Labour code of the Republic of Kazakhstan

Unofficial translation

Code of the Republic of Kazakhstan dated 23 November, 2015 № 414-V.

Unofficial translation

GENERAL PART SECTION 1. GENERAL PROVISIONS Chapter 1. MAIN PROVISIONS

Article 1. The basic definitions used in this Code

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

1) civil service - professional activity of civil servants in the performance of official authority, aimed at fulfillment of tasks and functions of state enterprises, government agencies, technical maintenance and functioning of state bodies;

2) civil servant - a person who, in the manner prescribed by the legislation of the Republic of Kazakhstan, holds a paid staff position in state enterprises and government agencies and performs official duties in order to implement their tasks and functions, maintain and ensure functioning of state bodies;

3) the minimum monthly wage - is the guaranteed minimum monthly payments to an employee of simple unskilled (least complicated) labor in performing his labor duties under normal conditions and at normal duration of working hours, established by this Code;

4) special clothing - clothing, footwear, headwear, mittens, other personal protective items , intended to protect an employee from harmful and (or) dangerous production factors;

5) heavy work - activities of an employee associated with the constant movement, relocation and carrying by hand (ten kilograms and more) of weights and requiring great physical effort (energy consumption more than 250 kcal / h);

6) shift work - work in two or three or four work shifts within 24 hours;

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

8) general, industrial, regional agreement (hereinafter – an agreement) – a legal act in the form of a written agreement concluded between the parties to the social partnership, defining the content and obligations of the parties to establish working, employment and social security conditions for employees at the national, industrial and regional levels;

9) the condition of non-competition - the terms of the non-competition agreement that limit the employee's right to carry out actions that could damage the employer;

10) simple – temporary suspension of work for reasons of economic, technological, organizational, other industrial or natural nature, as well as in cases of the introduction of a state of emergency or martial law, declaration of an emergency, or the introduction of other restrictive measures, including quarantine, by decision of state bodies or their officials;

11) qualification category (rank) - the level of requirements for the qualification of an employee, reflecting the complexity of the work performed;

12) mediator - an individual or legal entity, engaged by the parties to labor relations to render services to resolve labor dispute;

13) a leave - the release of an employee from work for a certain period to ensure the annual rest of the employee or social goals, with retention of his place of work (position) and the average salary in the cases established by this Code;

14) labor - is a human activity aimed at creating material, spiritual and other values necessary for life and for meeting the needs of a human being and a society;

15) labor hygiene - a set of sanitary and epidemiological measures and means for preserving the health of employees, prevention of adverse effects of the working environment and the work process;

16) labor dispute - disagreements between the employee (s) and the employer (s), including those previously held in labor relations, on the application of labor legislation of the Republic of Kazakhstan, fulfillment or modification of the terms of agreements, labor and (or) collective agreements, acts of the employer;

17) working conditions – the terms of payment, standardization of labor, performance of work-related duties, working hours and rest time, the order of combining professions (positions), expanding service areas, performing duties of temporarily absent employee, labor safety and protection, technical, production and working conditions, as well as other working conditions agreed upon by the parties;

18) the authorized state body for labor is the central executive body responsible for the formation and implementation of state policy in the field of labor relations in accordance with the legislation of the Republic of Kazakhstan;

18-1) territorial subdivisions of the authorized state labor body (territorial subdivisions) - structural subdivisions of the authorized state labor body, exercising within the relevant administrative-territorial unit powers in the field of regulation of labor relations in accordance with the legislation of the Republic of Kazakhstan;

19) excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication);

20) payment for labor - is a system of relations connected with compulsory payment of remuneration to the employee for his work by the employer in accordance with this Code and other normative legal acts of the Republic of Kazakhstan, as well as agreements, labor, collective contracts and acts of the employer;

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

22) relations directly related to labor ones – the relations that develop regarding the organization and management of labor, employment, vocational training, retraining and advanced training, as well as recognition of professional qualifications of employees, social partnership, conclusion of collective agreements and contracts, participation of employees (employee representatives) in the establishment of working conditions in the cases provided for by this Code, resolution of labor disputes and control over compliance with the labor legislation of the Republic of Kazakhstan;

23) labor safety - the state of protection of employees, provided by a set of measures that exclude the impact of harmful and (or) dangerous production factors on the employees in the course of work;

24) labor safety conditions - compliance of labor process and production environment with requirements of labor safety and protection in performance of labor duties by the employee;

25) monitoring of labor safety and protection - a system for monitoring the state of labor safety and protection, as well as assessing and forecasting the state of labor safety and protection;

26) standards in labor safety and protection area - ergonomic, sanitary-epidemiological, psycho-physiological and other requirements that ensure normal and safe working conditions;

27) work-related accident - exposure of an employee, an employee to the sending side of a harmful and (or) dangerous production factor in the performance of labor (official) duties or tasks of the employer or receiving party, as a result of which there has been an industrial injury, sudden deterioration of health or poisoning of the employee, the employee of the sending party, which led to their temporary or persistent disability or death;

28) employment obligations - obligations of the employee and the employer arising from regulatory legal acts of the Republic of Kazakhstan, the act of the employer, the act of the receiving party, labor, collective agreements;

29) work experience - time in calendar calculation, spent by the employee to perform labor duties, as well as other periods included in the length of service in accordance with this Code;

30) labor discipline - proper performance by the employer and employees of the obligations established by the normative legal acts of the Republic of Kazakhstan, as well as by agreements, labor, collective contracts, acts of the employer, constituent documents;

31) work schedule - the order of regulation of relations for organization of labor of employees and the employer;

32) labor protection - a system to ensure the safety of life and health of employees in the work process, including legal, socio-economic, organizational and technical,

sanitary-epidemiological, therapeutic and preventive, rehabilitation and other measures and means;

32-1) occupational health and safety management system - a set of interconnected measures for the implementation of labor safety policy, compliance with labor safety requirements, management of occupational risks;

33) technical inspector for labor protection - a representative of employees exercising internal control over labor safety and protection;

34) standardization of labor - determination of necessary labor (time) input to perform work (production of a unit of output) by employees in specific organizational and technical conditions and establishment of labor standards on this basis;

35) safe working conditions - working conditions where the levels of influence of production factors on employees do not exceed the established standards;

35-1) unified accounting system of labor agreements - an information system designed to automate the accounting of labor agreements, labor activities and the 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) in person, observe the work order, and the employer undertakes to provide the employee with work on the stipulated labor function, provide the working conditions stipulated in this Code, laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan, collective contracts, acts of the employer, pay wages to the employee timely and in full;

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

38) personal protective items – the means, designed to protect the employee from harmful and (or) dangerous production factors, including special clothing;

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

40) representatives of employers – individuals and (or) legal entities, authorized, on the basis of constituent documents and (or) power of attorney, to represent the interests of the employer or a group of employers;

41) acts of the employer - orders, resolutions, instructions, rules, regulations, schedules of shifts, schedules of watches, leave schedules, issued by the employer;

42) declaring of the employer's activity - the procedure for recognizing the employer’s activities that meet the requirements of the labor legislation of the Republic of Kazakhstan on the basis of the application submitted by him;

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

44) representatives of employees - trade unions and their associations, and in their absence elected representatives elected and authorized at the general meeting (conference) of employees by a majority of votes of participants in the presence of at least two-thirds of workers (conference delegates) in cases provided for by this Code;

45) workplace - the place of permanent or temporary location of an employee in performance of his labor duties in the course of work;

Note!

Subparagraph 46) is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective from 01.01.2030).

46) billing of the work - assignment of works to a certain complexity in accordance with the Unified tariff-qualification reference book of works and occupations of workers and the Qualification reference book of positions of managers, specialists and other employees, tariff and qualification characteristics of occupations of workers and standard qualification characteristics of positions of managers, specialists and other employees of organizations;

47) working hours - is the time during which the employee, in accordance with the employer's acts and the terms of the employment contract, performs labor duties, as well as other periods of time that, in accordance with this Code, other normative legal acts of the Republic of Kazakhstan, the collective contract, the employer's act, are included in the working hours;

48) record of cumulative hours worked – recording of working hours by summing it up for the record period established by the employer;

48-1) the sending party - a legal entity registered in accordance with the procedure established by the legislation of the Republic of Kazakhstan, carrying out activities to provide 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 agreement concluded with the sending party in accordance with the contract for the provision of personnel services;

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

50) harmful production factor – is a production factor, the impact of which on the employee can lead to illness or disability and (or) negative impact on the health of the generation;

51) occupational disease - is a chronic or acute disease caused by impact of harmful and (or) dangerous production factors to an employee when the employee performs his / her work duties;

51-1) occupational risk - risk of disability (or death) of an employee in the performance of labor (official) duties;

51-2) occupational risk management is an integral part of the occupational health safety management system, which includes identification and assessment of occupational risks, corrective measures, control and monitoring of occupational risk;

51-3) occupational risk assessment - determining the degree of occupational risk based on the analysis of information on the identification of risks and statistical data on the incidence and occupational injuries in the organization, the provision of collective and individual protective equipment;

52) guarantees - means, methods and conditions by which the rights granted to employees in social and labor relations area are exercised;

52-1) the receiving party – an individual or legal entity, an individual entrepreneur, including peasant or farm economy, attracting the workers of the sending party for work in accordance with the agreement for the provision of personnel services;

52-2) acts of the receiving party - orders, regulations, instructions, rules, provisions, schedules of working in shifts, schedules of shifts published by the receiving party according to the agreement for rendering services in granting personnel;

53) safety standards - qualitative and quantitative indicators characterizing production conditions, production and labor process in terms of ensuring organizational, technical, sanitary, hygienic, biological and other norms, rules, procedures and criteria aimed at preserving the life and health of workers in their labor activity;

54) dangerous working conditions - working conditions where the impact of certain production or irremovable natural factors leads in case of non-observance of the rules of labor protection to occupational injuries, sudden deterioration of health or poisoning of the employee resulting in temporary or persistent disability, occupational disease or death;

55) dangerous production factor - a production factor, the impact of which on the employee can lead to temporary or persistent disability (occupational injury or occupational disease) or death;

55-1) combined remote work - the implementation of the labor process by alternating periods of performance of labor duties both at the location of the employer, the receiving party and their facilities, and through remote work;

55-2) remote work - carrying out the labor process outside the location of the employer, the receiving party and their facilities using information and communication technologies in the work;

56) part-time work - the employee performs another regular paid work in accordance with the terms of the employment contract in his free time;

56-1) joint employment – labor relations of several employees for the purpose of joint performance of one labor function (work in a certain specialty, profession, qualification or position) with the same employer, when during working hours employees perform labor duties in accordance with the acts of the employer and the employment contract;

57) a foreign employee of a state body - a foreigner involved in a state body under an employment contract;

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

59) basic salary - a relatively constant part of wages, including payment at tariff rates, official salaries, piece-work rates, and permanent payments, stipulated by the labor legislation of the Republic of Kazakhstan, industrial agreement, collective and (or) employment contracts;

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

61) industrial injury - damage to the health of the employee, received during performance of his labor duties, resulting in a loss of ability to work;

62) industrial necessity – performance of works in order to prevent or eliminate a natural disaster; consequences of emergency situations, emergency or martial law, natural or man-made disasters; industrial accidents or immediate elimination of their consequences; to prevent accidents at work; to prevent downtime, damage; destruction or damage to property; in other exceptional cases endangering the life and health of employees, as well as to replace a temporarily absent employee;

63) production activity - a set of actions of employees with the use of the means of labor necessary to turn resources into finished products, including production and processing of various types of raw materials, provision of various types of services and performance of work;

64) specialized organizations for certification of production facilities - organizations that carry out activities to certify production facilities for working conditions, possessing the qualified personnel and testing laboratories accredited in accordance with the legislation of the Republic of Kazakhstan;

65) attestation of production facilities for working conditions - activities for evaluation of production facilities (workshops, plots, workplaces, as well as other separately located units of employers engaged in production activities) in order to determine the state of safety, harmfulness, complexity of the work performed on them, labor hygiene and to determine compliance of working environment conditions with labor safety and protection standards;

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

66-1) production and living conditions - working conditions necessary for the employee's stay at the workplace, including with the shift method of work, including provision of sanitary facilities, as well as conditions for rest and eating;

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

68) gross negligence - actions of the employee, contributing to violation of the rules of labor protection and safety of their health;

69) compensation payments - cash payments related to a special mode of work and working conditions, loss of work, reimbursement of costs to employees associated with performance of their labor or other duties stipulated by the laws of the Republic of Kazakhstan, as well as payments related to vocational training, retraining and advanced training of employees or other persons who are not in labor relations (hereinafter - the trainee) ;

