include principles, procedures and standards aimed at protecting the life and health of workers in the process of their work.

2. Employers and employees are obliged to comply with the requirements for labor safety and labor protection while carrying out their activities on the territory of the Republic of Kazakhstan.

3. Financing of activities on labor safety and labor protection is carried out at the expense of the employer’s funds and other sources of financing not prohibited by the legislation of the Republic of Kazakhstan.

Employees do not bear expenses for these purposes.

The amount of funds is defined in the act of the employer or collective agreement.

Chapter 18. Rights and obligations of employees, employees of the sending party, the employer and the receiving party in the field of labor safety and labor protection

Warning. The subject of Chapter 18 in a new version is the Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 181. Rights and obligations of the worker in the field of labor safety and labor protection

1. The employee:

1) to a workplace equipped in accordance with the requirements for labor safety and labor protection;

2) to be provided with sanitary and household premises, personal and collective protective equipment in accordance with the requirements for labor safety and labor protection, as well as labor and collective agreements;

3) to submit a request to the local body for labor inspection to conduct an inspection of working conditions and labor protection at one’s workplace;
4) to participate in inspection and consideration of issues related to improvement of working conditions, labor safety and labor protection by himself or through his representative;

5) in case the employer does not provide the employee with personal and (or) collective protective equipment, and in the event of a health or life-threatening situation, to refuse to perform the work, notifying the direct supervisor or the employer in writing;

6) to obtain the necessary education and professional training for the safe performance of labor duties in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

7) to receive clear information from the employer about the nature of the workplace and the territory of the organization, the state of working conditions, labor safety and labor protection, about the occupational risk that has occurred, as well as about measures to protect it from the influence of harmful and (or) dangerous production factors;

8) has the right to keep his salary during the suspension of the organization’s work due to non-compliance with the requirements for labor safety and labor protection.

2. The employee:

1) to comply with the requirements of norms, rules and guidelines on labor safety and labor protection;

2) to immediately inform the employer or the work organizer about every industrial injury and other damage to the health of workers, signs of occupational disease (poisoning), as well as about the situation that threatens the life and health of people;

3) undergo mandatory preliminary and periodical medical examinations, as well as pre-shift and other medical certification in accordance with the procedure determined by the authorized body in the field of health care;

4) at the employer’s request, in the cases stipulated by the employer’s act, as well as when changing to another job, to undergo a preventive medical examination;

5) to inform the employer about the establishment of disability or other deterioration of the health condition that prevents the continuation of work duties;

6) to use personal and collective protective equipment provided by the employer and to use them as intended;

7) to fulfill the requirements of the state labor inspector, labor protection technical inspector, internal control specialists and medical and rehabilitation measures recommended by medical institutions;

8) is obliged to undergo training, instruction and knowledge verification on labor safety and labor protection in the manner determined by the employer and provided for by the legislation of the Republic of Kazakhstan.

Article 181-1. Rights and obligations of the employee of the sending party in the field of labor safety and labor protection

1. The employee of the sending party:

1) to a workplace equipped in accordance with the requirements for labor safety and labor protection on the receiving side;

2) to be provided with sanitary and domestic premises in accordance with the requirements of the host party on labor safety and labor protection;

3) description of the place of work and territory of the organization, the state of working conditions, occupational safety and health protection, occupational risks for his life and health, as well as measures to protect himself from the effects of harmful and (or) dangerous production factors from the receiving party has the right to clear information about

2. An employee of the sending party:

1) to comply with the requirements of the host party’s labor safety and labor protection norms, rules and guidelines;

2) to immediately inform the employer or the representative of the receiving party about every industrial injury and other damage to the health of workers, signs of occupational disease (poisoning), as well as about the situation that threatens the life and health of people;

3) at the request of the receiving party, he is obliged to undergo preventive medical examinations in the cases stipulated by the act of the receiving party.

Article 182. Rights and obligations of the employer in the field of labor safety and labor protection

1. The employer:

1) to encourage employees for helping to create favorable working conditions at workplaces, for rationalizing proposals for creating safe working conditions;

2) to suspend employees who violate the requirements for labor safety and labor protection, in accordance with the procedure established by this Code, and to bring them to disciplinary responsibility;

Warning. Article 181 was amended - RK 16.04.2018 No. 147-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 181-1. Rights and obligations of the employee of the sending party in the field of labor safety and labor protection

1. The employee of the sending party:

1) to a workplace equipped in accordance with the requirements for labor safety and labor protection on the receiving side;

2) to be provided with sanitary and domestic premises in accordance with the requirements of the host party on labor safety and labor protection;

3) description of the place of work and territory of the organization, the state of working conditions, occupational safety and health protection, occupational risks for his life and health, as well as measures to protect himself from the effects of harmful and (or) dangerous production factors from the receiving party has the right to clear information about

2. An employee of the sending party:

1) to comply with the requirements of the host party’s labor safety and labor protection norms, rules and guidelines;

2) to immediately inform the employer or the representative of the receiving party about every industrial injury and other damage to the health of workers, signs of occupational disease (poisoning), as well as about the situation that threatens the life and health of people;

3) at the request of the receiving party, he is obliged to undergo preventive medical examinations in the cases stipulated by the act of the receiving party.

Warning. Chapter 18 was supplemented by Article 181-1 - Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).
3) to require the employee to fully comply with the requirements for safe conduct of work in production;

4) has the right to send employees to preventive medical examination at their own expense in the cases stipulated by the legislation of the Republic of Kazakhstan or the act of the employer.

