

Kazakhstan labour inspection audit
Project on
“Enhancing Labour Inspection Effectiveness”

SRO BUDAPEST–SRO MOSCOW
July- September 2009

Contents

I.	Main economic, social and political elements.....	1
II.	Legislative framework for the labour inspectorate.....	2
III.	The labour inspection system in the MLSP.....	3
IV.	ILO Conventions ratified by Kazakhstan.....	5
V.	Industrial relations and tripartite structures.....	6
VI.	Labour inspection: Main features and developments.....	7
	General description.....	7
	Human resources and career.....	7
	Visits.....	11
	Authorisation and registration.....	14
	Notification of workplace accidents and diseases.....	15
	Collaboration with other authorities.....	16
	Sanctions and administrative procedures.....	17
	Relations with social partners.....	18
	Findings.....	18
	General comments and labour inspection structure and organization.....	18
	Human resources and career development.....	19
	Visits.....	19
	Registries and data collection.....	20
	Notification of workplace accidents and diseases.....	20
	Collaboration with other authorities.....	20
	Sanctions and administrative procedures.....	20
	Social dialogue.....	21
	Recommendations.....	21
	General comments: labour inspection structure and organization.....	21
	Human resources and career development.....	21
	Visits.....	22
	Registries, data collection and notification of workplace accidents and diseases.....	22
	Collaboration with other authorities.....	22
	Sanctions and administrative procedures.....	22
	Social partners.....	23
	ANNEX I.....	24
	ANNEX II.....	25

Foreword

This audit of the labour inspection system in the Republic of Kazakhstan was carried out in July 2009. The purpose of the audit was to establish jointly with the government an action plan for improving, reinvigorating and modernizing the labour inspection system in the country within the framework of the already-ratified labour inspection Conventions.

The audit was undertaken utilizing the ILO's participatory labour administration-related methodology, which includes interviews with the main governmental bodies concerned with labour inspection and the social partners. Visits to regional inspection services were also carried out and initial feedback was provided to the government.

The audit report contains a number of important recommendations for consideration by the Government and, where appropriate, the social partners. These recommendations relate to such areas as the structure and organization of labour inspection services; human resources and career development of staff; organization of visits; registries and work accident reports; sanctions and administrative procedures; and cooperation with other partners. Other suggestions and recommendations may be considered in the context of the participatory approach adopted by the ILO.

The audit was carried out in the context of the inter-regional technical cooperation project on Enhancing Labour Inspection Effectiveness, financed by the Government of Norway. The valuable support provided by this project will enable the action plan to be implemented.

I would like to take this opportunity to thank the government and social partners in the Republic of Kazakhstan for their very positive engagement in this endeavour. I would also like to thank my colleague Ms Carmen Bueno, Labour Inspection Expert SRO Budapest, and Mr. Wiking Husberg, Senior Specialist in Occupational Safety and Health SRO Moscow, for their technical contribution.

Martina Lubyova
Director,
ILO Subregional Office for Eastern Europe and
Central Asia
Moscow

I. Main economic, social and political elements

The Republic of Kazakhstan is located in Central Asia, bordered by Russia to the north, China to the east and Kyrgyzstan and Uzbekistan to the south. Its total area is 2,717,300 square kilometres. Kazakhstan is a landlocked country with no coastline. The capital is Astana.

Kazakhstan gained independence from the Soviet Union in 1991. Its first post-Soviet constitution was adopted in January 1993, while the current one came into force in August 1995.

Kazakhstan is a NATO partner country and has a bilateral partnership with the EU. The Partnership and Cooperation Agreement has been the legal framework for EU–Kazakhstan relations since it entered into force in 1999.

The population of Kazakhstan was an estimated 15,399,437 in July 2009.¹

The population of the country is heterogeneous. According to the 1999 census, the population of Kazakhstan consists of Kazakhs (53.4 per cent), Russians (30 per cent), Ukrainians (3.7 per cent), Uzbeks (2.5 per cent), Germans (2.4 per cent), Tatars (1.7 per cent), Uighurs (1.4 per cent) and other ethnic groups (4.9 per cent).

The official language is Kazakh, but Russian is also commonly used. Religious diversity also characterizes Kazakhstan: 47 per cent of the people are Muslim, 44 per cent are Russian Orthodox, 2 per cent are Protestant and the remaining 7 per cent are of other religions.

Kazakhstan's economy is dominated by massive fossil fuel reserves and large quantities of minerals and metals. Therefore, its industrial sector specializes in the extraction and processing of these natural resources. At the end of 2007, Kazakhstan accounted for 1.1 per cent of the world's gas reserves.

Kazakhstan has been severely hit by the global economic and financial crisis. As a result, the significant fall in oil prices, coupled with reduced demand for metals, will cause the country's GDP to contract by around 0.4 per cent in 2009, in contrast to 3.2 per cent growth in 2008.² Even though the economy is expected to overcome recession, the double-digit GDP growth rates of the early 2000s are not likely to return in the near future.

The labour force of Kazakhstan is estimated at 8,415,000. Most workers are employed in services (50 per cent), while the others are split between the agricultural (31.5 per cent) and industrial (18.4 per cent) sectors.

¹ Data on population, religion and geography were taken from CIA World Factbook Kazakhstan, available at www.cia.gov.

² Data on the economy taken from Economist Intelligence Unit country and profile reports, available at <http://www.eiu.com>.

The inflation rate was relatively high in 2008, at 18.6 per cent, but is expected to decrease by about half in 2009, due to the decline in domestic demand, weaker money supply growth and falling commodity prices.

Kazakhstan has had a consistently growing trade surplus since 2002. Oil and oil products form the basis of Kazakhstan's exports, followed by ferrous metals (19 per cent), chemicals (5 per cent), machinery (3 per cent), grain, wool, meat and coal.

Kazakhstan is ranked 71st in the 2008 Human Development Report (UNDP).

The unemployment rate is around 7.3 per cent, and it has been decreasing, constantly and moderately, since 2001. However, long-term unemployment is high, particularly in the former heavy industry areas of northern Kazakhstan. In addition, the fall in oil prices has led to a significant decrease in state revenue, resulting in numerous public sector layoffs and a hiring freeze. Thus, the unemployment rate is expected to rise.

The administrative division of the country comprises 14 regions (*oblystar*) and three cities.

II. Legislative framework for the labour inspectorate

In article 24 of the Constitution of the Republic of Kazakhstan, approved by nationwide referendum on 30 August 1995, Kazakhstan recognizes the following rights. The right to work and to free choice of occupation and profession (involuntary labour shall be permitted only as a result of a judicial sentence or under conditions of a state of emergency or martial law); the right to safe and hygienic working conditions; the right to fair remuneration for labour without discrimination, as well as to social protection against unemployment, the right to rest and the right to strike (article 24); the right to form employers' associations and trade unions freely (article 23); the right to a minimum wage and pension, and guaranteed social security in old age or in the case of disease, disability or loss of a breadwinner (article 28); and the right to protection of health (article 29).