69-1) provision of personnel - sending an employee under an agreement for the provision of personnel by the sending party to the receiving party for the performance of his work function in the interests, under the management and control of the receiving party;

70) inter-category coefficient - the ratio between tariff rates of adjacent tariff-qualification categories;

71) tariff system - a type of wage system, in which the employees' wages are determined differentially based on tariff rates (salaries) and tariff scale;

72) tariff scale - a set of tariff categories and tariff coefficients, providing for differentiation based on the complexity of the work performed and qualifications of employees;

73) tariff rate (salary) - a fixed amount of payment for labor for performance of labor duties of a certain complexity (qualification) per unit of time;

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

75) disciplinary sanction - a measure of disciplinary influence on an employee, used by the employer or the first head of the national managing holding in cases provided by the Laws of the Republic of Kazakhstan, for commission of a disciplinary offense;

76) disciplinary offence - illegal, guilty non-fulfillment or improper performance of the employee's labor duties, as well as violation of labor discipline;

77) rest time - the time during which the employee is free from performing labor duties and which can be used at his discretion;

78) collective protective items - technical means intended for simultaneous protection of two or more employees from exposure to harmful and (or) dangerous production factors;

79) collective contract - a legal act in the form of a written agreement, concluded between employees in the person of their representatives and the employer, regulating social and labor relations in the organization;

80) overtime work - work performed by an employee at the initiative of the employer beyond the established working hours (in excess of the normal amount of working hours for the record period);

81) notification – an application of an employee or employer in writing (in paper or in the form of an electronic document certified by electronic digital signature), submitted on

purpose or by courier mail, mail, fax, e-mail and other information and communication technologies, or in electronic form with the provision of authorization, identification of the employee or employer;

82) business trip – sending an employee by order of the employer to perform work duties for a certain period outside the place of permanent work to another locality, as well as sending an employee to another locality for training, advanced training or retraining, as well as recognition of professional qualifications.

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.

Footnote. Article 1 as amended by the Article 204 of the Labour code of the Republic of Kazakhstan dated 23.11.2015 № 414-V (shall be enforced from 01.01.2017); By the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days after the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 2. Labor legislation of the Republic of Kazakhstan

1. The 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. It is prohibited to include the norms regulating labor relations, social partnership and labor protection in other laws of the Republic of Kazakhstan, except for the cases stipulated by this Code.

3. If an international agreement ratified by the Republic of Kazakhstan establishes other rules than those contained in this Code, then the rules of the international treaty are applied.

International treaties ratified by the Republic of Kazakhstan are applied directly to labor relations, except for the cases when it follows from the international treaty that a law is required for its application.

Article 3. Purpose and objectives of the labor legislation of the Republic of Kazakhstan

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

2. The objectives of the labor legislation of the Republic of Kazakhstan are the creation of necessary legal conditions aimed at achieving a balance of interests of the parties to labor relations, social stability and public consent.

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

The principles of labor legislation of the Republic of Kazakhstan are:

1) impermissibility of restriction of human and civil rights in labor area;

2) freedom of work;

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

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

5) the priority of life and health of the employee;

6) ensuring the right to remuneration for work which is not lower than the minimum wage ;

7) ensuring the right to rest;

8) equality of rights and opportunities for workers;

9) ensuring the right of employees and employers to unite to protect their rights and interests;

10) assistance of the state in strengthening and developing social partnership;

11) state regulation of labor safety and 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, the right to control his abilities to work, to choose a profession and occupation.

Article 6. Prohibition of discrimination in labor area

1. Everyone has equal opportunities in exercising their rights and freedoms in labor area. No one may be restricted in the rights at work, except for the cases and in the manner prescribed by this Code and other laws of the Republic of Kazakhstan.

2. No one may be subjected to any discrimination in the exercise of labor rights on the grounds of origin, social, official and property status, gender, race, nationality, language, attitude to religion, beliefs, place of residence, age or physical disabilities, membership in public associations or other circumstances.

3. Differences, exceptions, preferences and restrictions, which, in accordance with the laws of the Republic of Kazakhstan, are established for the relevant types of work activity or are caused by the special concern of the state about persons requiring increased social and legal protection, are not the discrimination.

4. Persons who consider that they have been subjected to discrimination in the labor area have the right to apply to the court or other instances in the manner established by the laws of the Republic of Kazakhstan.

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

Article 7. Prohibition of forced labor

Forced labor is prohibited.

Forced labor means any work or service required from a person under the threat of any punishment, for which this person did not volunteer his services.

Forced labor is allowed only:

on the basis of a judicial act on finding guilty of committing a criminal or administrative offense that has entered into legal force, provided that the work will be carried out under the supervision and control of state bodies and that the person performing it will not be ceded or placed at the disposal of individuals and (or) legal entities;

in an emergency or martial law.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 05.11.2022 № 157-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 8. Scope of this Code

1. This Code regulates the following relations:

1) labor;

2) directly related to labor;

3) social partnership;

4) on safety and labor protection.

2. This Code shall apply to employees, employees of the sending party, employers, as well as the receiving party who shall be located in the territory of the Republic of Kazakhstan, including branches and (or) representative offices of foreign legal entities that have passed registration, unless otherwise provided by the laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

The provisions of this Code provided for an insurance organization apply to a branch of a non-resident insurance organization of the Republic of Kazakhstan, opened in the territory of the Republic of Kazakhstan and operating on the basis of a license of an authorized body for regulation, control and supervision of the financial market and financial organizations.

3. Specifics of the legal regulation of labor of certain categories of employees are established by this Code and other laws of the Republic of Kazakhstan.

4. Laws of the Republic of Kazakhstan shall not reduce the level of rights, freedoms and guarantees established by this Code.

Footnote. Article 8 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 02.01.2021 № 399-VI (shall enter into force from 16.12.2020).

Article 9. Minimum social standards in labor area

The minimum monthly salary, duration of daily work (work shift), the main paid annual leave, are the minimum social standards in the labor area in accordance with the Law of the Republic of Kazakhstan “On Minimum social standards and their guarantees”.

Article 10. Labor agreements, agreements of the parties to social partnership, collective contracts, acts of the employer in labor area

1. Labor relations, as well as other relations directly related to labor, are regulated by an employment contract, an employer's act, an agreement and a collective contract.

2. The provisions of the agreements of the parties to social partnership, collective agreements, labor contracts, employers' acts, worsening the situation of employees in comparison with the labor legislation of the Republic of Kazakhstan, are recognized as invalid and not subject to application.

3. The terms and conditions of agreements, collective agreements and employment agreements may not be unilaterally modified, except as provided for in this Code.

Footnote. Article 10 as amended by the Law of the RK dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 11. Acts of the employer

The employer issues acts within his competence in accordance with this Code and other normative legal acts of the Republic of Kazakhstan, labor contract, agreements, collective contracts.

The employer's certificates shall be in writing or in the form of an electronic document certified by means of an electronic digital signature.

Footnote. Article 11 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 12. Order of taking into account the opinions of employees' representatives when issuing acts of the employer

1. The employer, in cases stipulated by agreements, collective contract, issues acts taking into account the opinion of representatives of employees.

2. The employer submits a draft of employer's act and justification to the employee representatives. In the presence of several representatives of employees, they create a unified representative body to take into account the opinions on the employer's acts, the numerical composition of which is proportional to the number of employees represented by them.

3. The draft of employer's act is discussed by representatives of employees no more than five working days from the date of its presentation. In the event that employees' representatives fail to provide a decision within the time limits established by this Code, the employer has the right to adopt the act without taking into account the opinions.

4. Decisions of employees' representatives are documented by a protocol that indicates consent (disagreement) of employees' representatives with the draft of employer's act, if available, their proposals are stated.

5. In the event that the opinion of employees' representatives does not contain agreement with the draft of employer's act or contains proposals for its amending, the employer:

1) when approved, issues an act, amended taking into account the proposals of representatives of employees;

2) if disagreed, has the right to conduct additional consultations with representatives of employees.

6. If there is no agreement on the draft acts of the employer, for the publication of which, in accordance with the agreements, the collective agreement the views of employees' representatives must be taken into account, the disagreements that have arisen are formalized by a protocol signed by one representative of the employer and one representative of the employees, after which the employer has the right to adopt the act.

7. In the event that the published act of the employer contains provisions that violate or impair the rights and guarantees of employees provided for in this Code, labor, collective contracts, agreements, it may be appealed to the territorial subdivision or to the court.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 13. Calculation of terms established by this Code

1. The time period, established by this Code, labor or collective contract, is determined by the calendar date, the expiration of the period of time, which is calculated by years, months, weeks or days. The time period may also be determined by an indication of the event that should occur.

2. In the cases provided for by this Code, the time period is calculated in working days.

3. Duration of the term determined by the time period starts on the next day after the calendar date, the occurrence of the event, which determines its beginning.

4. The terms, calculated in years, months, weeks, expire in the corresponding dates of the last year, month, week. If the end of the period, calculated in months, falls on a month in which there is no corresponding date, then the term expires on the last day of this month. The term, calculated in calendar weeks or days, includes the non-working days.

5. If the last day of the term falls on a non-working day, then the day of the end of the term shall be the first working day following it, unless otherwise provided by this Code.

Article 14. Responsibility for violation of labor legislation of the Republic of Kazakhstan

Persons, guilty of violating the labor legislation of the Republic of Kazakhstan, are liable in accordance with the laws of the Republic of Kazakhstan.

CHAPTER 2. STATE REGULATION IN LABOR RELATIONS AREA

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

The Government of the Republic of Kazakhstan:

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

2) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

4) approves the system of payment for labor for civil servants, employees of organizations , maintained at the expense of the state budget, employees of state enterprises;

5) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

6) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

7) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication);

8) approves the methodology for determining the minimum monthly wage.

Footnote. Article 15 as amended by the Law of the RK dated 04.05.2020 № 321-VI ((shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 21.12.2023 № 49-VIII (effective from 01.01.2024).

Article 16. Competence of an authorized state body for labor in labor relations regulation area

The authorized state body for labor:

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

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

2) organizes state control over observance of the labor legislation of the Republic of Kazakhstan, including requirements for labor safety and protection, legislation of the Republic of Kazakhstan on employment;

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

4) excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication);

5) is excluded by Law of the Republic of Kazakhstan № 273-VI dated November 26, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

6) coordinates the activities of state agencies to develop technical regulations in the area of occupational safety and labor protection;

7) performs coordination and interaction in the area of labor safety and protection with other state bodies, as well as representatives of employees and employers;

8) establishes the procedure for the development, approval, replacement and revision of unified intersectoral or intersectoral standard or standard norms and labor standards for all areas of activity, or standard norms and standards of work of organizations;

9) develops and approves a list of names of positions of employees related to administrative personnel;

9-1) determines the amount of social benefits for temporary disability;

10) establishes the procedure for submission, review and approval of labor standards in organizations, for the services (goods, works) of which the state regulation of tariffs (prices, charge rates) is introduced;

11) establishes the procedure for submission, review and approval of parameters for the system of payment for labor for employees of organizations, for services (goods, works) of which the state regulation of tariffs (prices, charge rates) is introduced;

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

13) conducts training and attestation of state labor inspectors;

14) exercises control over the timely and objective conduct of an investigation of accidents related to work activity in the manner established by this Code and other normative legal acts of the Republic of Kazakhstan;

15) maintains international cooperation in labor relations regulation area;

Subparagraph 16) is to be excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 (effective from 01.01.2030).

16) determines the procedure for development, revision, approval and application of the Unified tariff and qualification reference book of works and occupations of workers, tariff and qualification characteristics of occupations of workers, the Qualification reference book of positions of managers, specialists and other employees, and the standard qualification characteristics of positions of managers, specialists and other employees of organizations;

Subparagraph 16-1) is to be excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 (effective from 01.01.2030).

16-1) develops and approves the Unified tariff-qualification reference book of works and occupations of workers, the tariff-qualification characteristics of occupations of workers, the Qualification reference book of positions of managers, specialists and other employees;

Subparagraph 16-2) is to be excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 (effective from 01.01.2030).