2. Employer:

1) to carry out an assessment of occupational risk and to take measures to minimize and prevent it by carrying out prevention, replacing production equipment and technological processes with safer types;

2) to conduct training, instruction and knowledge testing of employees on issues of labor safety and labor protection, as well as to provide documents on the safe conduct of production processes and works at the expense of their own funds;

3) in accordance with the list approved by the act of the employer, in accordance with the procedure determined by the authorized state body for labor, training and education on issues of labor safety and labor protection for managers and persons responsible for ensuring labor safety and labor protection at least once every three years in organizations that improve the qualifications of personnel to organize an inspection;

4) to create necessary sanitary and hygienic conditions for workers, provide and repair special clothes and shoes of workers in accordance with the norms established by the authorized state body for labor, provide them with preventive treatment, washing and disinfecting means, medical kit, milk or similar food products and (or) dietary (therapeutic and prophylactic) to ensure supply of special products for nutrition, personal and collective protective equipment;

5) removed - by the Law of the Republic of Kazakhstan No. 483-V of 06.04.2016 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

6) to prevent workers under the age of eighteen from transporting and moving heavy objects that exceed the limits set for them;

7) to prevent women from lifting and moving things with their hands that exceed the limits set for them;

8) to register, record and analyze work-related accidents and occupational diseases;

9) to provide the authorized state body on labor and the local body on labor inspection, representatives of workers, upon their written request, the necessary information for monitoring the state of working conditions, labor safety and labor protection once a quarter;

10) to ensure the investigation of work-related accidents in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

11) to carry out instructions and conclusions of state labor inspectors;

12) in accordance with the rules approved by the authorized state body on labor, to carry out periodic certification of production facilities on working conditions with the participation of workers’ representatives at least once every five years;

13) to provide information on the results of certification of industrial objects on working conditions within one month in writing or through the information system on labor protection and safety;

14) to insure the employee against accidents while performing work (service) duties;

15) to take urgent measures to prevent the escalation of an emergency situation and the impact of traumatic factors on other people;

16) to develop, approve and revise manuals on labor safety and labor protection in accordance with the procedure established by the authorized state labor body;

17) in the cases stipulated in the agreement, collective agreement, the legislation of the Republic of Kazakhstan, as well as at the expense of employees who have been transferred to another job with changed working conditions or when symptoms of an occupational disease appear, from mandatory, periodical (during the course of work) medical examinations and medical certification before the shift to conduct;

18) is obliged to implement the labor protection management system and monitor its operation.

Warning. Article 182 has been amended - RK 04.06.2016 No. 483-V (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 16.04.2018 No. 147-VI (entered into force ten calendar days after the date of its first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 182-1. Rights and obligations of the receiving party in the field of labor safety and labor protection

1. The receiving party:

1) to encourage the sending party’s workers for helping to create favorable working conditions at workplaces, for rationalizing proposals for creating safe working conditions;

2) жіберуші тараптың жұмыскерлеріне өндірістегі жұмыстарды қауіпсіз жүргізу жөніндегі қызметтерді көрсетуге арналған шарттың талаптарына сәйкес жіберуші тараптың жұмыскерлерін өз қаражаты есебінен профилактикалық, медициналық, қаран-тексеперлерге жіберуге құқылы бар.

2. Кабылдауыш тарап:
1) to take measures to prevent any risks in workplaces and technological processes related to workers of the sending party by carrying out preventive measures, replacing production equipment and technological processes with safer ones;

3) instruct the sending party’s employees on issues of labor safety and labor protection;

4) to create the necessary sanitary and hygienic conditions for the employees of the sending party in accordance with the sanitary principles and hygiene standards established by the state body in the field of sanitary and epidemiological health of the population;

5) to prevent the sending party’s employees under the age of eighteen from transporting and moving heavy objects exceeding the limits set for them;

6) to prevent women from lifting and moving heavy objects by hand that exceed the limits set for them;

7) to take urgent measures to prevent the development of an emergency situation and the impact of factors that injure the workers of the sending party;

8) to carry out analysis of accidents and occupational diseases of employees of the sending party;

9) to ensure joint investigation and verification of accidents related to the labor activities of employees of the sending party with the sending party in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

10) in the cases stipulated by this Code, he is obliged to suspend the employees of the sending party, immediately informing the sending party in accordance with the procedure provided for in the contract for the provision of personnel services.

Warning. Chapter 18 was supplemented by Article 182-1 - Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 19. ORGANIZING LABOR SAFETY AND LABOR PROTECTION

Article 183. Certification of production facilities according to working conditions

1. Production facilities are subject to mandatory periodic certification of working conditions.

2. Attestation of production objects according to working conditions is carried out periodically by specialized organizations for certification of production objects at least once every five years.

3. The procedure for carrying out periodical mandatory certification of production objects on working conditions shall be determined by the authorized state body on labor.

4. When a violation of the procedure for conducting attestation of industrial objects according to working conditions is detected, extraordinary attestation of industrial objects according to working conditions is carried out at the request of the state control and supervision body of labor safety and labor protection.

The results of extraordinary attestation of industrial objects on working conditions are formalized in the form of an addendum to the previous attestation materials on working conditions of industrial objects.

5. In order to organize the certification of industrial facilities according to working conditions, the employer shall issue an appropriate order on the establishment of the certification commission, which includes the chairman, members, and a secretary responsible for creating, maintaining and maintaining the documentation on certification of industrial facilities according to working conditions.

6. The composition of the certification commission includes the head or his deputy, specialists of labor safety and labor protection services and other departments by agreement, as well as representatives of employees.

The refusal of representatives of workers to participate in the attestation commission is not a basis for not conducting attestation of production facilities on working conditions.

7. After completion of the certification of production facilities according to working conditions, the specialized organization for certification of production facilities shall send data on its results to the authorized state body on labor in the manner established by it within ten calendar days.

8. The results of attestation of industrial objects according to working conditions shall come into force from the moment of issuing the act of attestation of the industrial object.