The core labour legislation is contained in the Labour Code, adopted on 15 May 2007. It regulates such matters as the employment relationship, labour contracts, working hours, leisure hours, absence from work, wages, overtime payments, protection of women, young and disabled workers, maternity protection, responsibilities of employees, termination of employment, collective agreements, trade unions and employers' associations, workbooks and disciplinary measures. It applies to civil servants and state employees in Kazakhstan.

Occupational safety and health³ is also regulated in the Labour Code (articles 23 and 306–327). The law lays down the safety at work-related obligations of employers.

³ The terminology for OSH and labour inspection cannot be directly translated into Russian for both administrative and linguistic reasons. The Russian equivalent of occupational safety is "ohrana truda/pravavaja inspektsija" and the responsible body is the State Labour Inspection; the Russian equivalent of occupational health is "ohrana zdorovje,

These include: internal control over labour protection and safety; provision of equipment, tools and technical documentation to employees; halting work in case of threats to the life or health of employees; mandatory social insurance of employees; civil law liability for causing harm to the life or health of employees fulfilling their job duties; warning employees of harmful and/or hazardous working conditions and the possibility of occupational disease; taking measures to prevent risks at work; occupational training; compensation for harm caused to the life or health of employees; and mandatory medical examinations. There are no references to the occupational safety and health management system in the law.

There are also a number of updated obligations for employers in article 317 of the Labour Code. For example, the regulation requiring the provision of milk and healthy meals for those working in sub-standard conditions is still in force, as are payments for working under hazardous conditions.

There is no specific law on labour inspection, but Labour Code articles 328–337 regulate monitoring of the observance of labour legislation by state labour inspectors.

A working group has been set up to develop future amendments to the Labour Code and their work is expected to be ready by the end of 2009.

III. The labour inspection system in the Ministry of Labour and Social Protection of the Population

The Ministry of Labour and Social Protection of the Population (“MLSP”) is the main authority in the Republic of Kazakhstan on labour and social matters, including labour inspection. Its mission is to develop and implement labour and social protection policies, including the development of social dialogue.

The State Labour Inspection (“SLI”) comes under the Committee of Control and Social Protection, subordinate to the Minister and the Executive Secretary. This Committee has two branches: the State Labour Inspection (at central level) and the Social Protection Unit (at central level). The SLI is led by the Chief State Labour Inspector, who is also the Chair of the Committee of Control and Social Protection.⁴

The SLI is subdivided at both central and territorial levels. At central level, there are two units: the Unit for Legal Relations and the Unit for Safety and Labour Protection. At territorial level, there are Regional Departments of Control and Social Protection in the 14 regions (Akmola, Aktobe, Almaty region, Atyrau, East Kazakhstan, Zhamby, West Kazakhstan, Karaganda, Kzyl-Orda, Kustanai, Mangystau, Pavlodar, North Kazakhstan and South Kazakhstan) and in the two cities of Astana and Almaty. Each Regional Department has two branches: the SLI (at regional level) and the Social Protection Unit. At the head of each regional office, there is a Regional Chief Labour

gigiena truda” and the responsible body is the Sanitary and Epidemiological Inspection; and the Russian equivalent for machinery safety or industrial safety is “tehnika/promyslennaja besopasnost” and the responsible body is the Emergency Situations/Mining Inspection.

⁴ See organizational chart in Annex I.

Inspector. 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. Each Unit is headed by a chief. The largest districts have also sub-regional offices, in which inspectors who report directly to the Regional head are employed.

The State Labour Inspection or SLI was founded in 1972 in accordance with the Labour Code of the Soviet Socialist Republic of Kazakhstan. The current structure of the SLI was developed between 1993 and 1999. The organizational structure of the Ministry and the SLI are subject to specific regulations (Order of 4 March 2004 and the Labour Code).

There is no specific budget for the SLI at central level, but MOLSI's budget line has designated funds for the Committee of Control and Social Protection. The territorial offices have specific budgets within the budget of the Republic.

There are a total of 363 labour inspectors: 10 at central level and the rest in the abovementioned territorial offices.

Aside from the SLI, there are a number of other bodies with specific or labour-related inspection tasks, as follows.

The Sanitary and Epidemiological Inspectorate (SanEpidNadzor) – under the Ministry of Health – conducts sanitary inspections of enterprises, in accordance with the Law on the Sanitary and Epidemiological Welfare of the Population 2002. Its main duty is to monitor the population's health “from birth to death”, including working life. The objective of the sanitary inspection 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. The Inspectorate has 16 regional offices and over 230 sanitary-epidemiological centres. Its main concern is occupational health, mainly in small and medium-sized enterprises (SMEs). There are a total of 232 sanitary and epidemiological inspectors, with medical and engineering backgrounds, and 193 nurses. They make visits to workplaces and have the power to issue sanctions.

State supervision of technical safety and mining is conducted by the inspectors of the Agency of Emergency Situations (GosGorTechNadzor), which belongs to the Ministry of Emergency Situations. The Agency has a staff of about 450 inspectors in 16 regional offices. Their main task is, according to the Industrial Safety Act 2002, to supervise technical safety, including the functioning of technical installations and technological processes, mainly in hazardous industries. This includes: lifting appliances, oil operations at sea, mining, metalworking and so on. 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 Agency would cover all issues underground.

Community or public inspectors are remnants of the Soviet era. They are regulated in articles 340–341 of the Labour Code. They are appointed as workers'

representatives by the trade union committees in the enterprises or, in the absence of the latter, by the general assembly of employees. They usually retain their initial status as workers in the company, but they receive some financial compensation from the employer and some additional leave days. OSH experts or inspectors are paid by the trade unions. They perform inspection duties, reporting, in case of irregularities, to the relevant section head in the company and writing a report on infringements, which is made available to state labour inspectors and emergency inspectors making subsequent visits. However, their actual tasks are unclear. They have the right of access to the workplaces of their trade union's members and to receive relevant information from the management, but not to issue sanctions or suspend operations. The Federation of Trade Unions of the Republic of Kazakhstan (FTUK) reported that it had 22,720 community inspectors in 2008, who identified 75,840 violations. After notification to the employers and the labour inspectors, 69,234 violations were addressed.

The Public Prosecutor, in accordance with article 83 of the Constitution, is ultimately responsible for supervision of the precise and uniform application of the law, presidential decrees and other regulatory acts. It is in charge of inquests and inspections, as well as administrative and executive legal procedures, and taking measures for the exposure and elimination of any violations of the law, including labour law. It is therefore the supreme supervisory body, including the direction of all supervisory activities. Public Prosecutor's officers also make visits to enterprises, sometimes jointly with other inspection bodies, but often on an individual basis. Moreover, labour inspectors are obliged to obtain a Public Prosecutor's permit before any inspection visit and to report to the Public Prosecutor after the visit (see below).