16-2) develops and approves the qualification characteristics of individual positions of specialists of government agencies and state enterprises common to all areas of activity;

17) considers and coordinates qualification reference books or standard qualification characteristics of positions of managers, specialists and other employees of organizations of

various types of economic activity, developed and approved by the authorized state bodies of the relevant areas of activity;

18) determines the list of manufactures, workshops, professions and positions, a list of heavy work, work with harmful and (or) dangerous working conditions, the work in which gives the right for the reduced working hours, additional paid annual leave and higher wages, and the order of their provision (hereinafter - List of manufactures, workshops, professions and positions, a list of heavy work, work with harmful and (or) dangerous working conditions);

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

20) organizes monitoring and assessment of risks in the area of occupational safety and labor protection;

21) approves the model provision on labor arbitration;

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

23) determines the procedure for admission to civil service and holding a competition for a vacant civil servant position, with the exception of the head and teacher of a state educational organization, as well as the head of a state physical education and sports organization;

24) defines general requirements for vocational training, retraining and skills development in the organization;

25) approves the form, the procedure for keeping and storing work record books;

26) approves the list of works where the labor of workers under the age of eighteen is prohibited, the maximum standards for carrying and transporting heavy loads by workers under the age of eighteen;

27) approve limit standards for lifting and manual movement of weights by women;

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

29) determines the procedure for mandatory periodic attestation of production facilities for working conditions;

30) develop and approve rules and deadlines for conducting training, instruction and knowledge checks on safety and health issues of workers, managers and persons responsible for ensuring safety and health;

31) establishes the procedure for development, approval and revision of the instruction on labor safety and protection by the employer;

32) determines the procedure for allocation and payment of social benefits for temporary disability;

33) approve the procedure for issuing to employes milk or equivalent food products and (or) specialized products for dietary (therapeutic and preventive) nutrition, special clothes and other personal protective equipment, and also establish the procedure for providing them with collective protective equipment, sanitary facilities and devices at the expense of the employer;

34) approve, in agreement with the central authorized body for budgetary planning, the standards for the issuance to employees of milk or equivalent food products and (or) specialized products for dietary (therapeutic and preventive) nutrition;

35) approves, upon agreement with the central authorized body on budget planning, the norms for issuing special clothes and other personal protective items to workers of organizations of various economic activities;

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

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

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

39) develops and approves the form of recording of collective labor disputes;

40) develops and approves uniform cross-industry standards for the number of employees who provide technical services and functioning of state bodies;

40-1) coordinates industry standards for the number of employees who provide technical services and functioning of state bodies, which are developed and approved by the state bodies of the relevant areas of activity in accordance with the procedure established by the authorized state body for labor;

41) coordinates the registers of civil servants' posts, developed and approved by the relevant authorized state bodies of the relevant areas of activity;

41-1) develop and approve a model regulation on the occupational safety management system;

41-2) develop and approve rules for managing professional risks;

41-3) develop and approve intersectoral standard norms for the number of employees of labor protection services;

41-4) develop and approve the Code of Ethics for civil servants;

41-5) develop and approve rules for submitting and obtaining information about a employment contract in a unified system of recording employment contract;

41-6) develop and approve rules for the design and use of work permits in the performance of works in conditions of increased danger;

41-7) ensure the confidentiality and protection of the employee's personal data contained in the unified system of recording labor agreement, in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection;

41-8) excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication);

41-9) develops and approves the rules for ensuring safety and labor protection when working at height;

41-10) develops and approves unified intersectoral or intersectoral standard or standard norms and standards of work for all areas of activity in agreement with state bodies of the relevant areas of activity;

42) exercises other powers provided for 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.

Footnote. Article 16 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 273-VI dated November 26, 2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 31.03.2021 № 24-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 12.10.2021 № 67-VII ЗРК (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.12.2021 № 87-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication); dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025); dated 15.04.2025 № 183-VIII (enacted sixty calendar days after the date of its first official publication).

Article 17. Competence of a territorial subdivision

Footnote. The title of Article 17 as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Territorial subdivision:

1) carries out the state control over observance of the labor legislation of the Republic of Kazakhstan, including requirements for labor safety and protection;

2) monitors collective contracts submitted by employers;

3) carry out an analysis of the causes of industrial injuries and develop proposals for its prevention;

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

4-1) monitors the conclusion by the employer of a compulsory insurance contract for an employee against accidents in the performance of his/her labor (official) duties;

4-2) monitors the fulfillment by the employer of the obligations provided for in Article 122 of this Code;

4-3) registers and keeps records of work-related accidents in accordance with the procedure determined by the authorized state labor body;

5) Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication);

6) is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

7) interacts with representatives of employees and employers on matters of improving labor safety and protection standards;

8) consider the appeals of employees, employers and their representatives on compliance with the labor legislation of the Republic of Kazakhstan, including labor health and safety;

9) monitors attestation of production facilities for working conditions;

10) Is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

11) excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication);

12) conducts monitoring of collective labor disputes in the form established by the authorized state body for labor;

13) excluded by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication);

14) carries out the declaring of the employer's activities;

15) provides information from the unified system of labor contracts registration to individuals and legal entities, taking into account the requirements of the legislation of the Republic of Kazakhstan on personal data and their protection.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 21.12.2023 № 49-VIII (effective from 01.01.2024); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

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

Local executive bodies:

1) implement the state policy in the labor, labor safety and protection area;

2) after approval with local representative authority shall determine the list of positions of specialists for health care, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural territories that shall be civil servants and rural area worker;

3) register the industrial and regional agreements concluded at the municipal, district level ;

4) coordinate the conduct of strikes in organizations, ensuring the activity of the population (public transport, organizations that supply water, electricity, heating);

5) conclude regional (regional, city, district) agreements with regional associations (associations, unions) of employers and regional associations of employees;

6) review and agree on the parameters of the remuneration system for employees of organizations, for the services (goods, works) of which the state regulation of tariffs (prices, fee rates) is introduced, in the manner established by the authorized state body for labor;

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

8) carry out, in the interests of local government, other powers vested in local executive bodies by the legislation of the Republic of Kazakhstan.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan № 73-VI dated 15.06.2017 (shall be enforced from 01.01.2019); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 3. SUBJECTS OF LABOR RELATIONS. GROUNDS FOR EMERGENCE OF LABOR RELATIONS

Article 19. Subjects of labor relations

The subjects of labor relationship are the employee and the employer.

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

Article 20. Representatives of employees and their powers

1. The interests of employees within their delegated powers shall be represented by bodies of trade unions in accordance with the Law of the Republic of Kazakhstan "On trade unions", and, in their absence, by elected representatives.

Elected representatives of employees shall be elected and authorized at the general meeting (conference) of employees of the organization by a majority of votes of participants in the presence of at least two thirds of the total number of employees of the organization. It shall be allowed to hold a general meeting (conference) of employees of the organization on the election of elected representatives of employees by remote voting. Participation at the general meeting (conference) of the employee shall be confirmed by an electronic digital signature or other electronic method with the provision of authorization, identification of the employee.

If the membership of employees in trade unions shall be less than half of the staff of the organization, the interests of employees may be represented by trade unions and elected representatives.

Collective bargaining between the employer and employees without the participation of a trade union shall not be allowed, if a trade union is created in this organization.

2. Workers, who are not members of the trade union, who did not participate in the election of the elective representatives of workers, have the right to delegate the right to

represent their interests to trade union bodies, the elective representatives of employees. On the basis of a written application of an employee, the trade union bodies, the elective representatives of employees ensure representation of his interests.

3. The elective representatives of employees have the right:

1) to represent and protect the labor rights and interests of employees;

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

3) in accordance with collective contracts to visit workplaces for studying and taking measures to ensure normal working conditions;

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

Footnote. Article 20 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day 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. Employers' interests within their delegated powers shall be represented by employers' associations (associations, unions) in accordance with this Code, the Entrepreneur Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan.

3. Associations (associations, unions) of employers shall represent the rights and interests of their members through social partnership mechanisms by:

1) guaranteeing the rights of employees and employers in the field of labor and improving the labor legislation of the Republic of Kazakhstan;

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

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

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

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

Footnote. Article 3 as added by the article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 21. Grounds for emergence of labor relations

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

2. In the cases and in the manner established by the laws of the Republic of Kazakhstan, the constituent documents, acts of the employer, conclusion of the employment contract may be preceded by the following procedures:

1) election (election) for the position;

2) election by competition for the relevant post;

3) appointment or confirmation to a post;

4) referral to work by the bodies authorized by the laws of the Republic of Kazakhstan in accordance with the established quota;

5) making a court decision on concluding an employment contract.

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

Article 22. Basic rights and obligations of the employee

1. The employee has the right:

1) conclusion, amendment, addition, termination of an employment contract in the order and under the conditions provided by this Code;

2) requirement from the employer of performance of conditions of labor, collective agreements, contracts, acts of the employer;

3) for safety and labor protection;

4) for obtaining complete and reliable information on the state of working conditions and labor protection;

5) for timely and full payment of wages in accordance with the terms of labor, collective contracts;

6) for payment of downtime in accordance with this Code;

7) for the rest time, including the paid annual work leave;

8) an association, including the right to form a trade union, as well as membership in it, to represent and protect its labor rights and interests, unless otherwise provided by the Laws of the Republic of Kazakhstan;

9) for participation through their representatives in collective negotiations and drafting of a collective contract, as well as acquaintance with the signed collective contract;

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

11) for compulsory social insurance;

12) for insurance against accidents in performance of labor (service) duties;

13) for guarantees and compensation payments;

14) for protection of their rights and legitimate interests by all means that do not contradict the law;

15) equal payment for equal work, as well as equal working and living conditions without any discrimination;

16) application for consideration of an individual labor dispute successively to the conciliation commission, court in the order stipulated by this Code;

17) for a workplace equipped in accordance with the requirements of safety and labor protection;

18) for provision with individual and collective protection means, special clothing in accordance with the requirements stipulated by the legislation of the Republic of Kazakhstan, as well as labor, collective contracts;

19) for refusal to perform work in the event of a situation that poses a threat to the health or life, with notification to the direct manager or representative of the employer about it;

20) applying to the authorized state labor authority and (or) territorial subdivision for inspection of safety and health conditions at the workplace, as well as for representative participation in the inspection and consideration of issues related to the improvement of working conditions, safety and labor protection;

21) for appeal against the actions (inaction) of the employer in the area of labor relations directly related to them;

22) for payment for labor in accordance with qualifications, complexity of labor, the quantity and quality of the work performed, as well as working conditions;

23) for resolution of individual and collective labor disputes, including the right to strike, in the manner prescribed by this Code, other laws of the Republic of Kazakhstan;

24) for protection of personal data held by the employer;

25) receiving from the unified system of recording labor agreements information about the labor contract and their labor activity;

26) conclusion of an agreement on non-disclosure of information on assistance in combating corruption in accordance with the procedure established by the legislation of the Republic of Kazakhstan on combating corruption.

2. The employee is obliged to:

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

2) observe work discipline;

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

4) take good care of the property of the employer and employees;

5) inform the employer of the situation that poses a threat to the life and health of people, the safety of the employer's and workers' property, and the occurrence of downtime;

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

7) compensate the employer for the damage caused within the limits established by this Code and other laws of the Republic of Kazakhstan;

8) within three working days, to notify the employer in writing of the conclusion of a contract for military service in the reserve;

9) inform the employer about his/her involvement as a volunteer firefighter in carrying out measures to prevent and extinguish wildfires, as well as fires in organizations and populated areas.

3. The employee has other rights and performs other duties stipulated by this Code.

Footnote. Article 22 as added by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 03.01.2023 № 188-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication); dated 18.03.2025 № 175-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 23. Basic rights and obligations of the employer

1. The employer has the right:

1) for freedom of choice when hiring;

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

3) to issue the acts of the employer within the limits of their authority;

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

5) to require from the employees to fulfill the terms of labor, collective contracts, labor regulations and other acts of the employer;

6) to encourage employees, impose disciplinary sanctions, involve employees in material liability in cases and in the manner provided for in this Code;

7) for compensation for damage caused by the employee when performing his duties;

8) to apply to the court in order to protect their rights and legitimate interests in labor area ;

9) to establish a probationary period for the employee;

10) provide employees with professional training, retraining, improvement and recognition of their professional qualifications in accordance with this Code and the Law of the Republic of Kazakhstan "On professional qualifications";

11) for reimbursement of its costs associated with training an employee in accordance with this Code;

12) to apply for consideration of an individual labor dispute successively to the conciliation commission, court in the order provided by this Code;

13) to receive from the unified system of recording labor agreements information about the labor activity of applicants (with their prior consent) and employees;

14) collect copies of identification documents of a labor immigrant for the purposes provided for by this Code.