9. State labor inspectors monitor compliance with the procedure for certification of industrial facilities.

Article 184. Safety requirements of workplaces

1. Buildings (structures) in which workplaces are located must be in accordance with their functional purpose and labor safety and labor protection requirements.
2. Work equipment must comply with the safety standards established for this type of equipment, have appropriate technical passports (certificates), warning signs, and be provided with fences or protective devices to ensure the safety of workers at their workplaces.

3. Emergency routes and workers' exits from the premises should be marked, free and lead to the open air or a safe area.

4. Danger zones should be clearly marked. If the workplaces are located in dangerous areas that pose a danger to the worker due to the nature of the work, then such places must be equipped with devices that prevent the entry of outsiders into these areas.

   Pedestrians and technological vehicles must move in safe conditions on the territory of the organization.

5. The temperature, light, and ventilation in the premises where workplaces are located must meet the sanitary and epidemiological requirements during working hours.

6. When several organizations (two or more) work at the construction site at the same time, general coordination of work is carried out by the general contractor in accordance with this Code and other regulatory legal acts of the Republic of Kazakhstan.

   Warning. Article 184 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

   Article 185. Obligatory medical examination of workers

   1. The employer is obliged to organize, at his own expense, periodic medical examination and examination of workers engaged in heavy work, harmful and (or) dangerous work conditions in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

   2. Workers working in high-risk jobs, jobs related to machines and mechanisms must undergo a medical examination before the shift. The authorized body in the field of health care determines the list of occupations requiring medical certification before the shift.

   Warning. Article 185 was amended by the Law of the Republic of Kazakhstan No. 147-VI of 16.04.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 20. INVESTIGATION AND REPORTING OF LABOR-RELATED INCIDENTS

Article 186. General rules of investigation of accidents related to labor activity and their accounting

1. Employees, as well as:

   1) persons studying at educational institutions while undergoing professional practice;

   2) military servicemen, employees of special state bodies involved in performing work not related to military service, service in special state bodies;

   3) persons forced to work in places of deprivation of liberty and by court verdict;

   4) in the field of civil protection, military and other specialized professional emergency rescue services and equipment, personnel of military security, accident, disaster relief, rescue of human life and property, members of volunteer teams due to their work and resulting in incapacity for work or death cases of injury to health are subject to investigation in accordance with this Code.

2. Damage to the health of workers, workers of the sending party, related to the performance of work duties, resulting in incapacity for work or death, if they:

   1) during the preparation and arrangement of the workplace, production equipment, personal protective equipment and other activities before or after the start of working hours;

   2) during the working hours at the workplace, the employee whose work is related to movement between service facilities, the employee of the sending party on the way, including on the way on the instructions of the employer or the receiving party, as well as during the business trip during the performance of labor duties;

   3) when going to the place of work or coming from work with a vehicle provided by the employer or the receiving party;

   4) with his own vehicle when there is a written agreement of the employer or the receiving party on the right to use a personal vehicle in the course of work;

   5) when taking actions on his own initiative in the interests of the employer or the receiving party;

   6) if it occurred while going to or coming from the place of gathering of shift workers (place of residence during the shift period) in a vehicle provided by the employer or receiving party, it is considered as an accident related to labor activity.

3. Damage to the health of workers, workers of the sending party during the investigation:

   1) when the injured person performed work or other actions that are not part of the functional duties of the employee, the employee of the sending party and are not related to the interests of the employer or the receiving party, on his own initiative, including during the inter-shift rest, rest and meal breaks during shift work.

   2) in cases where the victim is in an alcoholic state, his craving for alcohol and the use of narcotic substances (substances similar to them) are the main reason;
3) as a result of intentional (intentional) damage to his health, as well as when the injured person commits a criminal offense;

4) if it is objectively determined that the injured person's health, confirmed by a medical report, was caused by a sudden deterioration not related to the influence of industrial factors, they shall not be counted as accidents related to labor activity.

4. Investigation of cases of occupational diseases shall be carried out by the employer in cooperation with the state body in the field of sanitary-epidemiological health of the population in accordance with the procedure determined by the legislation of the Republic of Kazakhstan in the field of health care.

5. Responsible officials of health care organizations shall report to employers and the local body for labor inspection about every case of industrial injury or health damage related to work activities, as well as cases of serious occupational disease (poisoning) in the field of sanitary-epidemiological health of the population. must notify the state body no later than two working days.

6. The employer is responsible for the organization and registration of the investigation of accidents and occupational diseases in production.

7. The receiving party shall be responsible for organizing the investigation of accidents and industrial diseases of the employees of the sending party, as well as for sending a representative of the sending party to the object or workplace.

Warning. Article 186 has been amended - RK 2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 07.07.2020 No. 361-VI (enters into force ten calendar days after the date of its first official publication); 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication) Article 187. Obligations of the employer during the investigation of work-related accidents

1. Employer:

1) to organize the provision of first aid to the injured person and, when necessary, his delivery to the health care organization;

2) to preserve the situation at the scene of an accident related to work (the state of equipment and mechanisms, work equipment), if this does not endanger the life and health of other people, and if the disruption of the continuity of the production process does not lead to an accident, in the state at the time of the incident, and - take photos of the scene of the accident;

3) to immediately inform the close relatives of the injured person about the accident and send a message to the state bodies and organizations specified in this Code and other regulatory legal acts;

4) is obliged to send members of the special investigation commission to the place of the accident to investigate the accident related to work.

2. The employer shall report an accident related to work within one day, according to the form established by the authorized state body for labor:

1) to the local labor inspection body;

2) to the territorial department of the authorized body in the field of industrial safety during accidents at dangerous industrial facilities;

3) to the territorial department of the state body in the field of sanitary-epidemiological health of the population about cases of occupational disease or poisoning;

4) to representatives of workers;

5) removed - by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

6) informs the law enforcement body at the place of the accident and the authorized bodies of industrial and departmental control and supervision in cases subject to special investigation.