IV. ILO Conventions ratified by Kazakhstan

The Republic of Kazakhstan has ratified 17 ILO Conventions (listed in Annex I).

They include the labour inspection Conventions No. 81 and No. 129, both ratified in 2001, Convention No. 144 on tripartite consultation and Convention No. 155 on occupational safety and health. Convention No. 150 on labour administration has not been ratified.

Concerning Convention No. 81, in 2007 the Committee of Experts made the following requests to the Government of Kazakhstan: to state the level of education, qualifications and skills required of candidates for labour inspection positions; to take the necessary steps to bring the legislation into conformity with the principle of free access of inspectors, without previous notice, to any workplace liable to inspection; to take measures regarding the notification of the labour inspector's presence to the employer, unless the inspector considers that such notification may be prejudicial to the effectiveness of the inspection; and to take measures to publish the annual report and to forward it to the ILO.

Concerning Convention No. 129, in 2007, the Committee of Experts asked the Government to take measures to publish the annual report and to forward it to the ILO.

V. Industrial relations and tripartite structures

Articles 22 and 23 of the Labour Code provide for the right to freely form employers' associations and trade unions, and to collective bargaining.

The Federation of Trade Unions of the Republic of Kazakhstan (FTUK) is the legal successor of the Kazakh Union of Trade Unions (the trade union from the Soviet period). On 10 October 1990, at the XIVth Congress of the Trade Unions of Kazakhstan, a Declaration was adopted to establish the FTUK. At present, FTUK has over 2 million members, 26 branch trade unions and 16 territorial trade unions. It is a member of the General Confederation of Trade Unions (GCTU) and has submitted an application for membership of the ITUC. The Law on Trade Unions of 9 April 1993 (as amended – 15 May 2007) regulates its activities.

The Confederation of Free Trade Unions of the Republic of Kazakhstan (CFTUK) was established in 1991 as a non-governmental, non-commercial public organization, constituting a so-called Independent Professional Centre in Kazakhstan. In 1994, the next Congress renamed it and it was registered as a public non-governmental organization under the name of the Confederation of Free Trade Unions of Kazakhstan. At present, it has a membership of 250,000, 95 elected leaders and a staff of 138. It includes five regional professional centres, four branch unions (Pilots, Miners, Health Care Workers and Workers in Education) and 86 trade unions from various other sectors. CFTUK is a member of the ITUC. Its functions are also based on the Law of 9 April 1993.

The Confederation of Labour of Kazakhstan was founded in 2004. No further information is available.

At the national level, Kazakh employers are represented by the Confederation of Employers of the Kazakhstan Republic (CEKR), established in 2002 on the initiative of the Union of Industrialists and Entrepreneurs of Kazakhstan. In the same year, the CEKR became a founder member of the International Congress of Industrialists and Entrepreneurs and a member of the International Union of Commodity Producers. In recent years, number of members has increased to 39 employers' associations and public organizations and 24 large enterprises as direct members. There is no legislation which specifically regulates its activities, other than the Public Organizations Act. Together with the newly established National Economic Chamber (Atameken), the Union of Commodity Producers and Exporters, the Eurasian Industrial Association, the CEKR signed the last tripartite general agreement (see below).

The Labour Code established the Republican Tripartite Commission (RTC) on social partnership and the regulation of social and labour relations. It is headed by the Deputy Prime Minister and its membership comprises authorized representatives of the Government, the trade unions and employers' associations. Besides the RTC, the law also established other tripartite committees at branch and territorial level. All such committees are to meet at least twice a year. The last Tripartite General Agreement was concluded on 12 December 2008 (for 2009–2011), covering the following areas:

economic policy; labour relations; social protection; wages, incomes and living standards; labour market competitiveness and sustainable employment; corporate social responsibility; protection of rights and guarantees concerning female workers and young workers; social partnership; and monitoring the validity and implementation of agreements.

The Trade Unions Act also regulates trade unions' elected representatives at enterprise level.

In the wake of the "Sign Collective Agreements" campaign, 42,000 collective agreements were signed.

IV. Labour inspection: Main features and developments

General description

In Kazakhstan, there is no specific law on labour inspection; the main principles governing the SLI are based on the Labour Code. Article 328 of the Labour Code establishes that state supervision of compliance with labour legislation by organizations shall be exercised by state labour inspectors and article 331 lays down the following SLI competencies, among others: to supervise compliance with the labour legislation of the Republic of Kazakhstan; to inform employers and their representatives of violations of labour legislation for the purpose of introducing measures to remedy them; to identify the reasons and circumstances leading to violations of labour legislation and to make recommendations on remedying them and restoring violated labour rights; and to take part in investigations of industrial accidents and occupational diseases.

The mission of the SLI is state supervision and control of compliance with labour legislation, collective agreements and other labour-related legislation by employers.

Inspectors' rights and obligations are defined in the Labour Code. The law also regulates employers' rights and obligations.

At the end of each year, the SLI produces an annual report, which includes information on inspections, including their results, administrative violations and the total number of sanctions imposed and implemented, international or governmental agreements signed and legislative amendments. The annual report is not disseminated among the social partners, but is published on the SLI's website and sent to the regional departments.

Human resources and careers

The Civil Service Act of 23 July 1999 (amended several times) establishes that the recruitment system for civil servants differs for political positions and for administrative positions. Chapter 25 of the Labour Code also lays down a number of conditions for the employment of civil servants.

A vacant civil service position can be filled by appointment or competition.

Announcements for vacant positions in the SLI must be published by the Civil Service Agency in both the Kazakh and Russian languages, in printed periodicals with national distribution. Applicants must meet four criteria: they must be citizens of the Republic of Kazakhstan, with no direct or indirect restrictions related to sex, race, nationality, language, social origin, property status, place of residence, religion, convictions, membership of public associations or any other reason; at least 18 years of age; qualified as a lawyer or an engineer. The abilities of the candidates are evaluated at a first stage by an examination, consisting of 100 multiple-choice questions on five laws (the Constitution, the Anticorruption Act, the Decree on Civil Service Ethics, the Civil Service Act and the Labour Code in the case of labour inspector recruitment), taken on a computer. Candidates who correctly answer at least 80 questions are interviewed by a five-member Commission, comprising a representative of the Human Resources Department of the MLSP, the Chair of the Committee of Control and Social Protection/Chief of the SLI, representatives of the SLI and a representative of the Civil Service Agency. Unsuccessful candidates may appeal the decision of the Competition Commission.

Some candidates who are not appointed to fill a vacancy can be recommended by the Commission to enter the civil service staff reserve and fill some other vacancy over the next year, without having to go through further selection procedures.

No selection process is needed when a civil servant is transferred from another administrative position to a vacant position, if they possess the required qualifications.