2. The employer is obliged:

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

2) when hiring, to conclude employment contracts with employees in the manner and under the conditions established by this Code;

3) when hiring, to require documents necessary for conclusion of an employment contract, in accordance with Article 32 of this Code;

4) to provide the employee with work stipulated by the employment contract;

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

6) to acquaint the employee with the collective agreement, the agreement on the work of the conciliation commission (if any), the labor regulations, other acts of the employer directly related to the work (labor function) of the employee, and in cases provided for by this Code, other acts of the employer personally or by sending them by courier mail, postal communication fax, e-mail and other information and communication technologies;

7) to consider the recommendations of representatives of employees and provide the representatives of employees with complete and reliable information necessary for collective negotiations, collective contracts, as well as monitoring of their implementation;

8) to conduct collective negotiations in the manner established by this Code, to conclude a collective contract;

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

10) to provide the employees with equipment, tools, technical documentation and other means necessary for performance of their duties, at their own expense;

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

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

13) to suspend work if its continuation creates a threat to life, health of the employee and other persons;

14) to provide compulsory social insurance of employees;

15) to insure the employee against accidents in performance of his labor (official) duties;

16) to provide the employee with an annual paid leave;

17) to ensure the safety and delivery of documents confirming labor activity of employees , and information on with holding and deduction of money for their provision of pensions and compulsory social insurance to the state archive;

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

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

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

21) to compensate for the harm caused to the life and health of the employee while performing his labor (official) duties in accordance with this Code and other laws of the Republic of Kazakhstan;

22) to provide free access for officials of the authorized state labor body and territorial subdivision, representatives of employees, technical inspectors for labor protection to inspect safety, conditions and labor protection in organizations and compliance with the legislation of the Republic of Kazakhstan, as well as to investigate accidents related to labor activity, and occupational diseases;

23) excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

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 carry out internal control over labor safety and protection;

26) establish a conciliation commission in the manner established by this Code;

26-1) provide the employee with leave to undergo screening studies with the preservation of the place of work (position) and average salary in the manner and amount determined by the legislation of the Republic of Kazakhstan in the field of health care;

27) enter information on the conclusion and termination of an employment contract with an employee, on amendments and (or) additions to it containing information provided for in the subparagraphs 1), 2), 3), 4), 5) and 13) of paragraph 1 of article 28, as well as information on the provision of vacations provided for in article 99 of this Code, into the unified system of accounting for labor contracts in the manner determined by the authorized state body on labor ;

28) Ensure employees equal payment for equal work, as well as equal working conditions without any discrimination;

29) when an employee applies for the purpose of reporting the fact of a corruption offense or providing other assistance in combating corruption in an organization where he is an employee, conclude with this employee, if there is his intention, an agreement on non-disclosure of information on assistance in combating corruption in accordance with the

procedure established by the legislation of the Republic of Kazakhstan on combating corruption;

30) conclude a pre-retirement annuity insurance contract in accordance with Article 23-1 of the Law of the Republic of Kazakhstan "On compulsory insurance of an employee against accidents in the performance of his labor (official) duties".

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

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan № 165-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 03.01.2023 № 188-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 04.04.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication); dated 21.12.2023 № 49-VIII (effective from 01.01.2024); dated 11.12.2023 № 44-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

SPECIAL PART SECTION 2. LABOR RELATIONS CHAPTER 4. EMPLOYMENT CONTRACT

Article 24. Subject of the employment contract

According to the employment contract, the employee undertakes to perform work (labor function) in person, observe the rules of the work schedule, and the employer undertakes to provide the employee with work on the stipulated labor function, provide working conditions stipulated by this Code, laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan, collective contracts, acts of the employer, to pay the employee wages timely and in full.

Article 25. Guarantees of equality of rights and opportunities in conclusion of an employment contract

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

2. Pregnancy, the presence of children under the age of three, minority, disability may not restrict the right to conclude an employment contract, except for the cases provided for by this Code.

Article 26. Prohibitions and restrictions for conclusion of employment contract and employment

1. It is not allowed to enter into an employment contract:

1) to perform the work, contraindicative to a person for health reasons on the basis of a medical opinion;

2) with citizens who have not reached the age of eighteen, for heavy work, the work with harmful and (or) dangerous working conditions, as well as for positions and works that provide for the full material responsibility of the employee for failure to ensure the safety of property and other valuables of the employer, as well as for work that can harm their health and moral development (gambling, work at night entertainment facilities, production, transportation and trade of alcoholic beverages, tobacco products, drugs psychotropic substances and precursors);

3) with citizens who are deprived of the right to hold a certain position or engage in certain activities in accordance with an effective court verdict;

4) with foreigners and stateless persons temporarily staying in the territory of the Republic of Kazakhstan, until the employer receives permission from the local executive body to attract foreign labor, or until a foreign employee receives a certificate of compliance with qualifications for self-employment or a permit for a labor immigrant issued in accordance with the procedure determined by the authorized body on migration issues, or without compliance with restrictions or exemptions established by the laws of the Republic of Kazakhstan;

5) with foreign students and trainees temporarily staying on the territory of the Republic of Kazakhstan, who did not submit certificates from the education organization indicating the form of training or the host organization for vocational training and (or) internship and a residence permit for the purpose of training;

6) with foreigners and stateless persons temporarily staying in the territory of the Republic of Kazakhstan:

who have not submitted a permit to enter and stay for the purpose of family reunification and a document confirming the status of marriage with a citizen of the Republic of Kazakhstan recognized by the legislation of the Republic of Kazakhstan;

who do not have an imputed medical insurance contract covering primary health care and specialized medical care in inpatient conditions in an emergency form on the terms established by the laws of the Republic of Kazakhstan;

7) for performance of work (rendering of services) in the household by one employer - an individual simultaneously with more than five labor immigrants.

2. Employment is not permitted:

1) to a commercial organization, with the exception of state organizations and organizations in whose authorized capital the state's share shall be more than fifty percent, including in national management holdings, national holdings, national companies, national

development institutions, whose shareholder shall be the state, their subsidiaries, more than fifty percent of voting shares (shares in the authorized capital) owned by them, as well as legal entities, more than fifty percent of voting shares (interest in the authorized capital) of which belongs to said subsidiaries, within one year of the termination of his public service, If in the last year prior to the termination of public service during the performance of state functions, the certain person, by virtue of his official powers, directly exercised control in the form of inspections of the activities of the commercial organization or the activities of the commercial organization have been directly related to the certain person in accordance with his competence;

Note!

The Constitutional Court of the Republic of Kazakhstan has initiated proceedings to verify the constitutionality of subparagraph 2) of paragraph 2 of Article 26.

2) the subjects of the quasi-public sector of the person who committed the corruption crime;

Note!

Paragraph 2 is provided to be supplemented with subparagraph 2-1) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (effective from 01.01.2027).

3) in the organization in the field of education, upbringing and development, recreation and rehabilitation, physical culture and sports, medical provision, provision of social services, culture and art with participation of minors, of the persons who have or have been convicted, subjected to criminal prosecution (except for persons, the criminal prosecution against whom was terminated on the basis of subparagraphs 1) and 2) of the part one of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan) for criminal violations: murder, deliberate harm to health, against public health and morality, sexual inviolability, extremist or terrorist crimes, human trafficking;

4) excluded by the Law of the Republic of Kazakhstan dated 12.10.2021 № 67-VII (shall enter into force upon the expiry of ten calendar days from the day of the first officialpublication);

5) for work of part-time employees under eighteen years of age, and employees engaged in heavy work, work with harmful and (or) dangerous working conditions, with the exception of medical employees.

Footnote. Article 26 as amended by the Article 204 of the Labour code of the Republic of Kazakhstan dated 23.11.2015 № 414-V (shall be enforced from 01.01.2017); By the Law of the Republic of Kazakhstan № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 13.05.2020 № 327-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 30.12.2020 № 393-VI (shall enter into force upon

the expiry of ten calendar days from the day of the first official publication); dated 12.10.2021 № 67-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 30.12.2021 № 95-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 27. Difference of an employment contract from other types of contracts

Distinctive features of an employment contract from other types of contracts are the presence of one of the following conditions in it:

1) performance of work (labor function) by the employee on a particular qualification, specialty, profession or position;

2) fulfillment of obligations in person with subordination to the labor regulations;

3) the receipt of wages for work by the employee.

Article 28. Content of the employment contract

1. The employment contract shall contain:

1) requisites of the parties:

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

individual identification number (business identification number);

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

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

2) work for a certain specialty, profession, qualification or position (labor function);

3) place of work execution;

During remote work, the place of work execution shall not be indicated, except for combined remote operation;

4) the term of the employment contract;

5) the date of commencement of work;

6) the working hours and rest time;

7) the amount and other terms of remuneration for labor;

8) characteristics of working conditions, guarantees and benefits, if the work is heavy and (or) performed in harmful and (or) dangerous conditions;

9) the rights and duties of the employee;

10) the rights and obligations of the employer;

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

12) responsibility of the parties;

13) the date of conclusion and the serial number.

2. An employment contract concluded with a person with a disability must contain conditions for organization of a workplace, taking into account his individual capabilities.

3. By agreement of the parties, other terms that are not inconsistent with the legislation of the Republic of Kazakhstan may be included in the employment contract.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 29. The condition of non-competition

1. By agreement of the parties between the employer and the employee, a non-competition agreement may be concluded, which provides for the employee's obligation not to carry out actions that could cause damage to the employer.

2. The non-competition agreement establishes limitations and conditions for their adoption, and compensation may be established for the period of this condition, except for cases when the non-competition condition is stipulated by the legislation of the Republic of Kazakhstan.

3. The list of posts and works, occupied or performed by employees with whom a non-competition agreement can be concluded is approved by the employer's act.

Article 30. Term of employment contract

1. An employment contract may be concluded:

1) for an indefinite period;

2) for a certain period of not less than one year, except for the cases established by subparagraphs 3), 4), 5) and 6) of this paragraph.

At the expiry of the term of the employment contract, the parties are entitled to extend it for an indefinite or definite period of not less than one year.

In case of expiry of the employment contract, if none of the parties within the last working day (shift) notified of the termination of the employment relationship, it shall be considered extended for the same period for which it was previously concluded, except in cases provided for in Article 51, paragraph 2 of this Code;

An employment contract concluded for a certain period may be renewed no more than twice.

With the continuation of labor relations, the employment contract is considered concluded for an indefinite period;

The provisions of parts four and five of this subparagraph shall not apply to foreign employees of autonomous educational organizations and their organizations.

3) for the duration of a certain work;

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

5) for the period of seasonal work;

6) within the time limits established by the legislation of the Republic of Kazakhstan for permits to attract foreign labor, permits for labor immigrants and certificates of compliance with qualifications for self-employment issued by local executive bodies in accordance with the procedure determined by the authorized body on migration issues.

2. Small business entities may enter into employment contracts with employees for a fixed period without the restriction provided for in subparagraph 2) of paragraph 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. An employment contract with the head of the executive body of a legal entity shall be concluded by the owner of the property of the legal entity or by the person (body) authorized by him or by an authorized body of the legal entity or by a person authorized by him for a term and in the order established by laws of the Republic of Kazakhstan, constituent documents or agreement of the parties.

In the event of the expiration of an employment contract concluded with the head of the executive body of a legal entity, if none of the parties has notified the termination of the employment relationship no later than the last working day before the expiration of the employment contract, the employment contract is extended for a year, unless another extension period is determined by documents approved by the founders, the owner of the property of the legal entity or the person (body) authorized by the founders, the owner or the authorized body of the legal entity.

A notice of termination of employment relations with the head of the executive body of a legal entity on behalf of the legal entity – employer is signed by the owner of the property of the legal entity or a person (body) authorized by him or an authorized body of the legal entity or a person authorized by him.

5. With an employee who has reached the retirement age established by the Social Code of the Republic of Kazakhstan and has a high professional and qualification level, taking into account his working capacity, an employment contract may be extended annually without the restriction provided for in part four of subparagraph 2) of paragraph 1 of this article.

Footnote. Article 30 as amended by the Laws of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.11.2015 № 414-V (shall be enforced from 01.01.2017); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 30.12.2021 № 95-VII (shall be enforced ten calendar days after the date of its first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 31. The age when conclusion of employment contract is allowed

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

2. The employment contract may be concluded with:

1) citizens who have reached the age of fifteen years, if they obtained a basic secondary, general secondary education in organization of secondary education;

2) pupils who have reached the age of fourteen, to perform work when they are free from their studies, which does not cause harm to health and does not impede the learning process;

3) persons who have not reached the age of fourteen, in the organizations of cinematography, theaters, theatrical and concert organizations, circuses for participation in creation and (or) performance of works without prejudice to health and moral development, subject to the conditions specified in subparagraph 2) of this paragraph.