2-1. As soon as the employer becomes aware of the occurrence of an accident, immediately, but not later than three working days, he informs the insurance organization that has signed a contract to insure the employee against accidents while he is performing his work (official) duties.

3. At the request of the commission during the investigation of an accident related to labor activity, the employer shall:

1) performance of technical calculations, laboratory research, tests, other expert work and engagement of experts for these purposes;

2) photographing the scene of the incident and damaged objects, making plans, sketches, schemes;

3) providing the vehicle, office premises, means of communication, special clothing and other personal protective equipment necessary for the inspection;

4) the following:

documents describing the state of the workplace, the presence of dangerous and (or) harmful production factors (plans, sketches, schemes, and, if necessary, photo and video materials of the scene, etc.).
Article 187-1. Procedure for establishing the commission for investigation of accidents related to labor activity and its composition

1. Except for cases subject to special investigation, the investigation of accidents related to labor activity is carried out by the commission of the following composition, established by the act of the employer, within twenty-four hours from the receipt of the conclusion on the severity of the industrial injury:

1) the chairman is the head of the organization (production activity) or his deputy, and in their absence, the authorized representative of the employer;

2) members - the head of the organization's labor safety and labor protection service and representatives of employees.

2. An official who is directly responsible for labor safety at the relevant site where an accident occurred in connection with work activities shall not be included in the commission during the investigation.

3. For special investigation:

1) serious or fatal work-related accidents;

2) group accidents related to labor activities, in which two or more workers are simultaneously exposed, regardless of the severity of industrial injuries of the affected persons;

3) include group events of severe poisoning.

4. A special investigation of an accident related to labor activity is carried out by a commission formed by the following composition within twenty-four hours after the local body for labor inspection receives a conclusion on the severity of the industrial injury:

1) chairman - state labor inspector;

2) members - employer and employee representative.

The commission headed by the chief state labor inspector of the region, a city of republican importance, and the capital will conduct the investigation of group accidents related to labor activities in which two people died.

The investigation of group accidents related to labor activity in which three to five people died is carried out by the authorized state labor body, and in case of more than five deaths, the commission established by the Government of the Republic of Kazakhstan.

5. A representative of the authorized body in the field of industrial safety or its territorial division shall be appointed as the chairman of the commission during the investigation of labor-related accidents that occurred during man-made emergency situations due to an accident at a dangerous industrial facility. In this case, the state labor inspector will be a member of the commission.
6. The composition of the commission also includes:

1) in the case of accidents related to labor activities in dangerous production facilities, as well as in organizations of the power industry - the state inspector for state supervision in the field of industrial safety and the official who carries out state energy supervision and control;

2) in the case of severe poisoning - representatives of the state body in the field of sanitary-epidemiological health of the population;

3) in the event of an accident related to labor activities with an employee of the organization located and working in the territory of another organization or with an employee sent to another organization to perform a production task (service or contractual duties), the responsible representative of the organization where the accident occurred.

7. A representative of an insurance organization with relevant contractual relations with an employer or an injured person has the right to participate in the work of the commission.

8. An employer or his authorized representative, a representative of employees, and a labor protection specialist who may be involved in the investigation of an accident on the basis of a contract, participate in the investigation of an accident related to the employment of an individual.

9. In order to solve problems requiring an expert opinion, the chairman of the commission for special investigation has the right to create expert sub-commissions among the experts of scientific research organizations and control bodies at the expense of the employer.

Article 188-1. The procedure for establishing the commission for investigation of accidents related to labor activities of employees of the sending party and its composition

1. With the exception of cases subject to special investigation, the investigation of accidents related to the labor activity of employees of the sending party shall be conducted by the commission of the following composition, established by the act of the receiving party within twenty-four hours from the receipt of the conclusion on the severity of the industrial injury:

   1) the chairman is the head of the receiving party’s organization (production activity) or his deputy, and in their absence - the authorized representative of the receiving party;

   2) deputy chairman - the head of the organization of the sending party or his deputy, and in their absence - the authorized representative of the sending party;

   3) members - the head of the labor safety and labor protection service of the organization (the receiving party) and the representative of the employees of the sending party.

2. An official of the receiving party, who is directly responsible for labor safety at the relevant site where an accident occurred related to work, is not included in the commission during the investigation.

3. A special investigation of an accident related to labor activity is carried out by a commission with the following composition, formed by the local labor inspection body within twenty-four hours after receiving a conclusion on the severity of the industrial injury:

   1) chairman - state labor inspector;

   2) members - the head of the organization (production activity) of the receiving party or his deputy, as well as the head of the organization of the sending party or his deputy and a representative of the employee of the sending party.

The commission headed by the chief state labor inspector of the region, a city of republican significance, the capital will conduct the investigation of the group accidents in which two people died in connection with labor activities.

The investigation of group accidents in which three to five people died in connection with labor activities is conducted by the commission established by the authorized state body on labor, and in the case of more than five people died by the Government of the Republic of Kazakhstan.

Warning. Chapter 20 was supplemented by Article 188-1 - Law of the Republic of Kazakhstan dated 19.12.2020 No. 386-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 189. Procedure for investigating accidents related to labor activity

1. The period of investigation of an accident related to labor activity should not exceed ten working days from the date of establishment of the commission.

When there are circumstances that objectively prevent the completion of the investigation within the specified period, the investigation period may be extended no more than twice every ten working days by protocol decision of the commission.

2. Labor-related accidents that are not timely reported to local bodies for labor inspection shall be investigated within ten working days at the request of the injured person or his authorized representative.

3. In each case of investigation, the commission identifies and interrogates witnesses of the incident, persons who have violated labor safety and labor protection requirements, obtains necessary information from the employer and, if possible, comments from the injured person.
4. Without the consent of the chairman of the special investigation commission, it is strictly forbidden to interrogate witnesses and witnesses, as well as to conduct parallel investigations related to an accident related to this labor activity by anyone or any other commission on the days when the officially appointed commission is working.