The Civil Service cannot recruit persons declared partially disabled or invalids; persons whom a court has deprived of the right to occupy a civil service position for a certain period; persons with a disease which prevents them from performing their official duties in cases in which the position has special requirements with regard to health status; persons refusing to adhere to legally established restrictions aimed at preventing activities which might result in officials using their status and authority to promote personal, group or other unofficial interests; persons who, during the last two years before becoming a civil servant, were subject to disciplinary action for corruption, with the exception of those who are dismissed on disciplinary grounds; persons subject to administrative punishment by a court in the course of the year before applying to become a civil servant; persons subject to an administrative penalty imposed by a court for a violation of the law related to corruption during the previous three years before applying to become a civil servant; persons currently subject to court proceedings.

A probation period of up to three months can be laid down for first-time recruits and for those returning after suspension.

Employment for inspectors is on a permanent basis; there are no fixed-term contracts for labour inspectors.

Every three years, inspectors – in common with all civil servants – have to undergo a review in order to assess their professional standards, legal knowledge and

communication skills. Civil servants with more than 20 years' experience are not subject to review. 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. In recent years, a number of labour inspectors have been dismissed in this way.

Employment with the administrative civil service can be terminated on the following grounds: a request for dismissal presented by a civil servant, for example, on reaching retirement age; on the expiry of the labour contract; or if the labour contract is dissolved on legal grounds (for example, presentation by the civil servant of false information concerning their income, failure to comply with the duties and restrictions laid down by law, the loss of Kazakh citizenship, violations of the law related to corruption, appointment to a position without undergoing the relevant selection process, adverse performance review, or other reasons stipulated by the law). Dismissals are effected by the state body which appointed the administrative civil servant in question. In the case of illegal dismissal, the administrative civil servant has the right to appeal to the authorized body and to legal defence of their rights in court. The appointment of new political civil servants cannot serve as the basis for terminating the employment of an administrative civil servant on the initiative of the incoming political appointees.

The law also regulates disciplinary matters. If a civil servant fails to properly carry out the tasks assigned to them or in case of a violation related to corruption or abusing official powers, a civil servant may be subject to the following disciplinary penalties: notice, reprimand, severe reprimand, warning for partial correspondence with official duties and dismissal. Disciplinary penalties may be imposed only by persons with the official power to do so and in accordance with procedure. Actions and decisions can be appealed by the civil servant. A disciplinary penalty for a violation related to corruption, or for a violation which may lead to corruption, shall be imposed not later than three months after it has been established that a violation took place and not later than one year after its actual perpetration. In case of a refusal to instigate criminal proceedings or if criminal proceedings are halted, if there is evidence of a – possibly criminal – disciplinary violation, a disciplinary penalty can be imposed not later than three months from the decision not to instigate criminal proceedings or their cancellation.

At the central level, the hierarchy of inspectors comprises: Chief, Chief Expert, Expert first category and Expert second category. At the regional level, inspectors may hold the rank of Chief Specialist or Leading Specialist. Each category has different tasks and salaries. According to article 234 of the Labour Code, civil servants with the required qualifications and work experience, and who constantly improve their professional and qualification level, can be promoted to higher positions as vacancies arise. In practice, it seems that such promotion for inspectors who perform well does, indeed, take place.

With regard to training, article 235 of the Labour Code lays down that civil servants may seek to increase their professional knowledge and skills, and acquire specializations. Study leave should be paid and during the training period civil servants should retain their position, guarantees and compensation payments. Labour inspectors

must undergo periodical further training and review, at least once every three years. Training shall include the following: state policy on labour relations; accident investigation; legal acts; accident insurance; safety with regard to hazardous industrial substances; sanitary and occupational hygiene; wage systems; lifting appliances and high pressure vessels; electrical appliances; fire safety; research in OSH; wage systems for state organizations; and state campaigns against corruption.

The Civil Service Act lays down that the remuneration of civil servants should promote the recruitment of experienced personnel and encourage them to perform their duties conscientiously and on their own initiative. Budget cuts are not a valid reason for reducing wages or the payment of any other benefits and forms of compensation. In the case of exemplary performance of official duties, for the performance of tasks of special importance and complexity and for other achievements civil servants can be awarded bonuses, expressions of gratitude or gifts; other incentives are also possible, as laid down in the legislation of the Republic of Kazakhstan. For exceptional achievements, civil servants may receive state awards. The average monthly salary of labour inspectors is 200 US dollars.

Low salaries seem to be the main reason for the high turnover of inspectors, who often leave their positions to work in the private sector, perhaps returning to public service if they are selected for higher ranking positions. There are currently 78 vacancies for labour inspectors but, due to the current economic situation, there is no prospect of filling them.

According to the law, civil servants cannot be involved in any other paid activity besides those of a pedagogical, scientific or creative nature. They cannot engage in business, including participation in the management of a commercial organization, regardless of its legal form, if such participation is not compatible with their duties under the law. They may not participate in activities which might obstruct the normal functioning of state bodies and the performance of official duties, including strike action. If, before becoming a civil servant, they had shares in a commercial organization or other property whose use provides income (with the exception of money legally acquired or property rental), within three months of becoming a civil servant, they should transfer such shares or property to another person, who will manage them, although they do retain the right to receive income from these shares or property. Civil servants cannot be directly subordinate to close relatives.

On 2 July 1998, the Anticorruption Act was adopted with the purpose of protecting the rights and freedoms of citizens against threats resulting from corrupt practices, with a view to guaranteeing the effective functioning of state agencies, officials, other persons performing state functions and persons with equivalent status. The Governmental Anti-Corruption Programme for 2006–2010 is still running. In recent years, one inspector was accused of corruption and disqualified from the civil service for three years by a criminal court. Despite government efforts, there are still problems with personal integrity among labour inspectors.

There are a total of 363 labour inspectors, about 70 of whom are women.

The labour inspection office in Astana has only one administrative official to manage the database and no administrative support was identified in the Karaganda office. Inspectors are usually also responsible for administrative tasks.

Labour inspectors in regional offices are required to present to the Ministry monthly reports on contraventions of labour legislation and quarterly reports on inspection activities.⁵

Visits

Under article 330 of the Labour Code, state labour inspectors have the right to visit undertakings without hindrance, participate in investigations of occupational accidents, obtain any necessary information and documents from employers, impose administrative penalties, suspend operations in the workplace, prohibit the use of inadequate personal protection gear, suspend workers who are not complying with OSH standards and call in the police or judicial authorities in cases of non-compliance.

There are two types of inspection: planned and unplanned. The criteria of selection for planned visits had not been established when the audit took place, although a so-called “black list” system will be introduced (it is not in force yet), 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.

Unplanned visits are carried out in 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 shall not constitute grounds for an unplanned inspection. During 2008, 19,337 complaints were submitted, 3,981 related to OSH, 15,189 to labour relations matters and 7,430 concerning delays in the payment of wages.

Article 334 of the Labour Code lays down a limit on the number of planned visits: large enterprises cannot be inspected more than once a year, while small and medium-sized enterprises (SMEs) 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. These legal limits may be in conflict with ILO Conventions No. 81, Article 16, and No. 129, Article 21, both of which state that “workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions”.

