

Committee on the Application of Standards

Date: 19 May 2025

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

► Information on the application of ratified Conventions supplied by governments on the list of individual cases

Kyrgyzstan (ratification 2000)

Labour Inspection Convention, 1947 (No. 81)

The Government has provided the following written information.

According to the Labour Code, state inspectors in the field of supervision and control over compliance with labour legislation are entitled to hold accountable, in accordance with the legislation of the Kyrgyz Republic on offences, persons guilty of violating laws and other regulatory legal Acts on labour and, if necessary, invite them to the authorized state body in the field of supervision and control of labour legislation in connection with cases in progress, as well as to send information to law enforcement agencies to bring these persons to criminal liability, and file lawsuits in court.

Article 87 of the Code on Offences provides norms for bringing perpetrators to administrative responsibility for violations of labour legislation:

- The conclusion of a labour contract with a person for whom the proposed work is harmful to health according to a medical opinion entails the imposition of a fine for individuals in the amount of 10 calculation indicators and, for legal entities, of 50 calculation indicators.
- Violation of the rules for involving certain categories of persons in night work, overtime work or work on weekends entails the imposition of a fine for individuals in the amount of 30 calculation indicators and, for legal entities, of 130 calculation indicators.
- Violation of the rules for involving certain categories of persons in heavy work, or work in harmful or dangerous working conditions entails the imposition of a fine for individuals in the amount of 55 calculation indicators and, for legal entities, of 170 calculation indicators.
- Failure to fulfil or improper fulfilment by the employer of the obligations to create healthy and safe working conditions for employees, or to introduce means and technologies ensuring compliance with sanitary and hygienic norms, and of the requirements of technical regulations and other regulatory legal acts on labour protection, entails the imposition of a

fine for individuals in the amount of 75 calculation indicators and, on legal entities, of 230 calculation indicators.

- Unjustified suspension of citizens from work entails the imposition of a fine for individuals in the amount of 30 calculation indicators and, on legal entities, of 130 calculation indicators.
- The engagement of individuals by an employer in work without the formalization of a labour contract entails the imposition of a fine for individuals in the amount of 75 calculation indicators and, on legal entities, of 230 calculation indicators.

Note: the calculation indicator is equal to 100 som (US\$1.15).

Violations of labour legislation are considered by the authorized body for the control and supervision of labour legislation. The functions of the labour inspectorate are performed by the Service for Control and Supervision of Labour Legislation under the Ministry of Labour, Social Security and Migration of the Kyrgyz Republic (hereinafter the Service), which performs the following main functions:

- Carries out state supervision and control of compliance with labour legislation and other regulatory legal acts containing labour law norms in organizations, through inspections, surveys, the issuance of mandatory instructions for the elimination of violations, and by bringing those responsible to justice in accordance with the legislation on offenses.
- Analyses the circumstances and causes of identified violations, and takes measures to eliminate them and restore the violated labour rights of citizens.
- Investigates industrial accidents using the established procedure, analyses their causes, develops proposals for the prevention of such cases, and approves the conclusions of employers' reports of a lack of connection between a minor industrial accident and production.
- Summarizes the application of and analyses the causes of violations of the legislation on labour and labour protection, and prepares appropriate measures for improvement.
- Carries out inspections in the use of child labour.
- Monitors compliance with the established procedure for the investigation and recording of industrial accidents and occupational diseases.
- Considers cases of offences in the field of labour in accordance with the legislation on offences.
- Exercises control and provides organizational and methodological guidance to the structural divisions of the Service, and their regulatory support.
- Conducts work on improving the qualifications of labour inspectors.
- Submits an annual report on the state of labour protection and working conditions to the Cabinet of Ministers through the Ministry.
- Analyses the state and causes of industrial injuries and occupational diseases, and develops proposals for their prevention.
- Coordinates the activities of state supervision and control bodies and public control on issues of compliance with laws and other regulatory legal Acts on labour and labour protection.

- Informs the public about violations of laws and other regulatory legal Acts on labour and labour protection identified in organizations.
- Conducts explanatory work on the labour rights of employees, and promotes the training of employers and employees on labour protection issues.
- Receives citizens, provides consultations, and considers applications, complaints and other appeals from citizens regarding violations of their labour rights, and takes measures to eliminate identified violations and restore violated rights.
- Performs other functions assigned to the Service in accordance with the legislation.

The Law on the Procedure for Conducting Inspections of Business Entities establishes the procedure for conducting inspections of business entities by authorized bodies, defines the rights and obligations of authorized bodies and business entities related to the implementation of inspections, indicators of the effectiveness of the activities of authorized bodies, as well as the protection of the rights of business entities from illegal interference in their activities. Currently, the norm providing for notification of a scheduled inspection of the activities of legal entities and entrepreneurs at least ten days before its commencement has been excluded from this Law. Thus, inspectors currently conduct scheduled inspections for compliance with building codes and regulations, requirements for the production, storage, transportation, and sale of food products, labour protection requirements, and environmental safety without prior notification.

In cases related to ensuring the safety of life and health of people (in the event of the emergence and spread of infectious diseases and mass non-infectious diseases (poisonings), industrial accidents), in the event of emergency environmental situations, the threat of an industrial accident, or violation of building codes and regulations, inspections may be sudden and carried out without a written order (an instruction or prescription) in order to identify the causes and sources of the unacceptable impact on the health of the population and to take measures to prevent and eliminate them, with subsequent notification of the authorized body for business development within seven working days. These changes came into force on 14 January 2024.

The Temporary Ban on Inspections of Business Entities was in force until 31 December 2024. As of 1 January 2025, the moratorium (temporary ban) on inspections of business entities has been lifted. An unscheduled on-site inspection of the activities of entrepreneurs can only be carried out by the Service after agreement with the authorized body for business development (the Ministry of Economy and Commerce).

According to the National Statistical Committee, as of 1 January 2025 the number of officially employed individuals in the Republic amounted to 2,656,200. The number of state labour inspectors in the Kyrgyz Republic today is only 28 full-time units. On average, each inspector is responsible for 100,000 workers. At the same time, in the CIS countries (Russian Federation, Kazakhstan, Uzbekistan, Tajikistan), on average, each inspector is responsible for 30,000 workers. Due to restrictions on inspections by the Service of all business entities during the period of reorganization of executive authorities, there has been an increase in violations of workers' labour rights (illegal dismissal, non-payment of wages and vacation pay). The number of industrial accidents, including fatal ones, has also increased, as has informal employment. In addition to considering applications, inspectors of the Service also investigate industrial accidents with severe and fatal outcomes. Furthermore, labour inspectors are entrusted with the functions of monitoring the mandatory insurance of the employer's civil liability for harm caused to the life and health of an employee during the performance of their

labour (official) duties. Currently, the Government is considering the issue of increasing the number of state labour inspectors.

Also, based on article 14 of the Law on Trade Unions, article 239 of the Labour Code, and article 19 of the Law on Labour Protection, and the Regulations on the Technical Labour Inspectorate of Trade Unions of Kyrgyzstan, approved by resolution No. 15-1 of the Presidium of the Council of the Federation of Trade Unions dated 27 May 2011, trade unions exercise public control over compliance with labour legislation and other regulatory legal acts containing labour law norms. To carry out this function, legal and technical labour inspectorates of trade unions are created, the powers of which are defined in the relevant laws and regulations on trade unions. Obstruction in any form of the lawful activities of workers' representatives is prohibited.