

Labour Inspection Structure and organization

Name of institution that manager work issues

The [Ministry of Labour and Social Protection of the Population](#) (MLSP) is the main authority on labour and social matters.

Department(s) responsible for Labour Inspection

The State Labour Inspection (SLI) comes under the MLSP within the Committee of Control and Social Protection, which has two branches: (i) the State Labour Inspection, and (ii) the Social Protection Unit. At a central level, the SLI is divided into two units: (i) the Unit for Legal Relations, and (ii) the Unit for Safety and Labour Protection.

There are other bodies with specific responsibilities over labour inspection. Amongst them is the Sanitary and Epidemiological Inspectorate (SEI) under the Ministry of Health, whose objective is the improvement of sanitary and health-related conditions at work premises and the implementation of preventive medical measures to reduce the number of occupational diseases. Inspectors of the Agency of Emergency Situations (AES) within the Ministry of Emergency Situations supervise technical safety and mining. In order to avoid overlapping work in mining, plans are in progress to confine the SLI's tasks to the inspection of working conditions and conditions of employment above ground, whereas the AES would cover all issues underground.

The SLI carries out joint visits with the SEI and the Emergency Situations Inspectorate in cases of complex inspections. Visits to investigate undeclared work are also planned jointly with the Migration Police when they have problems identifying irregular workers.

Law that covers organization and functional composition

- Labour Code, adopted on 15 May 2007
- Order of 4 March 2004

Scope of labour inspection

The Labour Code applies to all workers in the public and private sector. Among the duties of labour inspectors is to supervise compliance with the labour legislation, inform employers of breaches of law so they apply measures to remedy them, identify the reasons and circumstances leading to violations of labour legislation and to make recommendations on remedying them and restoring violated labour right and investigate industrial accidents and occupational diseases.

Local divisions

There are Regional Departments of Control and Social Protection in each of the 14 provinces the country is divided into. Each Regional Department has the same division of two branches as the central office. Within the SLI at regional level, there are five Units: the Unit for Monitoring Labour Relations in the Social Sphere, the Unit for Monitoring Labour Legislation, the Unit for Monitoring Labour Legislation in the Construction Sector, the Unit Monitoring Safety and Labour Protection and the Information and Analytical Unit. The largest districts have also sub-regional offices.

The Sanitary and Epidemiological Inspectorate has 16 regional offices.

Programming and communication

Labour inspectors in regional offices are required to present to the Ministry monthly reports on breaches of legislation and quarterly reports on inspection activities.

Each regional inspectorate has an Information and Analytical Unit, which records inspection visits and sanctions issued in a simple database. The regional offices pass on the information to the central level. A more complex database system, including all inspection reports and injunctions is being prepared.

Human Resources and career development

Permanency of inspectors

Inspectors have the status of civil servants. There are also different graduated steps for promotion. Labour inspectors as all civil servants are ensured stability but every three years, inspectors with less than 20 years of seniority have to undergo a review in order to assess their professional standards, legal knowledge and communication skills. If an inspector does not pass the review, they will be subject to another review six months later. If they fail again, they will be dismissed.

Selection process

Applicants have to pass an examination consisting of 100 multiple-choice questions on five Laws including the Constitution, the Anticorruption Act, the Decree on Civil Service Ethics, the

Civil Service Act and the Labour Code. Applicants will also be interviewed by a five-member tribunal. A probation period of up to three months can be laid down for first-time recruits and for those returning after suspension.

Background required

Applicants they must be citizens of the Republic of Kazakhstan, at least 18 years old and hold a degree in law or engineering.

In the Sanitary and Epidemiological Inspection, inspectors have medical and engineering backgrounds.

Visits and functions

Types of visits

Visits are either planned or as a response to complaints from individuals, legal entities or state authorities concerning violations of labour legislation, as well as in cases of threat to the life or health of employees and during the investigation of accidents. Anonymous allegations do not constitute grounds for an unplanned inspection. Follow-up visits to check compliance are rare.

Role of preventive measures

Labour inspectors provide information to employers and workers on labour protection and also use the media to disseminate information on labour law and safety and health issues.

Programming

Inspectors cannot visit enterprises at their own initiative. They may only carry out inspections on the basis of planned visits or in response to complaints. The Labour Code limits the number of inspection visits companies can receive. It establishes that large enterprises cannot be inspected more than once a year, while small and medium-sized enterprises may not be inspected more than once every three years. Moreover, due to the economic crisis, in 2008 and the first half of 2009 a moratorium was declared on planned inspection visits (even by other bodies) to companies.

A new system to determine planned visits that will be introduced consists on a so-called “black list” system whereby the SLI will publish an online list of enterprises to be inspected in the following year. If the enterprises are able to show the SLI that conditions have improved, they will be removed from the list.

Registries and reporting of accidents/diseases at work

The Ministry of Justice collects administrative and economic information on all legal and physical persons in the Unified State Statistical Register. Inspectors cannot access this register directly, but the SLI can obtain information on request.

The employer is obliged to report any industrial accident to the territorial offices of the SLI, workers' representatives and insurance organizations. The Emergency Situations Inspectorate shall also be informed in case of accidents at hazardous industrial facilities. In case of occupational diseases or poisoning, the employer needs to also report to the Sanitary and Epidemiological Inspectorate.

Sanction and administrative processes

Labour inspectors may impose administrative penalties, suspend operations in the workplace, prohibit the use of inadequate personal protection gear, suspend workers who are not complying with occupational safety and health standards and call in the police or judicial authorities in cases of non-compliance.

The Sanitary and Epidemiological inspectors also have the power to issue sanctions.

Social dialogue and labour inspection

Community or public inspectors are appointed as workers' representatives by the trade union committees in the enterprises or, by the general assembly of workers. They perform inspection duties, reporting irregularities to the company and to state labour inspectors and emergency inspectors. They have the right of access to the workplaces of their trade union's members and to receive relevant information from the management, but do not have competencies to issue sanctions or suspend operations.

Seminars, conferences and working groups are held on a regular basis between the Labour Inspectorate, other government departments and social partners in order to discuss OSH matters.

ILO Conventions ratified

Kazakhstan has ratified both Conventions No. 81 and No. 129 in 2001.