Before a visit, inspectors have to go through a long administrative procedure, which usually takes several days, in order to obtain an inspection permit. Once an enterprise has been selected for an inspection visit, the inspector must fill out a form concerning the time of the inspection, including data on the enterprise and the purpose of the visit. Then, the Regional Chief Labour Inspector must give their approval. The

⁵ Report on the Labour Inspection Convention 1969, 25 May 2007, article 25.

inspector must then go to the Regional Prosecutor's Office to obtain their approval. Finally, after the visit, the inspector must report back to the Prosecutor's Office concerning the actions they have ordered the company in question to take and possible fines. The procedure may be in conflict with ILO Conventions No. 81, Article 12.1 (a), and No. 129, Article 16.1, which state that "labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection".

According to the Labour Code, the duration of an inspection cannot exceed ten calendar days. Only in exceptional cases may the duration be extended to 20 or 30 calendar days.

Inspectors must present their identification to a responsible or other authorized person at the place being inspected before starting their inspection. There is no legal provision covering situations in which inspectors deem that such notification might undermine the effectiveness of the visit, in accordance with ILO Conventions No. 81, Article 12.2, and No. 129, Article 16.3, which state that "on the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties".

Besides identification, inspectors are obliged to show the order and permit for the inspection to the employers, as well as the complaint, if the visit follows a previous allegation. In this way, the employer has access to the data pertaining to the complaint, including the identity of the person who made it. This provision could be in conflict with ILO Conventions No. 81, Article 15 (c), and No. 129, Article 20 (c), which state that "labour inspectors shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint".

There are no legal restrictions on night visits, but in Kazakhstan, labour inspectors do not visit workplaces at night.

The Labour Code mentions that the employer must provide the inspector with unimpeded access to the workplace and with the necessary documents. In practice, this access is conditional on presentation by the inspector of the order and permit. In case of obstruction, they can send a letter to the police, but the latter will not act immediately. Only if the employer obstructs them twice, can inspectors commence sanction proceedings before a court.

According to the information we received, there were 8,038 planned inspections in 2008, the remaining 15,022 being unplanned visits (a total of 23,060). Every inspector carried out an average of 63 visits a year and 5.25 visits a month, which is quite low.

The use of different guidelines, protocols and checklists by inspectors during their visits was reported.

The documents which may be demanded by labour inspectors include: registration documents for performing a certain activity; records of working hours, contracts, evidence of the payment of wages; written orders concerning holidays, breaks during work and weekly rest; documents on dismissals; documentation related to safety training, medical examinations, first aid kits and first aid training. There is no legal provision permitting inspectors to seize documents from the employer, temporarily, for further analysis at the inspection offices. Therefore, they must usually examine documents in the workplace and during the visit, spending more than half of the visit on verifying such documents. The law gives the employer the right to withhold information and documents not relevant to the subject of the inspection. There is no legal provision on the obligation of the employer to present requested documents at the inspection offices.

During visits, inspectors can seize for analysis samples of materials and substances, notifying the employer (or their representative) to this effect and providing an appropriate certificate.

In case of an established violation, at the end of the visit inspectors must issue an injunction, in which they shall note all remarks, violations, specific legislative references, the actions needed to rectify the situation and the deadline for such rectification, as well as a warning that, if the irregularities are not made good, the employer may be fined. The deadline for the correction of established irregularities is left at the discretion of the inspector, except for the suspension of operations (see below). The injunction shall be signed by both the inspector and the employer, and each shall keep a copy. When the deadline arrives, the employer is obliged to report to the inspector on the measures adopted. The inspector usually gives the employer the benefit of the doubt: follow-up visits to check compliance are rare. When employers do not report within the deadline, inspectors usually make a reminder call. However, in practice, inspectors usually impose a fine when they find violations – Article 87 of the Code on Administrative Offences lays down that each violation may be subject to a fine (see below).

Inspectors also have the power to suspend the activities of organizations, individual production units, workshops, sites and workplaces, as well as the operation of equipment and machines in order to investigate whether they comply with the requirements of legal regulations on labour protection and labour safety. This may not exceed a period of three days, and is subject to mandatory submission to a court of law within the period given. In such cases, an act suspending activities shall remain in effect until a court ruling is issued. The employer can appeal against a suspension order, but appeal shall not entail the lifting of a suspension order issued by the labour inspector. Inspectors can also issue binding instructions on employers to suspend from work employees who have not undergone training in safety at work. In 2008, 1,527 operations were suspended by the SLI.

Article 331 of the Labour Code lays down that the task of labour inspectors is to supervise compliance with labour legislation and inform employers of violations so that the latter can take measures to remedy them. Article 333 lays down that, depending on

the nature of the violation, the labour inspector may order that violations of labour legislation be made good; inspectors may also suspend operations or activities or report on administrative offences. However, it seems that, in practice, when labour inspectors find an irregularity, they impose a fine on the spot. This is mainly because of the Public Prosecutor's fears of potential corruption. Moreover, the Administrative Code does not provide any alternative.

Inspectors can invite workers' representatives to participate in inspections, but this is rare. At present, few small or medium-sized companies have workers' representatives.

Only two official cars are available for the 20 labour inspectors in Astana and only three cars for the 39 inspectors in Karaganda. Each regional chief has an official car. Inspectors are issued with passes for public transport, but they often have to conduct visits in their own cars and they do not receive reimbursement for petrol. One computer and one printer are available for each inspector in Karaganda. There was an internet connection at the regional offices visited. The only personal protection equipment available for inspection visits is safety helmets; inspectors obtain other necessary equipment from the employer.

Authorization and registration

In accordance with the State Statistics Act of 7 May 1997, a Unified State Statistical Register was established under the Minister of Justice, which contains administrative and economic information about all legal and physical persons covered by statistical surveys. Inspectors cannot access this register directly, but the SLI can obtain information on request.

Each regional inspectorate has an Information and Analytical Unit, which records inspection visits and sanctions issued in a simple database. The information is passed on by the different regional offices to the central level, where a special team for internal supervision is in charge of processing the data and using them to produce the Annual Report.

A more complex database system, including all inspection reports and injunctions, was reported to be in preparation.

The labour inspectorate's regional offices obtain information from employers about occupational accidents and this information is sent to the SLI at central level. A new database on occupational accidents was also reported to be in preparation.

The employer is obliged, in accordance with the Labour Code, to provide state labour inspectors and workers' representatives participating in inspections with information, both in hard copy and in electronic form, for inclusion in the report on the results of the inspection, as well as access to automated databases in accordance with the tasks and subject of the inspection.

Notification of workplace accidents and diseases

Article 323 of the Labour Code lays down that the employer is required to immediately 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 will also report to the Sanitary and Epidemiological Inspectorate.