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

Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 32. Documents required for conclusion of an employment contract

1. To conclude an employment contract, the following documents are required:

1) identity card of a citizen of the Republic of Kazakhstan or passport of a citizen of the Republic of Kazakhstan (birth certificate for persons under the age of 16).

Repatriates shall submit an ID card of the repatriate issued by the local executive bodies;

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

3) a document on education, a document on the recognition of professional qualifications (if any), a document on the special knowledge or professional training when concluding an employment contract for a job requiring appropriate knowledge, skills and abilities;

4) a document confirming the work activity (for persons who have a working experience);

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

2. To conclude an employment contract in the field of education, upbringing, recreation and rehabilitation, physical training and sports, medical provision, provision of social services , culture and art with the participation of minors, the person shall provide a certificate of the presence or absence of information on commission of a criminal offense: murder, deliberate harm to health, against health of the population and morals, sexual inviolability, extremist or terrorist crimes, human trafficking.

3. Upon admission of a person to a civil service position related to the performance of functions equated to the state, or to work in a quasi-public sector entity, the employer requests information about the commission of a corruption crime by him through the information systems of a state body carrying out activities in the field of state legal statistics and special accounting within its competence, or e-government web portal.

Note!

The second part of paragraph 3 comes into force on 01.01.2027 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (the text is deleted).

4. To conclude an employment contract on a part-time job with another employer, the employee presents a certificate of the nature and conditions of work at the main place of work (place of work, position, working conditions).

5. The list of documents required for conclusion of an employment contract when attracting foreign employees of a state body is determined in accordance with the procedure for attracting foreign workers approved by the Government of the Republic of Kazakhstan.

6. The employer shall not be entitled to demand documents not provided for in this Article , except in cases provided for in regulatory legal acts of the Republic of Kazakhstan.

7. If the employee agrees that the employer keeps original documents or temporarily leaves them to perform the procedures established by the legislation of the Republic of Kazakhstan, the employer issues a written obligation to the employee to return the documents .

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 13.05.2020 № 327-VI (shall enter into force from 01.01.2021); dated 30.12.2020 № 393-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 03.01.2023 № 188-VII (see Article 2 for the procedure for entry into force); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

Article 33. The procedure for concluding, amending and supplementing an employment contract

1. The employment contract is concluded in writing in at least two copies and signed by the parties. One copy of the employment contract is kept by the employee and another copy – by the employer.

The conclusion of employment contract, introduction of amendments and additions to it may be made in the form of an electronic document certified by electronic digital signature.

2. Introduction of amendments and additions to the employment contract, including when transferring to another job, shall be made by the parties in writing in the form of an additional agreement in the order provided for in this Article, paragraph 1, except in cases provided by this Code.

Notification of a change in the terms of the employment contract is filed by one of the parties to the employment contract and is considered by the other party within five working days from the date of its filing. The party that received notice of a change in the terms of the employment contract, including when transferring to another job, is obliged, within the time limit specified in this article, to inform the other party of the decision taken.

3. Admission of a person to the work is carried out only after conclusion of the employment contract.

In the absence and (or) non-conclusion of the employment contract due to the fault of the employer, he is liable in accordance with the procedure established by the laws of the Republic of Kazakhstan. In this case, the employment relationship is considered to have arisen from the day the employee commenced work.

4. Recognition of an employment contract as invalid through the fault of the employer does not entail loss of the right by the employee to be paid for work, compensation for unused days of paid annual leave, other payments and benefits.

Recognition of certain conditions of an employment contract as invalid does not entail invalidity of the employment contract as a whole.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 34. Hiring procedure

Admission to work is documented by an employer's act issued on the basis of the concluded employment contract.

Article 35. Documents confirming the work activity of the employee

The document confirming the work activity of an employee may be any of the following ones:

1) work record book;

2) the employment contract with the employer's note on the date and reason for its termination;

3) extracts from the acts of the employer confirming the emergence and/or termination of employment relations on the basis of the conclusion and/or termination of the employment contract;

4) extracts from the payroll for employees;

5) a service record (a list of information about the work, work activity of the employee), signed and certified by the seal of the employer (if any);

6) extracts from the unified accumulative pension fund on the mandatory pension contributions made;

7) information from the State social insurance fund on social contributions made;

7-1) agreement on dual training;

8) an archive certificate containing information on the employee's work activity;

9) the court decision on the establishment of a legal fact confirming the existence of an employment relationship that has entered into legal force.

Footnote. Article 35 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 08.01.2021 № 410-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 36. Condition of probation period in employment contract

1. When concluding a employment contract, a probationary period may be established in the employment contract in order to verify that the qualifications of the employee correspond to the assigned work. The probationary period shall begin with the commencement date specified in the employment contract.

2. The probation period is included in the work experience of the employee and may not exceed three months. For the heads of organizations and their deputies, chief accountants and their deputies, heads of branches, representative offices of organizations, the probation period may be increased to six months.

3. The probation period is suspended for the period when the employee was actually absent from office.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 37. Result of probation period in hiring

1. In the event of a negative result of the employee's work during the probationary period, the employer shall have the right to terminate the employment contract with him by giving him a notice indicating the reasons for the termination of the employment contract.

2. If the probationary period has expired and the employer has not notified the termination of the employment contract, the employee shall be considered to have passed the probationary period.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 38. Transfer of an employee to another job

1. Transfer of an employee to another job is:

1) change of the work (labor function) of the employee, that is, performing work on another position, specialty, profession, qualification;

2) assignment of other work, in performance of which the working conditions (wages, working hours and rest time, benefits and other conditions) change, stipulated by the employment contract;

3) transfer to a separate structural division of the employer;

4) transfer to another locality together with the employer.

2. Transfer of an employee to another job is allowed with the consent of the employee, documented by introduction of appropriate changes in the employment contract and the employer's act, except for cases provided for by this Code.

3. It is not allowed to transfer the employee to another job if there are contraindications for the employee due to the state of health, confirmed by a medical certificate.

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

1. The employer shall be obliged to notify the employee about the upcoming move of the employer to another area no later than one month, if the labor and collective agreements do not provide for a longer notice period.

2. If the employee refuses to transfer to another place together with the employer or if there is an act certifying the employee's refusal to submit a written refusal to transfer to another place together with the employer, the employment contract with the employee shall be terminated on the basis provided for in Article 58, paragraph 1, subparagraph 1) of this Code.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 40. Secondment of an employee

1. Employee secondment shall refer to the employee (seconded) performing work in a certain specialty, qualification or position (employment function) due to employment contract or other position, specialty, qualification of another legal entity (including its branches, representative offices and/or other separate structural units), as well as in branches, representative offices and (or) other separate structural subdivisions of the same legal entity, with the exception of restrictions stipulated by the legislation of the Republic of Kazakhstan.

For the purposes of this Article, the receiving party shall mean the legal entities referred to in part three of this paragraph.

In order to ensure the fulfillment of certain tasks, employees can be seconded to the following receiving parties:

1) to a legal entity (its branches, representative offices and/or other separate structural subdivisions) that shall be the founder, participant or shareholder of the employer, as well as which indirectly owns the shares (shares in the authorized capital) of the legal entity - the employer;

2) to a legal entity (its branches, representative offices and/or other separate structural subdivisions) whose shares (shares in the authorized capital) are directly or indirectly owned by the legal entity - the employer;

3) to a legal entity (its branches, representations and/or other separate structural subdivisions), shares (shares in the authorized capital) in which directly or indirectly belong to persons who directly or indirectly own shares (shares in the authorized capital) of the legal entity - the employer.

2. Conditions, procedure, term of secondment of the employee, list of positions and number of seconded employees shall be determined by agreement between legal entities according to civil legislation of the Republic of Kazakhstan depending on the purposes of secondment.

If a legal entity (including its branches, representative offices and/or other separate structural units) is simultaneously assigned more than ten percent of the average number of employees per year, it is necessary to coordinate the secondment with representatives of the workers of the receiving party.

3. Behind the seconded employee, the place of work (position) shall be retained by the employer who makes the secondment.

4. The secondment shall be allowed only with the written consent of the parties to the labor contract by signing an additional agreement to the labor contract indicating the place of work for the period of secondment. At the end of the secondment period, if the employment contract continues, the employer shall undertake to provide the employee with the place of work (position) that the employee held before the secondment.

5. For the period of secondment, the employee shall be subject to the working and rest time of the receiving party, with the exception of the duration and procedure for granting annual paid work leave.

6. In case of violation of labor discipline by the seconded employee, the receiving party shall notify the employer of the seconded employee within three working days from the date of discovery of this fact with the submission of supporting documents for the decision to bring him to disciplinary liability in accordance with the labor legislation of the Republic of Kazakhstan.

7. In the event of an accident involving a seconded employee, the organization of an investigation into an accident involving employment shall be entrusted to the receiving party with the participation of the employer's representative.

8. The secondment shall not be allowed for the purpose of:

1) replacement of employees of the receiving party who refused to perform work in cases and procedures established by the labor legislation of the Republic of Kazakhstan;

2) performance of works in case of idle (temporary suspension of work by the receiving party), implementation of bankruptcy procedure by the receiving party, introduction of part-time working conditions by the receiving party in order to preserve jobs in case of threat of dismissal of employees.

Footnote. Article 40 in the wording of the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official

publication); amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

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

The employer, in the event of a production necessity, including temporary replacement of the absent employee, has the right to transfer the employee without his consent for up to three months within a calendar year to another work not specified by the employment contract and not contraindicated for him for health reasons in the same organization, in the same area or in the structural subdivision of the employer located in another locality, with payment for the work performed, but not lower than the average salary for the previous work.

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

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

1. In the event of downtime, the employer has the right to transfer the employee without his consent for the whole period of downtime to another work that is not contra-indicated for the state of health.

2. In case of temporary transfer to another job in the event of a downtime, the employee is paid for the work performed.

Article 43. Temporary reassignment for health reasons

1. In connection with an occupational injury, occupational disease or other health injury, received in connection with the performance of work duties, or other damage to health, on the basis of a medical report, the employer shall be obliged to temporarily transfer the employee to another work not contraindicated for health reasons or to release him from work on the terms and conditions stipulated in the labor, collective agreements and act of the employer, pending restoration of working capacity or establishment of disability or establishment of loss of professional working capacity.

2. If the employee refuses to temporarily transfer to another work not contraindicated for health reasons or if there is an act certifying the employee's refusal to submit a written refusal for temporary transfer on such grounds, the employment contract with the employee is terminated on the basis provided for in Article 58, paragraph 1, subparagraph 3) of this Code.

Footnote. Article 43 in the wording of the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 44. Temporary transfer of pregnant women to another job

On the basis of a medical report, the employer shall be obliged to transfer the pregnant woman to another job, excluding the effects of harmful and/or hazardous industrial factors, with payment for the work performed, but not lower than the average salary for the previous job.

The employer shall be obliged to temporarily transfer a pregnant woman working on a shift basis on the basis of a pregnancy certificate for a period of twelve weeks or more for a five-day or six-day working week with payment for the work performed, but not lower than the average salary for the previous work.

Before giving a pregnant woman another job, she is subject to exemption from work while maintaining the average wage.

In case if a pregnant woman refuses to be transferred to another job offered by the employer, she shall be released from performance of the contra-indicated work without saving wages until the granting of maternity leave.

Footnote. Article 44 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 45. Moving an employee to another workplace. Change of the name of the position (work)

1. It doesn't demand the consent of the employee transition to other workplace or in other structural unit in the same area or a work assignment on other mechanism or the unit within a position, specialty, a profession, qualification and with preservation of the size and the terms of payment of work caused by the employment contract.

2. The change in the name of the position (work) of the employee, the structural unit, the change in the management structure that does not entail changes in the working conditions for the employee, may be carried out by the employer without the consent of the employee.

Footnote. Article 45 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 46. Change in working conditions

1. In connection with changes in organization of production associated with reorganization or changes in economic, technological conditions, conditions of work organization and (or) reduction in the scope of work of the employer, it is allowed to change the working conditions of the employee when continuing to work in accordance with his specialty or profession, relevant qualifications. When the working conditions change, appropriate amendments and changes to the employment contract are made.

2. The employer shall be obliged to notify the employee of the amendment in working conditions that has occurred due to the reasons specified in this Article, paragraph 1, not later than fifteen calendar days, if the labor and collective agreements do not provide for a longer notice period.

3. In case of the employee's written refusal to continue work due to amendments in working conditions or if there is an act certifying the employee's refusal to submit a written

refusal to continue work due to amendments in working conditions, the employment contract with the employee shall be terminated on the basis provided for in Article 58, paragraph 1, subparagraph 2) of this Code.