5. On the basis of the collected documents and materials, the commission determines the circumstances and causes of the accident related to labor activity, determines whether the accident is related to the employer's production activity and, accordingly, the presence of the injured person at the scene of the incident is explained as the performance of his work duties, the accident is classified as an accident related to labor activity or as an incident or as an accident not related to labor activity, identifies the persons who violated labor safety and labor protection requirements, and establishes measures to eliminate and prevent the causes of accidents related to labor activity in production.

6. Investigate an accident related to labor activities that resulted in serious consequences or ended in death, a group accident involving two or more workers at the same time, regardless of the severity of the industrial injuries of the injured persons, and a case of severe group poisoning of workers by the authorized state labor body. shall be formalized with a special investigation-verification act according to the prescribed form.

7. Investigations of work-related accidents caused by vehicle accidents are conducted on the basis of investigation materials of the authorized body for ensuring road safety.

8. The authorized body for ensuring road safety is obliged to provide copies of investigation materials at the request of the chairman of the commission for investigation of accidents related to labor activity within five days from the date of the traffic accident.

9. The working conditions of the commission for investigation of accidents related to labor activities in regime objects are determined taking into account the features of the permission to stay in these objects.

10. The conclusion of the head of the emergency rescue service or facility and expert specialists of the special investigation commission on the completion of the search for the injured person (injured persons), lost person (missing persons) as a result of explosions, accidents, destruction, fire and other conditions at the objects of the organization determined based on the medical conclusion (recommendation).

Article 190. The procedure for formalizing materials for the investigation of work-related accidents and their accounting

1. Every accident caused by the loss of working capacity of the employee (employees) and related to the work activity is subject to investigation according to the medical conclusion (recommendation).

Group accidents resulting in serious consequences, resulting in death and related to labor activities are subject to special investigation.

Forms of investigation, special investigation and inspection acts and forms of acts on accidents and occupational diseases related to work activities shall be established by the authorized state body on labor.

2. The act must be drawn up in accordance with the investigation materials and taking into account the opinions of the majority of the commission members.

If, during the investigation of an accident related to labor activity, the commission determines that gross negligence caused the damage or its increase, then the commission applies joint responsibility of the parties and determines the degree of fault of the employee and the employer as a percentage.

If one of the members of the commission for the investigation of an accident related to labor activity does not agree with the conclusions of the commission (the majority), within two working days from the end of the investigation, he submits his reasoned opinion in writing to be included in the investigation material. He signs the report of the special investigation with the note "see the dissenting opinion".

3. In case of disagreement with the result of the investigation, or in case of a report on an accident related to labor activity, the victim or his representative, employee representative has the right to submit a written application to the employer, who will consider their application and make a decision on the merits within ten working days. mandatory.

4. Disagreements on investigation, formalization and registration of accidents related to labor activity:

1) state labor inspector or court in case of disagreement between employer and employee;

2) in case of disagreement between the employer, employee and the lower state labor inspector or the state inspector for state supervision in the field of industrial safety during incidents at hazardous production facilities, the relevant higher state labor inspector or the court will consider.

The decision of the state labor inspector on the investigation of accidents related to labor activity is formalized in the form of a conclusion in the form established by the authorized state body for labor.

5. Along with the act of investigation in the materials of the investigation of an accident related to labor activity:

1) information on whether the injured person has undergone labor protection training and instruction, as well as preliminary and periodic medical examination;

2) interrogation protocols in the form established by the authorized state body for labor and explanations of witnesses of the incident, as well as officials responsible for compliance with labor safety and labor protection requirements;

3) plans, diagrams and photos of the scene;
4) excerpts from manuals, rules, orders and other acts regulating labor safety and labor protection requirements, duties and responsibilities of officials responsible for ensuring healthy and safe working conditions in production, and others;

5) medical report on the nature and severity of the damage to the health of the injured person (cause of death);

6) results of laboratory and other researches, experiments, examinations, analyzes and others;

7) conclusion of the state labor inspector (when it exists);

8) information on material damage caused to the employer;

9) an order of the employer to compensate the victim (members of his family) for the damage caused to his health and to bring to justice the officials responsible for the incident;

10) the list of attached documents should be included.

In the absence of the materials specified in this paragraph, relevant information is indicated in the act of investigation of the accident, indicating the reasons.

6. The employer is obliged to draw up an act on the accident no later than three working days after the investigation of each accident related to labor activity is completed, according to the investigation materials.

7. The employer fills out the occupational disease certificate based on the established form based on the conclusion of the expert occupational pathology commission.

8. An act on the accident is filled out and signed by the heads of the labor safety and labor protection service and department of the organization, the representative of the employees of the organization, and the representative of the state body in the field of sanitary-epidemiological health of the population in cases of poisoning.

The act on the accident is approved by the employer and certified with the seal of the organization (if any).

If the employer is an individual, then the accident report is filled out by the employer, signed and notarized.

9. After completion of the investigation, a copy of the act on the accident shall be given to the injured person or his representative, in addition to the following:

1) to the insurance organization that has concluded an accident insurance contract for the employee while performing his labor (service) duties;

2) in paper and electronic suppliers to the local body on labor inspection;

3) in the case of poisoning, it is sent to the state body in the field of sanitary-epidemiological health of the population.

10. The employer shall provide a copy of the special investigation materials of the accident related to labor activity to the local labor inspection body. After the completion of the investigation of an accident related to labor activity, the state labor inspector sends a copy of the special investigation materials to the territorial police body within seven working days, which makes an appropriate decision in accordance with the legislation of the Republic of Kazakhstan and notifies about the decision made no later than twenty working days.