In the case of an occupational accident (with the exception of cases subject to special investigation) a commission will be set up by the employer within 24 hours of the event. It will be led by the head of the organization or their deputy, the head of the labour protection and labour safety service organization and a representative of the employees. The official directly responsible for labour protection in the section in which the accident took place will not be included in the commission.

Accidents with a grave or fatal outcome, collective accidents involving two or more employees simultaneously, regardless of the severity of the injuries and collective incidents of acute poisoning will be subject to special investigation. Commissions appointed to deal with such cases of special investigation will be headed by a state labour inspector – representatives of the employer and the employees will also be members. For collective accidents with a fatal outcome for at least two persons, the special commission will be led by the chief labour inspector of the region. For collective accidents with a fatal outcome between two and five people, the special commission will be set up by the state labour authority, and for those with a fatal outcome for more than five people the commission will be set up by the Government.

In case of accidents at hazardous industrial facilities, the commission shall include an inspector of emergency situations and the labour inspector will not head the commission but only participate as a member. In the case of occupational disease or poisoning, the commission shall include representatives of the Sanitary and Epidemiological Inspectorate.

The period of investigation should be no more than 10 working days from the establishment of the commission. The commission shall identify and question witnesses of the accident and the persons to blame for violation of the requirements on labour protection and labour safety, and shall obtain whatever information is required from the employer and, if possible, an account from the victim.

The results of the investigation will be documented. An accident report should be drawn up and signed by the heads of the labour protection and labour safety services and subdivisions of the organization, as well as by the employees' representative, and be approved by employer's representative.

If any of the parties disagree, they may submit a reasoned opinion, detailing their reservations. Copies of the accident report shall be provided by the employer to the victim or their representative, the relevant insurance organization and the SLI.

Every accident report drawn up shall be entered into the registration ledger for industrial accidents and other harm caused to health and shall be included in the statistical report on temporary disability and injuries at the production facility, which shall be signed by the employer and be duly submitted to the statistical authorities. The ledger shall be maintained in the format established by the state labour authority.

The employer shall, in accordance with the accident reports, submit to the territorial state labour authorities on a monthly basis and in the format established by the statistical authority, information about accidents occurring in the organisation, cumulatively for the relevant period.

Only 2,200 accidents were reported to the labour inspection during 2008, 1,428 of which were investigated. A low level of notification of accidents was reported as a major problem and therefore the figures seem somewhat unrealistic.

The focus of accident investigation should be more on prevention than on identifying the guilty parties.

In 2008, 557 instances of occupational disease were registered in the State Sanitary and Epidemiological Inspectorate. No cases of fatal disease were registered.

Collaboration with other authorities

The Labour Code establishes that the SLI shall carry out its activities in coordination with other state supervisory and control authorities, with employees' representatives, public associations and other organizations. Joint visits with other supervisory bodies, especially with the Sanitary and Epidemiological Inspectorate, the Emergency Situations Inspectorate and the Tax Authority are arranged in the case of complex inspections.

Visits to investigate undeclared work are planned jointly with the Migration Police when they have problems identifying irregular workers.

In joint visits, the various supervisory bodies issue one injunction covering all violations.

Collaboration with community or public inspectors and OSH experts/inspectors from trade unions also occurs. Community or public inspectors report violations they find in their visits in the so-called "journal" which will be read by the next labour inspector to visit. They also participate in joint seminars.

A Commission for Labour Rights has been created at each local government, within the framework of which the territorial labour inspectorate works together with the territorial Prosecutor's Office and the Financial Police, as well as with trade unions and employers' organizations at territorial level in all matters related to the protection of labour rights.

Last year, only 225 joint visits with other bodies took place.

Sanctions and administrative procedures

According to the Labour Code, labour inspectors have the right to fine employers if they discover violations. However, the Code on Administrative Offences lays down, in Article 87, that “each violation is subject to a fine”. This may be in conflict with ILO Conventions No. 81, Article 17.2, and No. 129, Article 22.2, which state that “it shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings”. Therefore, inspectors have hardly any discretionary powers to decide between issuing a warning, with a deadline to correct the found deficiencies, and imposing a fine. The provision of advice and information by inspectors should be strengthened in order to promote a more prevention-oriented system.

In case of sanctions, the employer shall be provided by the inspector with a written injunction describing the violations and specific legislative references.

The Code on Administrative Offences mentions violations of labour legislation and failure to pay wages on time, without specifying types of violation in more detail.

The amounts of fines, according to Article 8 of the Code on Administrative Offences, are as follows:

- Violations of labour legislation: for the first violation, between 5 and 10 times the minimum monthly wage⁶ for small and medium-sized enterprises, and between 20 and 25 times the minimum monthly wage for large enterprises. For repeated violations within a year, between 15 and 20 times the minimum monthly wage for small and medium-sized enterprises, and between 25 and 30 times for large enterprises.
- Failure to pay wages on time: between 20 and 50 times the minimum monthly wage for the first violation. For repeat offences within a year, between 100 and 200 times the minimum monthly wage.

The only objective criterion for determining the level of sanctions imposed is the division of legal entities subject to penalties into two categories: small and medium-sized enterprises – as defined in accordance with the Public Organizations Act – and non-commercial organizations, on the one hand, and large enterprises, on the other. Penalties for small and medium-sized enterprises are set at a lower rate than for large companies.

Once the fine is imposed, the employer has the right to appeal within 10 days before the Regional Chief Labour Inspection. The employer can also appeal the decision of the latter before the State Chief Labour Inspector or before a court.

If the perpetrator does not appeal, the fine shall be paid within one month of the day on which the fine was imposed. If the payment is not made by the deadline, the

⁶ Minimum monthly salary was 13,670 KZT at the time of the audit (90 USD).

inspectors can submit a proposal to the economic court for the initiation of a judicial procedure for recovery.

After the sanction has been issued, inspectors must report it to the Prosecutor's Office within three days.

In 2008, a total of 119,255 violations were found by state labour inspectors, and 9,692 administrative fines were imposed, totalling KZT 212,640,000 (1,410,000 US dollars), and KZT 184,300,000 were paid (1,222,000 US dollars).

Relations with the social partners

The social partners are very aware of the importance of labour inspection activities and would like to have a more effective and active inspection. They would also like to be more involved in social dialogue and to improve working conditions.

The Confederation of Employers of the Kazakhstan Republic (CEKR) feels the urgent need for amendments to the Labour Code and for further development of the OSH legislation. More collective agreements could also help to improve OSH conditions (currently, only 28–30 per cent of enterprises are covered by a collective agreement). The Confederation complains of low implementation of the legal provisions related to safety at workplaces and calls for a culture of prevention and information and advice, as required in the ILO Conventions. In its view, the current limit on planned visits should be reconsidered but labour inspectorate personnel are not sufficient for more regular control of enterprises. More public funds are also needed to improve OSH conditions. The employers have also expressed concerns about the excessive number of supervisory bodies.