In the event that the circumstances specified in paragraph 1 of this article may lead to a reduction in the staff number or staff of workers, the employer has the right to introduce a part-time work in order to save jobs.

Footnote. Article 46 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 47. Employment relations in case of amendments of the name, departmental affiliation of the employer, amendment of ownership shares (shares in authorized capital) of legal entity, reorganization of the employer - legal entity

Footnote. The title of the Article 47 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

In cases of amendments in the name, departmental ownership of the employer, amendment of ownership shares (shares in the authorized capital) of a legal entity, reorganization of the employer - legal entity, employment relations with employees continue unchanged.

Footnote. The Article 47 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 48. Suspension from work

1. In cases provided for 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 from work on the basis of acts of the relevant authorized state bodies.

2. In addition to the cases provided for in this Article, paragraph 1, the employer or the receiving party shall suspend the employee, the employee of the sending party:

1) being at work in a state of alcohol, drug, toxicomaniac intoxication (their analogues) or who has consumed substances that cause such intoxication during the working day;

2) who has not passed the examination on the test of knowledge on health and safety of employment or industrial safety;

3) not using personal and/or collective protective equipment provided by the employer or the receiving party;

4) not having undergone a medical examination or pre-shift medical examination, if they are mandatory in accordance with the legislation of the Republic of Kazakhstan;

5) in case of deprivation of the right of the employee, the employee of the sending party to drive the vehicle or other permits necessary for the performance of work due to the employment contract;

6) if his actions or inaction have caused or could have serious consequences for his health and safety, including other employees, industrial injuries and accidents, violation of labor protection, fire safety or traffic safety rules.

3. The employer or the receiving party shall have the right to suspend from work the employee, the employee of the sending party, who shall not have secured the property and other values transferred to the employee, the employee of the sending party on the basis of a written agreement on taking full liability.

4. For the period of suspension from work, the employee of the sending party shall not maintain salaries and shall not be paid at the expense of the employer or the receiving party social allowance for temporary disability.

5. Suspension of the employee, the employee of the sending party from work shall be carried out by the employer's act or the act of the receiving party for a period of time until the reasons for the suspension are clarified and/or eliminated.

6. Salaries, social benefits on temporary incapacity for work and other payments provided for by the regulatory legal acts of the Republic of Kazakhstan, employment, collective agreements, acts of the employer or the act of the receiving party shall be retained by the employee, the employee of the sending party in case of their unlawful suspension by the employer or the receiving party from work.

Footnote. The Article 48 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 49. Grounds for termination of employment contract

Grounds for termination of employment contract are:

1) termination of an employment contract by agreement of the parties;

2) expiry of the term of the employment contract;

3) termination of the employment contract at the initiative of the employer;

4) in connection with the transfer of the employee to another employer;

5) termination of the employment contract at the initiative of the employee;

6) circumstances that do not depend on the will of the parties;

7) refusal of the employee to continue labor relationship;

8) the transfer of the employee to elective work (position) or his appointment to a position excluding the possibility of continuing labor relations, except for the cases provided for by laws of the Republic of Kazakhstan;

9) violation of the terms of conclusion of the employment contract.

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

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

2. The party to the employment contract, who has expressed a desire to terminate the employment contract by agreement of the parties, sends a notice to the other party to the employment contract.

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

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

3. Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Footnote. The Article 50 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 51. Procedure for termination of employment contract after its expiry

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

2. If on the day of expiry of the employment contract concluded for a certain period of at least one year, the pregnant woman submits a certificate of pregnancy for a period of twelve weeks or more, as well as an employee with a child under three years of age who has adopted the (adopter) of the child and who wishes to exercise his/her right to leave without payment for the care of the child, shall submit a written statement on the extension of the term of the employment contract, except in cases of replacement of a temporarily absent employee, the employer shall be obliged to extend the term of the employment contract until the end of the parental leave.

3. The expiration date of the employment contract concluded for the period of performance of a certain work is the day of completion of work.

4. The expiry date of the employment contract concluded during the replacement of the temporarily absent employee shall be the day of the employee's employment, after which the place of work (position) has been retained, or the date of termination of the employment contract with the employee, after which the place of work (position) has been retained.

Footnote. The Article 51 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

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

1. Employment contract may be terminated with the employee at the initiative of the employer in the following cases:

1) liquidation of the employer - legal entity or termination of the activity of the employer - individual;

2) reduction in the staff number or workers;

3) decrease in the volume of production, work performed and services rendered, which led to worsening of the economic state of the employer;

4) non-compliance of the employee with the position held or the work performed due to insufficient qualification, confirmed by the results of attestation;

4-1) non-compliance of the employee with the requirements for professional activity established by the Laws of the Republic of Kazakhstan;

5) repeated failure of tests of the employee, the head and the person responsible for ensuring health and safety of work;

5-1) deprivation of the qualification certificate "appraiser";

6) non-compliance of the employee with the position held or work performed due to the state of health, which prevents continuation of this work and excludes the possibility of its continuation;

7) a negative result of work during the probation period;

8) absence of an employee at work without reasonable excuse for three or more consecutive hours in a single working day (working shift);

9) finding an employee at work in a state of alcohol, narcotic, psychotropic, drug abuse intoxication (its analogues), including in cases of use the substances that cause a state of alcohol, narcotic, drug abuse intoxication (its analogues) during a working day;

10) refusal to undergo a medical examination to establish the fact of use of substances causing a state of alcohol, drug, toxicomaniac intoxication;

11) violations by the employee of the rules of labor protection or fire safety or traffic safety in transport, which entailed or could have serious consequences for the health and safety of employees, including industrial injuries and accidents;

12) the employee at the place of work stealing someone else's property (including small ones), deliberately destroying it or damaging it, established by a verdict or court order that entered into legal force;

13) committing guilty actions or inactions of an employee serving monetary or commercial values, as well as using his official position in his interests or in the interests of a third person contrary to the interests of the employer in return for obtaining material or other benefits for himself or other persons, if these actions or inactions give grounds for loss of confidence in him by the employer;

14) committing an immoral offense by an employee performing educational functions incompatible with continuation of this work;

15) disclosure by an employee of information constituting state secrets and other secrets protected by law, which have become known to him in connection with performance of his duties;

16) a repeated non-fulfillment or repeated improper performance of labor duties without reasonable excuse by the employee, having a disciplinary sanction;

17) submission of deliberately false documents or information by the employee to the employer when entering into an employment contract or transferring to another job if the original documents or information could be grounds for refusing to conclude an employment contract or transfer to another job;

18) violation of employment duties by the head of the employer's executive body, his deputy or the head of the branch, representative office and (or) other separate structural subdivision of the employer, determined by the employer's act, which caused material damage to the employer;

19) termination of the employee's access to state secrets in cases established by the laws of the Republic of Kazakhstan;

20) absence of an employee from work for more than two months in a row due to temporary disability, except for cases when the employee is on maternity leave, and if the disease is included in the list of diseases for which a longer period of disability is established, approved by the authorized state body in health area.

The employee who has lost his ability to work due to an occupational injury or occupational disease, retains the place of work (position) until the ability is restored or disability is established;

21) the employee commits a corruption offense that excludes, in accordance with the enforced judicial act, the possibility of further work, except for the cases directly stipulated by the laws of the Republic of Kazakhstan;

22) continuation of the employee's participation in the strike after bringing to his attention the court's decision to recognize the strike as illegal or to suspend the strike;

23) early termination of the powers of the head of the executive body, members of the collegial executive body of a legal entity or the powers of a separate member of the executive body of a legal entity, as well as in accordance with the Law of the Republic of Kazakhstan " On joint stock companies" of employees of the internal audit service and corporate secretary by decision of the founder, owner of the property of the legal entity or authorized by the founder, owner of the person (body) or authorized body of the legal entity;

24) the employee reaches the retirement age established by the Social Code of the Republic of Kazakhstan, with the right to extend the term of the employment contract annually by mutual agreement of the parties;

25) absence of an employee from work for more than one month for reasons unknown to the employer.

1-1. An employment contract with an employee at the initiative of the employer shall be subject to termination in the following cases:

1) the presence of citizenship of a foreign state by the head, his deputy, a member of the collegial governing body of the subject of the quasi-state sector - a citizen of the Republic of Kazakhstan;

2) committing a corruption crime by an employee of the quasi-public sector.

Note!

Paragraph 1-1 is provided to be supplemented with subparagraph 3) in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (shall be enforced from 01.01.2027).

2. An employment contract on part-time employment may be terminated at the initiative of the employer in the event of conclusion of an employment contract with the employee for whom this work will be the main one.

Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 134-VI dated 10.01.2018 (shall be enforced upon expiry of six months after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 30.12.2020 № 393-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 02.01.2021 № 405-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 53. Procedure for termination of an employment contract at the initiative of the employer

1. The employer, upon termination of the employment contract on the grounds stipulated in Article 52, paragraph 1, subparagraphs 1) and 2) of this Code, shall notify the employee of the termination of the employment contract at least one month in case the employment and collective agreements do not provide for a longer notice period. With the written consent of the employee, termination of the employment contract can be made before the expiration of the notification period.

It is not allowed to terminate an employment contract with employees before reaching the retirement age established by the Social Code of the Republic of Kazakhstan, who have less than two years left, on the grounds provided for in subparagraphs 2) and 4) of paragraph 1 of Article 52 of this Code, without a positive decision of the commission created from an equal number of representatives from the employer and representatives of employees.

2. Upon termination of an employment contract on the basis provided for in Article 52, paragraph 1, subparagraph 3) of this Code, the employer shall notify employees of termination of the employment contract within fifteen working days, if the employment and collective agreements do not provide for a longer notice period. By agreement of the parties, the notice period may be replaced by payment of salaries proportional to the unworked period . In the notification, the employer shall be obliged to indicate the reasons for the termination of the employment contract.

Termination of an employment contract for this reason is possible provided that the following conditions are met simultaneously:

1) closure of the structural unit (shop, site);

2) absence of possibility of transferring the employee to another job;

3) notification for at least one month of representatives of employees indicating the reasons for termination of the employment contract (the existence of a direct connection between the economic changes of the employer and the need to terminate the employment contract).

3. Termination of an employment contract on the basis provided for by subparagraph 4) of paragraph 1 of Article 52 of this Code should be based on the decision of the attestation commission, which must include a representative of employees, unless otherwise stipulated by the laws of the Republic of Kazakhstan.

The procedure, conditions and frequency of attestation of employees are determined by the collective contract or the act of the employer.

4. Termination of an employment contract on the basis provided for by subparagraph 5) of paragraph 1 of Article 52 of this Code should be based on the decision of the examination commission, set up in the manner established by the legislation of the Republic of Kazakhstan .

5. In order to terminate an employment contract on the basis provided for in subparagraph 6) of paragraph 1 of Article 52 of this Code, the non-compliance of the employee with the position held or the work performed due to the state of health that prevents continuation of this work must be confirmed by a medical certificate in the manner established by the legislation of the Republic of Kazakhstan.

6. Termination of the employment contract on the grounds provided for by subparagraphs 8), 9), 10), 11), 12), 14), 15), 16), 17) and 18) of paragraph 1 of Article 52 of this Code shall be carried out in compliance with the procedure for applying the disciplinary sanction provided for in Article 65, and the requirements of Article 66 of this Code.

7. Termination of a labour contract on the basis provided by Subparagraph 9) of Paragraph 1 of Article 52 of this Code must be confirmed by medical conclusion.

The decision to send the employee for medical examination shall be made by the employer's representative.

7-1. Termination of an employment contract on the basis provided for in Article 52, paragraph 1, subparagraph 10) of this Code shall be confirmed by the act of refusal of the employee to undergo a medical examination.

7-2. Termination of an employment contract on the basis provided for in Article 52, paragraph 1, subparagraph 13) of this Code shall be confirmed by an internal investigation act indicating in it justifications confirming the commission of guilty acts or inaction by the employee. The procedure for internal investigation shall be established by an act of the employer.

8. Termination of an employment contract on the basis provided for in Article 52, paragraph 1, subparagraph 20) of this Code shall be allowed after the employee presents a certificate of temporary incapacity for work.

9. Termination of an employment contract on the grounds provided for in subparagraph 24) of paragraph 1 of Article 52 of this Code is allowed upon reaching the retirement age established by the Social Code of the Republic of Kazakhstan, with notification of the employee after reaching retirement age at least one month before the date of termination of the employment contract and payment of compensation in the amount determined by the labor , collective agreements and (or) an act of the employer.