11. The injured person or the employee’s representative has the right to get acquainted with all the materials of the investigation of the accident related to work and to make the necessary extracts.

12. The employer shall enter each accident formalized by the act in the register of accidents related to work and other injuries caused to health in production. The journal is kept according to the form established by the authorized state body on labor. The first statistical data on temporary incapacity for work and occupational injuries are provided in accordance with the statistical methodology approved by the authorized body in the field of state statistics.

13. The materials of the investigation of an accident related to labor activity must be kept by the organization (employer) for forty-five years, in case of liquidation of the organization, the materials of the investigation of the accident must be submitted to the state archive of the place where the organization worked.

14. The employer or his representative shall notify the relevant local body on labor inspection about the accidents related to labor activities, which over time have changed into the category of serious or fatal accidents, and about insurance cases to the insurance organization.

Warning. Article 190 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 04.05.2020 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

SECTION 5. MONITORING COMPLIANCE WITH THE LABOR LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

Chapter 21.

STATE CONTROL OF COMPLIANCE WITH THE LABOR LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

Article 191. Implementation of state control over compliance with the labor legislation of the Republic of Kazakhstan

1. State control of compliance with the labor legislation of the Republic of Kazakhstan is carried out by state labor inspectors.
2. State labor inspectors:

1) The Chief State Labor Inspector of the Republic of Kazakhstan is an official of the authorized state body on labor;

2) chief state labor inspectors - officials of the authorized state body on labor;

3) chief state labor inspector of the region, city of republican significance, capital - head of the local body for labor inspection of the region, city of republican significance, capital;

4) state labor inspectors - officials of the local body on labor inspection of the region, city of republican significance, capital.

3. State labor inspectors are protected by law while performing their duties and are guided by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and other normative legal acts.

4. Persons who obstruct the state labor inspector from performing their duties shall be liable in accordance with the laws of the Republic of Kazakhstan.

5. State control of compliance with the labor legislation of the Republic of Kazakhstan is carried out in the form of preventive control by visiting the subject (object) of inspection and control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan, unless otherwise provided in the international treaties ratified by the Republic of Kazakhstan.

6. Removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (entered into force ten calendar days after the date of its first official publication).

Inspections conducted by state labor inspectors within the scope of investigation and inspection of accidents related to labor activities, as well as monitoring of the implementation of measures to eliminate the causes of such incidents and other types of control carried out by visiting the subject of control, are carried out without prior notification to the employer and are carried out in accordance with the state law of the Republic of Kazakhstan. They are not subject to registration and accounting in accordance with the legislation on statistics and special accounting.

Warning. Article 191 was amended by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 192. Principles and main tasks of the state labor inspection service

The activities of the State Labor Inspectorate are carried out on the basis of the principles of respect, preservation and protection of the rights and freedoms of workers, legality, objectivity, independence and publicity.

The main tasks of the state labor inspection:

1) ensuring state control of compliance with the labor legislation of the Republic of Kazakhstan;

2) ensuring the preservation and protection of the rights and freedoms of workers, including the right to safe working conditions;

3) consideration of requests, applications and complaints of employees and employers on issues of the labor legislation of the Republic of Kazakhstan.

Article 193. Rights of state labor inspectors

During the implementation of state control over compliance with the labor legislation of the Republic of Kazakhstan, state labor inspectors:

1) to visit employers unhindered in order to conduct checks on compliance with the labor legislation of the Republic of Kazakhstan in accordance with the normative legal acts of the Republic of Kazakhstan;

2) removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

3) to request and receive documents, explanations, information necessary to perform the functions assigned to them from employers, employees (their representatives);

4) to issue instructions and conclusions that employers are obliged to implement, as well as to fill in protocols and resolutions on administrative violations, to apply administrative penalties;

5) to provide explanations on issues within their competence;

6) when it is determined that the operation of individual productions, shops, sites, workplaces and the use of equipment, mechanisms do not comply with the requirements of the regulatory legal acts of the Republic of Kazakhstan on labor safety and labor protection, suspend them for a period of not more than five working days, with mandatory filing of a claim to the court within the specified period has the right to stay (ban).

In case of non-compliance of the organization with the requirements of the regulatory legal acts of the Republic of Kazakhstan on labor safety and labor protection, which endangers the life and health of workers, and which cannot be eliminated by suspending (banning) the operation of individual industries, workshops, sites, workplaces and the use of equipment, mechanisms, The chief state labor inspector of the Republic of Kazakhstan, the chief state labor inspector of the region, the city of republican significance, the capital, has the right to suspend (prohibit) the activities of the organization for a period not exceeding five working days, with mandatory submission of a claim to the court within the specified period.

In this subsection, a threat to the life and health of workers should be understood as the probability of workers getting industrial injuries or the risk of death;
7) to prohibit the provision and use of special clothing and other personal and collective protective equipment that do not meet the established requirements at workplaces;

8) removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

9) to investigate accidents related to work according to the established procedure;

10) to issue instructions to be followed by employers in order to suspend employees, managers and persons responsible for ensuring labor safety and labor protection, as well as to bring the guilty persons to justice, who have not passed training, instruction, and knowledge verification on labor safety and labor protection issues;

11) to send information, lawsuits and other materials to relevant law enforcement bodies and courts on the facts of violation of the labor legislation of the Republic of Kazakhstan, non-fulfilment of acts of state labor inspectors by employers;

12) participate in the examination of knowledge on labor safety and labor protection;

13) to conduct an inspection from the point of view of employers’ compliance with the procedure and conditions for attracting foreign labor, established in the legislation of the Republic of Kazakhstan on employment and the legislation of the Republic of Kazakhstan on population migration;

14) removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of the first official publication);

15) to cooperate with citizens and representatives of employees during the implementation of state control of compliance with the labor legislation of the Republic of Kazakhstan;

16) has the right to exercise other rights provided by the legislation of the Republic of Kazakhstan.