The Federation of Trade Unions of the Republic of Kazakhstan (FTUK) reports close and good collaboration with the SLI. They complain of the moratorium and limits on planned inspection visits to enterprises, which makes regular control difficult. They are calling for more efficient investigation of occupational accidents, with more sanction procedures or suspension of operations; at present, too many accidents are attributed to human error. In their view, a more active labour inspection would be needed in relation to informal employment. Improvements in the legal area are also necessary (specific norms on compensation for dangerous conditions and bankruptcy situations are needed).

Findings

General comments and labour inspection structure and organization

1. Kazakhstan has a fairly well organized and rationally structured labour inspectorate. Efforts in recent years to strengthen the Labour Inspectorate are appreciated. But there is still room for improvement in some areas. In some cases, this can be accomplished by rationalizing and consolidating procedures and structures.

-
2. There are too many supervisory bodies, some of them acting in very narrow fields, and although the State Labour Inspectorate coordinates with them to some extent, an institutional approach should be developed to facilitate a real integrated labour inspection system, as recommended by the ILO.

Human resources and career development

3. Although inspectors have the status of civil servants, and different graduated steps for promotion, more incentives could be established. Salaries are not attractive and this can lead to staff losses and integrity problems. Current vacancies are not filled quickly. In general, Kazakhstan's labour inspection is understaffed. Additional funding is needed to cover the current vacancies, increasing the number of inspectors. More measures could be introduced to improve the gender balance.
4. Inspectors do not have enough administrative support. This situation can increase the number of tasks of inspectors. Other deficiencies include transport services (sometimes inspectors have to use their own cars because there are not enough official ones and it seems that expenses are not reimbursed) and the registration system and software for recording inspection visits could be improved.
5. Although there is a training plan/programme for inspectors, in the past three years, inspectors have, on average, attended only one training course. A regular approach is needed, especially specific training after the adoption of new labour laws.

Visits

6. The current complex procedure involving the Prosecutor's Office could be considered a limit on the free access of inspectors to workplaces and therefore may conflict with ILO Conventions No. 81, Article 12.1 (a) and No. 129, Article 16.1, which state that "labour inspectors provided with proper credentials shall be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection".
7. Inspectors cannot visit on their own initiative, but only on the basis of a planned visit or in response to complaints, in the case of threats to the life or health of employees and during the investigation of accidents.
8. The limit on the number of annual planned visits to enterprises could be in conflict with ILO Conventions No. 81, Article 16, and No. 129, Article 21, which state that "workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions". Those legal limits, including the short limit for the duration of inspections, should be lifted.
9. Although there is some collaboration, there is a clear need for more coordination with other authorities, particularly the Sanitary and Epidemiological Inspection. Joint visits should be increased, starting with planning.

-
10. The average number of visits per inspector and per year is very low. Efficiency could also be increased by abolishing the procedure involving the Prosecutor's Office and the annual limit on the number of visits, allowing inspectors to visit on their own initiative and to demand the employers' attendance at inspection offices in order to check documents there, especially when an inspection visit is not absolutely necessary. Follow-up visits should be improved, especially when the deadline for the correction of deficiencies expires.

Registries and data collection

11. The Information and Analytical Units at the regional level are making an effort to enter visits and sanctions in a database and to pass this information to the central level. In any case, a more complex database system, including inspection reports and injunctions, would be useful for inspectors' consultations.

Notification of workplace accidents and diseases

12. There is a simple register of occupational accidents. The above mentioned register of occupational accidents now in preparation phase would be useful to improve the collection of this information. However, the underreporting of accidents and diseases is still a major problem.
13. The investigation of accidents at the workplace could be improved with better collaboration between other authorities in and outside the Ministry of Labour and Social Policy. Better collaboration and coordination with the Sanitary and Epidemiological Inspectorate would help to develop a true prevention culture. At present, investigations are mainly focused on finding the guilty party instead of preventing similar accidents. Investigations tend to be used to explain why no compensation should be paid.

Collaboration with other authorities

14. Relations with other institutions and authorities are good, but a more targeted institutional approach is needed, with the introduction of certain mechanisms of collaboration.

Sanctions and administrative procedures

15. Efficiency could be increased by a more preventive approach. Although inspectors in case of violations have the legal power to impose a deadline on the employer for the correction of deficiencies, it seems this practice is in conflict with the Code on Administrative Offences and is not looked on favourably by the Public Prosecutor. Therefore, in most cases, inspectors impose fines directly. Inspectors should be provided with discretionary powers to give warning and advice instead of instituting or recommending sanction procedures.

-
16. Infractions should be graduated in accordance with various criteria to allow for better application of the sanctions system.

Social dialogue

17. It is important for the social partners that their concerns and opinions are taken into account, as provided for in ILO Convention No. 81. In general, they are aware of the important role of labour inspection in the implementation of labour law, but there is a lack of real knowledge of how to collaborate. The social partners are calling for a more effective and dynamic inspection, expressing the need for more inspectors, more collective agreements and more public funds to improve OSH conditions. They have expressed concerns about the excessive number of supervisory bodies. The trade union presence in SMEs and the private sector is still low, and participation by workers' representatives in workplace inspections is patchy.

Recommendations

General comments: labour inspection structure and organization

1. Lay down formal plans for a better integrated labour inspection system at all levels, including different supervisory bodies acting in work-related areas. Some supervisory bodies acting in work-related areas could be unified with the SLI. In particular, a better integrated approach should be developed between the fields of occupational safety and occupational health.
2. Amendments to the Labour Code or a specific Labour Inspection Act in order to obtain a better integrated labour inspection system could be developed in line with ILO Conventions No. 81 and No. 129.

ILO suggestion: A working group at a high level, including the relevant ministries, and with the collaboration of the ILO, aimed at attaining both abovementioned targets.

Human resources and career development

3. The successful implementation of a modern system of labour inspection will require determined efforts to rationalize and strengthen the labour inspection system. Vacancies need to be filled quickly. The government should provide budget resources to boost staff levels, including administrative staff.
4. In addition to the worries regarding staff vacancies, another serious problem is the poor motivation due to low salaries and limited career prospects. Personnel policies need to be redesigned to ensure that inspectors have promotion incentives. Efforts should be made to deal with unethical behaviour.
5. Improvements in the training plan for inspectors should be developed and its sustainability ensured.

ILO suggestion: Training activities could be planned and developed with ILO support. ILO Turin Centre is working to produce a new training programme (introduction programme plus an advanced course) that could be used for this purpose.

Visits

6. The legal procedure involving the Prosecutor's Office before visits should be abolished. Action should be taken to ensure more free access to workplaces for inspectors.
7. The limit on the number of annual planned visits to enterprises should be abolished.
8. The cumbersome administrative burden before inspection visits should be reduced.
9. Efficiency and effectiveness could also be increased by allowing inspectors to demand employers' attendance at inspection offices in order to check documents there, especially for matters in which an inspection visit is not absolutely necessary. Follow-up visits should be improved, especially when the deadline for the correction of deficiencies expires.