10. Termination of an employment contract on the basis provided for in Article 52, paragraph 1, subparagraph 25) of this Code shall be allowed if the employee does not provide information about the reasons for the absence within ten calendar days from the date of the employer sending the employee an act of absence by mail by registered letter with notification of its delivery.

11. Termination of an employment contract on the basis provided for in Article 52, paragraph 1-1, subparagraph 1 of this Code shall be carried out on the basis of the submission of the internal affairs bodies of the Republic of Kazakhstan or the diplomatic service bodies of the Republic of Kazakhstan.

12. Termination of an employment contract on the basis provided for in Article 52, paragraph 1-1, subparagraph of this Code shall be carried out on the basis of:

1) a court conviction for the commission of a corruption crime that has entered into legal force;

2) The decision of the court that has entered into force or the decision of the prosecution body approved by the prosecutor on the termination of a criminal case on the basis of Article 36, part one, paragraphs 3), 4), 9), 10) and 12) of the Code of Criminal Procedure of the Republic of Kazakhstan.

Note!

Article 53 is provided to be supplemented with paragraph 13 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (effective from 01.01.2027).

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); № 165-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 30.12.2020 № 393-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 54. Limitation of possibility of termination of an employment contract at the initiative of the employer

1. Termination of the employment contract at the employer's initiative during the period of temporary incapacity for work and the employee's stay on vacation shall be prohibited, except in the cases provided for in Article 52, paragraph 1-1, subparagraphs 1), (18), 20) and 23) of this Code.

2. Termination of an employment contract at the initiative of the employer on the grounds provided for in subparagraphs 2) and 3) of paragraph 1 of Article 52 of this Code is not allowed with pregnant women who have provided the employer with a pregnancy certificate, women with children under the age of three, single mothers raising a child under the age of fourteen (a child with disabilities under eighteen years of age), other persons raising this category of children without a mother.

Footnote. Article 54 as amended by the Law of the RK dated 30.12.2020 № 393-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 55. Ground and procedure for termination of an employment contract in connection with transfer of an employee to another legal entity

1. The employment contract with the employee shall be terminated due to its transfer to another legal entity:

1) more than fifty percent of shares (shares in the authorized capital) of which directly or indirectly belong to the employer with whom the employment contract shall be terminated;

2) which directly or indirectly shall own more than fifty percent of the shares (shares in the authorized capital) of the employer with whom the employment contract terminates;

3) more than fifty percent of the shares (shares in the authorized capital) of the specified legal entity and the employer with whom the employment contract is terminated belong to the same legal entity.

1-1. An employment contract with a civil servant shall be terminated in connection with his transfer to work in another state institution, state-owned enterprise, if the requirement of Article 139, paragraph 8 of this Code is fulfilled.

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

Footnote. Article 55 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

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

1. The employee shall have the right, on his own initiative, to terminate the employment contract by notifying the employer thereof at least one month in advance, except as provided for in this Article, paragraph 3. The employment contract shall allow for the establishment of a longer period of notification by the employer's employee of the termination of the employment contract.

2. An employment contract at the initiative of an employee may be terminated before the expiry of the notice period provided for in paragraph 1 of this article, with the written consent of the employer.

3. The employee shall have the right to notify the employer of the failure of the employer to comply with the terms of the employment contract. If, after seven working days from the date of notification, non-fulfillment of the terms of the employment contract by the employer continues, the employee has the right to terminate the employment contract by notifying the employer no later than three working days.

4. Within the period of notice provided for in this Article, the notice may be withdrawn by the employee.

5. After the expiry of the notice period specified in this article, the employee has the right to stop work, except for cases of non-completion of the acceptance / transfer of the employer's property (documentation) through the fault of materially responsible persons. The day of termination of the employment contract with materially responsible employees is the day of completion of the acceptance and transfer of the employer's property (documentation).

Footnote. Article 56 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 57. Grounds for termination of employment contract for circumstances beyond the control of the parties

1. The employment contract is subject to termination for the following circumstances beyond the control of the parties:

1) when local executive bodies revoke a permit to hire foreign labor or when a foreigner's residence permit in the Republic of Kazakhstan or a stateless person's certificate expires;

2) upon entry into legal force of a court verdict by which an employee or an employer - an individual - is sentenced to a punishment excluding the possibility of continuing labor relations;

3) in the event of the death of an employee or an employer - an individual, as well as in case of declaring an employee or an employer - individual dead or recognizing as missing by the court;

4) in case the court recognizes the employee as incapable or incapacitated, due to which the employee does not have the opportunity to continue employment relationship;

5) in case of restoration of an employee at work who previously performed this work;

6) when an employee enters military service under a contract, service in law enforcement and special government agencies, civil defense agencies, from the date the employee presents the relevant document, no later than three working days.

2. The date of termination of the employment contract on the grounds specified in subparagraphs 2), 3) and 4) of paragraph 1 of this article is the date of entry into legal force of the sentence or decision of the court, the date of death of the employee or employer - an individual.

Footnote. Article 57 as amended by the Article 204 of the Labour code of the Republic of Kazakhstan dated 23.11.2015 № 414-V (shall be enforced from 01.01.2017); as amended by the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 16.05.2024 № 82-VIII (effective ten calendar days after the date of its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 58. Grounds for termination of employment contract when the employee refuses to continue the employment relationship

1. An employment contract with an employee is subject to termination if the employee refuses to continue employment relationships in the following cases:

1) the employee's refusal to transfer to another locality together with the employer;

2) the employee’s refusal to continue working in connection with changes in working conditions;

3) the employee's refusal to temporary transfer to another job due to his state of health when he gets an industrial injury, occupational disease or other health damage that is not related to production in connection with performance of his duties.

2. Termination of the employment contract shall be permitted if the employee refuses to continue the employment relationship in written form or if there is an act certifying the employee's refusal to submit a written refusal to continue the employment relationship.

3. Termination of the employment contract is not allowed on the grounds specified in paragraph 1 of this article during the period of temporary disability of the employee (including maternity leave) and a leave.

Footnote. Article 58 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 59. Procedure for termination of an employment contract in connection with transfer of an employee to an elective work (position) or appointment to a position

An employment contract with an employee is terminated due to his / her transfer to an elective work (position) or appointment to a position, if the laws of the Republic of Kazakhstan prohibit holding of other paid positions for the persons holding such positions.

The grounds are the notification by the employee of the employer and the act of election or appointment of the employee to work (position).

Article 60. Grounds for termination of employment contract due to violation of terms of employment contract

The employment contract is subject to termination due to violation of the terms of the employment contract, if this violation excludes the possibility of continuing labor relations in cases of:

1) conclusion of an employment contract for performance of work that is contraindicated to the employee for health reasons on the basis of a medical report;

2) conclusion of an employment contract for performance of work in violation of an effective sentence or court order, by which a person is deprived of the right to hold certain positions or engage in certain activities;

3) conclusion of an employment contract with foreigners and stateless persons without obtaining qualification certificates in accordance with the established procedure for independent employment or permission to employ foreign labor or without compliance with restrictions or exemptions established by the laws of the Republic of Kazakhstan;

4) conclusion of an employment contract with a foreign employee of a state agency with violation of the requirements established by normative legal acts of the Republic of Kazakhstan;

5) conclusion of an employment contract with the persons specified in paragraph 2 of Article 26 of this Code;

6) in other cases provided for by this Code, laws of the Republic of Kazakhstan and other normative legal acts of the Republic of Kazakhstan.

Footnote. Article 60 as amended by the Article 204 of the Labour code of the Republic of Kazakhstan dated 23.11.2015 № 414-V (shall be enforced from 01.01.2017).

Article 61. Documentation of employment contract termination

1. Termination of the employment contract is documented by the employer's act, with the exception of termination of the employment contract in the event of death (declaring by the court as dead or recognition as missing) of the employer- individual and termination of the employment contract with local workers.

2. The employer's act must indicate the grounds for termination of the employment contract in accordance with this Code.

3. A copy of the employer's certificate on termination of the employment contract shall be given to the employee or sent to him by mail by registered letter with notification of his delivery within three working days from the date of publication of the employer's certificate.

Footnote. Article 61 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

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

1. On the day of termination of the employment contract, the employer must issue a document confirming the employee's work activity.

2. At the request of the employee (including the former), the employer must, within five working days from the date of the application, issue a certificate indicating the specialty (qualification, position), period of work and salary, a recommendation, containing information on qualifications of the employee and his attitude to work, as well as other documents provided for by this Code.

3. In the event of liquidation, bankruptcy of the employer - legal entity, termination of the activity of the employer - individual, the employer is obliged, in the presence of debt to the employee, to issue a certificate of the amount of the arrears in wages and other payments, properly documented.

CHAPTER 5. WORK REGULATIONS. LABOR DISCIPLINE

Article 63. Labor regulations

1. The labor regulations are approved by the employer.

2. The labor regulations establish working hours and rest periods for employees, conditions for ensuring labor discipline, and other issues of regulating labor relations.

Article 64. Disciplinary sanctions

1. For commission of a disciplinary offense by employee, the employer or the first head of national managing holding in the cases provided by the Laws of the Republic of Kazakhstan shall have the right to apply the following types of disciplinary sanctions:

1) a remark;

2) a reprimand;

3) a severe reprimand;

4) termination of the employment contract at the initiative of the employer on the grounds provided for by subparagraphs 8), 9), 10), 11), 12), 14), 15), 16), 17) and 18) of paragraph 1 of Article 52 of this Code.

2. The use of disciplinary sanctions not provided for by this Code and other laws of the Republic of Kazakhstan is not allowed.

Footnote. Article 64 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 65. Procedure for applying disciplinary sanctions

1. Disciplinary sanctions shall be imposed by the employer by issuing an act of the employer, except in cases provided for by the Laws of the Republic of Kazakhstan. In cases provided for by the Laws of the Republic of Kazakhstan, the provisions of this Article and

Article 66 of this Code shall apply when a disciplinary sanction is imposed by the first head of the national management holding.

2. Prior to the application of a disciplinary sanction, the employer must request an explanation from the employee in writing (on paper or in the form of an electronic document certified by electronic digital signature) or in electronic form with the provision of authorization and identification of the employee.

The requirement to provide an explanation of the fact of the committed disciplinary misconduct shall be drawn up in written form (on paper or in the form of an electronic document certified by electronic digital signature) and shall be awarded to the employee personally or by courier mail, mail, fax, e-mail and other information and communication technologies confirming receipt of the employer's request.

If the employee evades or refuses to receive the request, the representative of the employer shall draw up a corresponding act.

If the employee does not provide an explanation after two working days from the date of receiving the claim or drawing up an act of evasion or refusal to receive the claim, the representative of the employer shall draw up a corresponding act.

Failure by the employee to provide an explanation shall not be an obstacle to disciplinary action.

3. For each disciplinary offense, only one disciplinary sanction may be applied against the employee.

4. The employer's act on imposing a disciplinary sanction on an employee may not be issued in the period of:

1) temporary disability of the employee;

2) the release of the employee from work for performance of the state or public duties;

3) finding an employee on vacation or rotational vacation;

4) finding an employee on a business trip.

5) conduct an investigation of an accident related to work activity against persons who have committed violations of health and safety requirements;

6) participation of the employee performing military service in the reserve in training sessions or combat readiness assemblies, assemblies held in response to crisis situations;

7) the presence of an employee as a volunteer firefighter at events to prevent and extinguish wildfires, as well as fires in organizations and populated areas.

5. The act on imposing a disciplinary sanction shall be declared to the employee subjected to disciplinary sanction against the signature within three working days from the date of its publication. In the event of an employee refusing to confirm familiarization with the employer’s act with his / her signature, an appropriate entry in the act on imposing a disciplinary sanction is made.

If it is not possible to familiarize the employee personally with the employer's act on the imposition of a disciplinary sanction, the employer must send the employee a copy of the act

on the imposition of a disciplinary sanction by mail by registered letter with a notification of its delivery within three working days from the date of issuance of the employer's act.

Footnote. Article 65 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 18.03.2025 № 175-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 66. Term of imposing and duration of disciplinary sanction

1. Disciplinary sanction for an employee is imposed directly upon revelation of a disciplinary offense, but not later than one month from the date of its detection, with the exception of cases stipulated by paragraph 4 of Article 65 of this Code and other laws of the Republic of Kazakhstan.

In cases stipulated in Article 176 of this Code, disciplinary sanctions shall be imposed not later than one month after the entry into legal force of the court decision on recognizing the strike as illegal.

2. A disciplinary penalty cannot be applied later than six months from the date of the commission of a disciplinary offense, and in cases established by the laws of the Republic of Kazakhstan, or the establishment of a disciplinary offense based on the results of an audit or inspection of the financial and economic activities of the employer - later than one year from the date of the employee's disciplinary offense.