Warning. Article 193 was amended - RK 24.05.2018 No. 156-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 04.05.2020 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 194. Duties of state labor inspectors

State labor inspectors:

1) to monitor compliance with the labor legislation of the Republic of Kazakhstan;

2) timely and qualitative inspection of the implementation of the labor legislation of the Republic of Kazakhstan;

3) to inform employers (their representatives) about such violations in order to take measures to eliminate identified violations of the labor legislation of the Republic of Kazakhstan;

4) timely consideration of applications of employees and employers on issues of application of the labor legislation of the Republic of Kazakhstan;

5) to determine the reasons and circumstances leading to violations of the labor legislation of the Republic of Kazakhstan, to make recommendations on their elimination and restoration of violated labor rights;

6) to participate in the investigation of accidents related to labor activity;

7) to collect, analyze and summarize the causes of violations of the labor legislation, to participate in the development and adoption of measures aimed at strengthening the work on the prevention of violations of the labor legislation of the Republic of Kazakhstan;

8) not to disclose information constituting a state secret, official, commercial or other secret protected by law, known to him in connection with the performance of labor duties;

9) is obliged to carry out explanatory work on the application of the labor legislation of the Republic of Kazakhstan.

Article 195. Acts of the state labor inspector

1. Based on the results of the inspection, the state labor inspector makes a report on the results of the inspection in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Based on the identified violations of the labor legislation of the Republic of Kazakhstan, the state labor inspector issues (makes) the following acts:

1) the following:

On the elimination of violations of the requirements of the labor legislation of the Republic of Kazakhstan;

on conducting preventive work on labor safety and labor protection in production objects and equipment, as well as in production processes, in order to prevent the occurrence of emergency situations with a risk of injury;

about suspending (banning) the operation and use of equipment, mechanisms or the operation of individual industries, workshops, sites, workplaces;

employer’s payment instruction.
At the same time, the act on suspension (prohibition) of activity is applied until the court initiates a civil case on the claim for suspension (ban) of activity filed in accordance with subsection 6) of Article 193 of this Code.

2) protocol on administrative offense;

3) resolution on termination of proceedings in case of administrative offense;

4) resolution on the case of administrative offense;

5) conclusion of the state labor inspector.

2. Acts of the state labor inspector are legal measures to influence employers and officials to violate the requirements of the labor legislation of the Republic of Kazakhstan, taking into account the requirements of paragraph 3 of Article 198 of this Code. Acts are made in two copies, one of which is signed and handed over to the employer.

3. Acts of the state labor inspector are mandatory for officials, individuals and legal entities.

4. The form of acts of the state labor inspector is approved by the authorized state body on labor.

Warning. Article 195 has been amended - RK 24.05.2018 No. 321-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication); 26.06.2020 No. 349-VI (shall be enforced upon expiry of ten calendar days after the date of the first official publication)

Article 196. Cooperation of the State Labor Inspectorate with other state bodies and organizations

1. The State Labor Inspectorate performs its activities in cooperation with other state supervision and control bodies, representatives of workers, public associations, and other organizations.

2. State bodies are obliged to assist the state labor inspector in fulfilling his duties of monitoring compliance with the labor legislation of the Republic of Kazakhstan.

Article 197. Other forms of control carried out by visiting the subject of control

1. In the event that the rights and legal interests of the employer are violated during state control of compliance with the labor legislation of the Republic of Kazakhstan, the employer may report the actions (inaction) of the state labor inspector to the superior state inspector and (or) to the court, taking into account the requirements of paragraph 3 of this article, of the Republic of Kazakhstan has the right to file a complaint in accordance with the procedures established by the legislation.

2. The chief state labor inspector of the Republic of Kazakhstan or the state labor inspector of the region, the city of republican significance, the capital to suspend the execution of the acts of the lower state labor inspector until a decision is made on the actions (inaction) or acts of individuals and (or) legal entities. , has the right to cancel or revoke them.

3. An appeal may be made to the superior state labor inspector or to the court within ten working days from the date of receipt of the order on payment of wages by the employer.

In the event that the instruction is not implemented within the time limit set by the state labor inspector and after the deadline for making a complaint has passed, if no appeal has been made to it, no later than three working days after the expiration of the specified time limits, to the appropriate justice body on the territory of the Republic of Kazakhstan in accordance with the Law of the Republic of Kazakhstan "On Executive Procedure and Status of Bailiffs sent to the regional chamber of private bailiffs for forced execution.

The superior state labor inspector shall make an appropriate decision on the complaint within ten working days from the date of receipt of the complaint.

In the event of a judicial appeal against the instruction, it shall be sent to the appropriate justice body or the regional chamber of private bailiffs for compulsory execution in accordance with the Law of the Republic of Kazakhstan "On Executive Procedure and Status of Bailiffs" no later than three working days from the date of entry into legal force of the judicial act.

Warning. Article 198 was amended by the Law of the Republic of Kazakhstan dated 26.06.2020 No. 349-VI (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 199. Departmental accounting

Warning. Article 199 was removed - by the Law of the Republic of Kazakhstan No. 156-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 200. Declaration of the employer’s activities

The declaration of the employer's activity is carried out by the local body on labor inspection in cooperation with regional associations (associations, unions) and territorial trade unions in accordance with the procedure determined by the authorized state body for labor.

The declaration is carried out by comparing the criteria (indicators), based on which the employer independently assesses the compliance of his activities with the requirements of the labor legislation of the Republic of Kazakhstan.
The employer enters information on the declaration into the information system on labor protection and safety.