Registries, data collection and notification of workplace accidents and diseases

10. The upcoming improvements in the register of occupational accidents would be useful for improving the collection of information.
11. Some measures could be undertaken to improve the level of accident reporting. The investigation of accidents at the workplace could be improved by better collaboration between other authorities in and outside the Ministry of Labour and Social Policy. Better collaboration and coordination with the Sanitary and Epidemiological Inspectorate would help to develop a true culture of prevention. A more preventive approach in the investigation of accidents should be introduced, focusing on preventing similar accidents instead of finding the guilty person.

Collaboration with other authorities

12. Institutional agreements should be worked out among the different authorities.

Sanctions and administrative procedures

13. Inspectors should be provided with discretionary powers to give warning and advice instead of instituting or recommending sanction procedures.
14. Graduation of sanctions should be established to facilitate inspection work.

Social partners

-
15. Awareness-raising campaigns on the role of the labour inspectorate should be undertaken among the social partners. Leaflets and other media tools should be developed.

ILO suggestion: These awareness-raising activities could be planned and developed with ILO support and within the framework of the technical cooperation project.

16. The establishment and regulation of OSH management systems at enterprise level, including the Occupational and Safety Committees and safety representatives, is needed. Community/public inspectors could be integrated in these Committees, improving interaction between labour inspectors and workers.

ANNEX I:

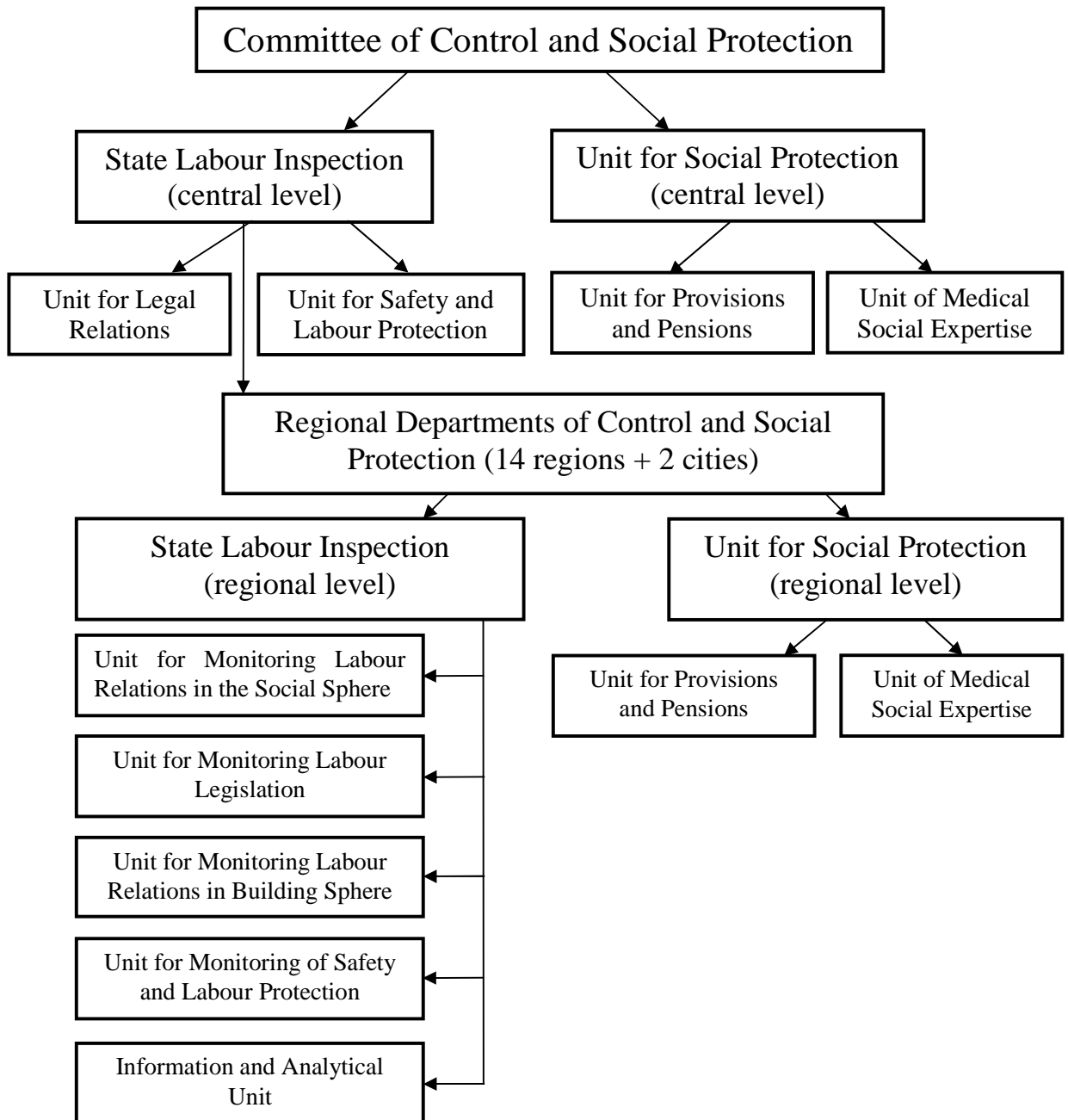
List of ILO conventions ratified by Kazakhstan⁷

<u>C29 Forced Labour Convention, 1930</u>	18:05:2001
<u>C81 Labour Inspection Convention, 1947</u>	06:07:2001
<u>C87 Freedom of Association and Protection of the Right to Organise Convention, 1948</u>	13:12:2000
<u>C88 Employment Service Convention, 1948</u>	18:05:2001
<u>C98 Right to Organise and Collective Bargaining Convention, 1949</u>	18:05:2001
<u>C100 Equal Remuneration Convention, 1951</u>	18:05:2001
<u>C105 Abolition of Forced Labour Convention, 1957</u>	18:05:2001
<u>C111 Discrimination (Employment and Occupation) Convention, 1958</u>	06:12:1999
<u>C122 Employment Policy Convention, 1964</u>	06:12:1999
<u>C129 Labour Inspection (Agriculture) Convention, 1969</u>	06:07:2001
<u>C135 Workers' Representatives Convention, 1971</u>	13:12:2000
<u>C138 Minimum Age Convention, 1973</u>	18:05:2001
<u>C.44 Tripartite Consultation (International Labour Standards) Convention, 1976</u>	13:12:2000
<u>C148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977</u>	30:07:1996
<u>C155 Occupational Safety and Health Convention, 1981</u>	30:07:1996
<u>C167 Safety and Health in Construction Convention, 1988</u>	18:06:2008
<u>C192 Worst Forms of Child Labour Convention, 1999</u>	26:02:2003

⁷ Source: ILOLEX 15. 7. 2009

ANNEX II:

Organization chart of the State Labour Inspectorate⁸



⁸ Source: SLI of Kazakhstan.