Employers whose activity is recognized as meeting the requirements of the labor legislation of the Republic of Kazakhstan are issued a certificate of trust for a period of three years, which is taken into account when forming a half-yearly list of preventive control by visiting the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Warning. Article 200 in a new version - by the Law of the Republic of Kazakhstan No. 321-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 22. INTERNAL CONTROL

Article 201. Internal control over labor safety and labor protection

1. Internal control over labor safety and labor protection includes the creation and implementation of a labor protection management system, organization of monitoring the state of working conditions, rapid analysis of production control data, occupational risk assessment, and measures to eliminate identified discrepancies that do not meet the requirements for labor safety and labor protection includes reception.

2. The employer carries out internal control over labor safety and labor protection in order to take immediate measures to comply with the established requirements for labor safety and labor protection in workplaces and eliminate identified violations.

Warning. Article 201 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 202. The mechanism of implementation of internal control over labor safety and labor protection

1. In order to implement internal control over compliance with labor safety and labor protection requirements in organizations with more than fifty employees, the employer shall establish a labor safety and labor protection service directly subordinated to the first head of the organization or a person authorized by him.

2. Model regulations on labor safety and labor protection activities in the organization shall be developed by the authorized state body on labor.

3. An employer with up to fifty employees, taking into account the specifics of the activity, introduces the position of a labor safety and labor protection specialist or assigns the duties of ensuring labor safety and labor protection to another specialist.

4. Labor safety and labor protection service or specialist specified in clause 3 of this article:

1) unimpeded entry and inspection of industrial, household and other premises;

2) to create safe and healthy working conditions, to control the development and implementation of preventive measures for the prevention of industrial injuries and occupational diseases in structural units of the organization;

3) has the right to give mandatory instructions to the employees of the organization’s structural divisions on taking measures to eliminate violations of the defined labor safety and labor protection requirements.

5. Labor safety and labor protection service or specialist specified in paragraph 3 of this article:

1) to analyze the state and causes of industrial injuries and occupational diseases in organizations every month and to develop preventive measures and to enter them into the electronic database of the organization for permanent storage;

2) to organize training, instruction and testing of knowledge of workers, managers and persons responsible for ensuring labor safety and labor protection on labor safety and labor protection issues;

3) is obliged to ensure compliance with the procedure for investigating accidents related to work.

6. The organization of labor safety and labor protection in small business entities can be carried out on a contractual basis with individuals or legal entities.

Warning. Article 202 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 203. Industrial council on labor safety and labor protection in organizations

1. At the initiative of the employer and (or) at the initiative of the employees or their representatives, a labor safety and labor protection industrial council shall be established within fifteen working days. It includes technical inspectors for labor protection, representatives of the employer and representatives of workers on a balanced basis.

2. The composition of the industrial council for labor safety and labor protection is approved by a joint decision of the employer and the representatives of the workers.

3. The industrial council for labor safety and labor protection is headed by a chairman elected by the members of the council from among the representatives of the employer and employees on a rotating basis every two years.

The decisions of the industrial council on labor safety and labor protection are binding for the employer and employees.

4. Industrial council for labor safety and labor protection organizes joint actions of employers and employees to ensure labor safety and labor protection requirements, prevention of industrial injuries and occupational diseases, as well as labor protection technical inspectors in the workplaces of working conditions and organizes labor protection inspections.
5. Technical inspectors for labor protection are approved by the decision of the industrial council for labor safety and labor protection.

The status, rights and duties of technical inspectors on labor protection, as well as the procedure for their control are determined by the decision of the industrial council on labor safety and labor protection.

Warning. Article 203 was amended by the Law of the Republic of Kazakhstan No. 321-VI of 24.05.2018 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 23. FINAL PROVISIONS

Article 204. Procedure for implementation of this Code

1. This Code shall be enforced from January 1, 2016.

2. From January 1, 2017:

1) Subsection 64 of Clause 1 of Article 1 shall be noted as being applied in the following wording:

"64) specialized organizations for certification of production objects - organizations that carry out activities for certification of production objects according to working conditions, have qualified personnel and test laboratories accredited in accordance with the legislation of the Republic of Kazakhstan;"

2) Subsection 4 of paragraph 1 of Article 26 shall be specified as being applied in the following wording:

"4) before obtaining the permission of the local executive body to attract foreign labor, or the certificate on the adequacy of the qualifications given to foreign workers for self-employment in the manner determined by the authorized body on population migration, or the internal affairs bodies to the migrant laborer in the manner established by the Ministry of Internal Affairs of the Republic of Kazakhstan It is not allowed to conclude an employment contract with foreigners and stateless persons who are temporarily in the territory of the Republic of Kazakhstan without observing the restrictions or exceptions established by the laws of the Republic of Kazakhstan before obtaining the permission issued by the Republic of Kazakhstan;"

3) Subsection 6 of paragraph 1 of Article 30 shall be specified in the following wording:

"6) the terms of employment of foreign workers who come for self-employment may be determined by the legislation of the Republic of Kazakhstan, within the limits of the permits issued by the local executive body to attract foreign labor or the permit issued by the internal affairs bodies to migrant workers.";

4) Subsection 1 of Article 57, Clause 1 shall be specified as being applied in the following wording:

"1) when the local executive bodies revoke the permit for attracting foreign labor or the validity period of the residence permit expires;"

5) Subsection 3 of Article 60 shall be specified as being applied in the following wording:

"3) an employment contract is concluded with foreigners and stateless persons without obtaining a certificate of eligibility for self-employment or a permit for attracting foreign labor in the prescribed manner, or without observing the restrictions or exceptions established by the laws of the Republic of Kazakhstan;".

3. From the date of entry into force of this Code, the following shall be recognized as repealed:

1) Labor Code of the Republic of Kazakhstan dated May 15, 2007 (document 143; 2015, No. 1, Document 2; Document No. 3, 13; Document No. 7, 33; Document No. 8, 45; Document No. 10, 50; Document No. 11, 56; Document No. 14, 72; No. 15, document 78);


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