3. Consideration of the issue of disciplinary liability and the course of the period for imposing a disciplinary sanction shall be suspended during the period:

1) absence of the employee at work due to temporary disability;

2) release from work for the performance of state or public duties;

3) being on vacation, business trip or inter-shift rest;

4) proceedings in a criminal case, a case of an administrative offense, as well as before the entry into force of a judicial act or an act of an official authorized to consider cases of administrative offenses affecting the decision of the issue of disciplinary liability of an employee;

5) attendance by an employee of training, retraining, refresher courses and internships;

6) the employee's judicial appeal against the employer's acts on the commission of a disciplinary offense.

7) conduct an investigation of an accident related to work activity against persons who have committed violations of health and safety requirements;

8) recognition of professional qualifications in accordance with the Law of the Republic of Kazakhstan "On professional qualifications";

9) participation of the employee performing military service in the reserve in training sessions or combat readiness assemblies, assemblies held in response to crisis situations;

10) the presence of an employee as a volunteer firefighter at events to prevent and extinguish wildfires, as well as fires in organizations and populated areas.

4. The period of disciplinary sanction may not exceed six months from the date of its application, except for termination of the employment contract on the grounds provided for by this Code.

5. An employer who has imposed a disciplinary sanction on an employee has the right to remove it ahead of schedule by issuing an employer's act.

Footnote. Article 66 as amended by Law of the Republic of Kazakhstan № 273-VI dated 26.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication); dated 18.03.2025 № 175-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

CHAPTER 6. WORKING HOURS

Article 67. Working hours and its types

1. Periods of preparatory-final work (obtaining a task-order, materials, tools, acquaintance with equipment, documentation, preparation and cleaning of the workplace, delivery of finished products, etc.), breaks provided for by technology, labor organization; labor safety and protection regulations; the time of presence or waiting of work in the workplace, when the employee does not have free time; duty on holidays and weekends; duty at home, as well as other periods that, in accordance with labor, collective contracts, acts of the employer or normative legal acts of the Republic of Kazakhstan, relate to working hours.

2. Working hours can be of normal duration, reduced duration and incomplete.

For employees working part-time (shift) and (or) part-time working week, or when applying joint employment, the normal number of working hours on the balance of working time for the corresponding calendar year is reduced accordingly.

Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 68. Normal duration of working hours

1. Normal duration of working hours should not exceed 40 hours per week.

2. An employment contract may provide for shorter working hours with payment for normal duration of working hours.

3. The total duration of daily work at the place of main work and part-time work should not exceed the norm of duration of daily work, established by paragraph 4 of Article 71 of this Code, for more than 4 hours.

4. For employees caring for a sick family member in accordance with a medical report, one of the parents (adoptive parent) having a child (children) under the age of three, single mothers raising a child under the age of fourteen (a child with a disability under eighteen), other persons raising the specified category of children without a mother, for students to perform work in their free time that does not harm their health and does not violate the learning process, for employees who are under retirement age, established by the Social Code of the Republic of Kazakhstan, with less than two years left or those who have reached the specified retirement age, the use of joint employment is allowed by agreement of the parties.

Part-time work does not entail restrictions for the employee in the duration of paid annual leave, calculation of work experience and other rights in the field of labor established by this Code, labor, collective agreements, contracts.

Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 69. Reduced duration of working hours for certain categories of employees

1. For employees who have not reached the age of eighteen, the reduced working hours are established:

1) for workers aged from fourteen to sixteen - not more than 24 hours per week;

2) for workers aged from sixteen to eighteen - not more than 36 hours per week.

2. For workers engaged in heavy work, work with harmful and (or) dangerous working conditions, the reduced working hours are established - not more than 36 hours per week according to the List of industries, workshops, professions and positions, the list of heavy work, work with harmful and (or) dangerous working conditions.

The reduced working hours set by this paragraph apply to workers whose work in heavy, harmful and (or) dangerous conditions is confirmed by the results of attestation of production facilities for working conditions.

In the event that the employer fails to certify the production facilities for working conditions, as well as for workplaces that are not subject to certification, the reduced working hours are provided in full according to the List of industries, workshops, professions and positions, the list of heavy work, work with harmful and (or) dangerous working conditions.

The employees of the guiding party shall be provided with a reduced working time based on the results of certification of production facilities according to the working conditions of the receiving party.

3. Employees with disabilities of the first and second category are assigned a reduced working time – no more than 36 hours per week..

4. Payment for labor of employees when establishing their reduced working hours is made in accordance with this Code.

Footnote. Article 69 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 70. Incomplete working hours

1. When concluding an employment contract, as well as in the process of labor relations, an employee may be provided with the incomplete working hours by a written agreement between the employee and the employer.

Incomplete working hours is considered to be the time that is less than the normal duration established by this Code, including:

1) part-time work, that is, a reduction in the norm of duration of daily work (working shift);

2) part-time work week, that is, a reduction in the number of working days in the working week;

3) simultaneous reduction of the norm of the duration of daily work (working shift) and reduction of the number of working days in the working week.

2. Part-time work does not entail restrictions on duration of paid annual leave, calculation of length of service and other rights in the labor area established by this Code, labor, collective contracts, agreements.

3. At the written request of a pregnant woman, one of the parents (adopter) with a child (children) under the age of three, as well as an employee caring for a sick family member in accordance with a medical report, the employer shall be obliged to establish a part-time regime for them.

Footnote. Article 70 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 71. Working pattern

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

2. In organizations where introduction of a five-day workweek is inappropriate due to nature of production and working conditions, a six-day workweek is established with one day off.

3. A five-day or six-day working week shall be established by the employer in accordance with the terms of the labor and collective contracts or the employer's act.

By agreement of the parties in the employment contract, it is allowed to establish a four-day working week with the right to alternate with a five-day or six-day working week.

4. Duration of daily work may not exceed 8 hours, except for cases stipulated by this Code and other laws of the Republic of Kazakhstan

5. Duration of daily work (working shift), the time of commencement and completion of daily work (working shift), the time of breaks in work are determined in accordance with the conditions established by labor rules, labor and collective contracts.

6. For creative workers of professional organizations of art and cultural entertainment, mass median employee s, athletes, coaches, a different duration of daily work (working shift) may be established in accordance with the labor legislation of the Republic of Kazakhstan, acts of the employer, collective or employment contracts.

Footnote. Article 71 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 72. Division of daily work (working shift) into parts

1. Division of daily work (working shift) into parts is allowed:

1) at works with different intensity of work;

2) at the initiative of the employee, if this is due to his social conditions and other personal needs.

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

3. Types of work, where division of daily work (working shift) into parts is made, the number and duration of breaks in work, as well as the types and amounts of compensation payments to employees for working with such conditions are determined by labor, collective contracts.

Breaks associated with division of daily work (working shift) into parts are provided for employees' rest and do not apply to working hours.

Article 73. Shiftwork

1. Shift work may be established in cases where duration of production process exceeds the permissible duration of daily work.

2. With shift work, the duration of a shift, transition from one shift to another, is established by shift schedules.

3. Shift schedules are brought to the attention of employees by the employer not later than ten calendar days before they are put into effect.

The period of familiarization with the shift schedule may be shortened in the case of hiring an employee or transferring an employee to another job during shift work.

4. The involvement of an employee to work for two consecutive working shifts is prohibited, except for the cases provided for in Article 86 of this Code.

Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 73-1. Rolling work hours

1. Taking into account the specifics of the work, the employer has the right in the rules of the labor regulations to establish rolling work hours for employees, work on different days of the week with different duration of the work schedule in compliance with the restrictions of the daily working time of no more than 11 hours with the use of cumulative working time accounting.

2. The accounting period for a rolling work schedule is the period within which the norm of daily and (or) weekly working hours established for this category of employees must be observed on average, but not more than a quarter.

3. When working in a rolling work schedule, the beginning, end or total duration of the working day (shift) are determined by the rules of the labor regulations, the employment contract or the shift schedule.

Footnote. Chapter 6 is supplemented by Article 73-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 74. Flexible work schedule

1. For employees, including those employed in remote work, a flexible working time regime can be established in order to combine their social and domestic and other personal needs with the interests of production.

2. In the flexible work schedule mode:

1) fixed working hours;

2) flexible (variable) working hours, during which the employee has the right, at his discretion, to perform labor duties;

3) the record period

are established.

3. The record period for flexible working schedule is the period within which the average duration of working hours established for this category of employees should be observed.

4. The record period for flexible working hours may not exceed six months.

5. Duration of daily work (working shift) and (or) weekly work in flexible working schedule may be more or less than the norm of daily and / or weekly working hours.

6. Duration of fixed work schedule, flexible (variable) working hours, record period in the flexible work schedule are established by the employer's act, labor or collective contracts.

Footnote. Article 74 as amended by the Law of the RK dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 75. Summarized recording of working hours

1. Summarized recording of working hours is applied in continuously operating industries , workshops, sections and in some types of work, where, according to the conditions of production (work), the daily or weekly working hours established for this category of workers may not be observed.

2. The recording period for the summarized recording of working hours is the period within which the average daily and / or weekly working hours for the given category of employees must be observed.

For employees working part-time (shift) and (or) part-time working week, or when applying joint employment, the normal number of working hours for the accounting period decreases accordingly.

3. The recording period for the summarized recording of working hours can be any calendar period, but not more than one year or the period of performance of a certain work.

4. In establishing the summarized recording of working hours, it is mandatory to observe the duration of the employee's rest between the end of the job and its beginning on the next working day (working shift).

5. The procedure for work in the summarized recording of working hours, the category of employees for whom a summarized recording of working hours is established, are determined by the collective contract or the employer's act.

6. Attraction of employees who have not reached the age of eighteen, to work with application of the summarized recording of working hours is not allowed.

7. The use of the summarized recording of working hours for pregnant women is not allowed if a working day (working shift) is longer than eight hours.

8. It is not allowed to use cumulative time worked record for employees with disabilities of the first category.

The cumulative time worked record for employees with disabilities of the second and third categories cannot be established if such a mode is prohibited to them on the basis of the conclusion of the expert occupational pathology commission.

9. Upon termination of the employment contract before the end of the accounting period, the employee has the right to be paid overtime hours on the same terms for the time worked since the beginning of the accounting period until the date of termination of the employment contract.

Footnote. Article 75 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 76. Night work

1. The night time is considered to be the time from 22.00 to 06.00.

2. They are not allowed to work at night:

employees under the age of eighteen;

pregnant women who provided the employer with a certificate of pregnancy.

3. Involvement of employees with disabilities to work at night is allowed only with their written consent, provided that such work is not prohibited to them for health reasons in accordance with the medical report.

4. The employer shall not be entitled to employ the following workers for night work without a written consent:

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

2) employees bringing up disabled children up to the age of eighteen.

Footnote. Article 76 as amended by the Law of the RK dated 12.10.2021 № 67-VII ЗРК (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 77. Overtime work

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

2. Overtime work without the consent of the employee is allowed in the following cases:

1) when carrying out works necessary for the defense of the country, the introduction of an emergency or martial law, the declaration of an emergency, as well as to prevent emergencies, natural disasters or industrial accidents or the immediate elimination of their consequences, or when introducing other restrictive measures, including quarantine, by decision of state bodies or their officials;

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

3) to continue the work if the replaced employee does not show up, if the work does not allow a break, with immediate measures taken to replace him by the other employee;

4) to provide emergency and urgent assistance to citizens who are threatened with loss of health or death.

3. The following workers are not allowed to work overtime:

1) pregnant women who have provided the employer with a certificate of pregnancy;

2) under the age of eighteen;

3) persons with disabilities.

Footnote. Article 77 as amended by the Law of the Republic of Kazakhstan dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 78. Maximum number of overtime works

1. Overtime work should not exceed two hours per day for each employee, and one hour for heavy work, work with harmful and (or) dangerous working conditions.

2. The total duration of overtime work should not exceed twelve hours per month for a four–day, five-day and six-day working week and one hundred and twenty hours per year - when establishing a cumulative accounting of working time.

3. Limitation of the maximum number of overtime work does not apply to the works in the cases provided for by subparagraphs 1) and 4) of paragraph 2 of Article 77 of this Code.

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 79. Procedure for recording of working hours

1. The employer is obliged to keep a record of the working hours actually worked by the employee.

2. The time worked and unworked by the employee is subject to be recorded. At that, the overtime work, night work, weekends, holidays, days of business trips are separately taken into account.

3. The form and procedure for keeping time records shall be determined by the employer's act.

4. In cases when during the working hours of the employee the periods of work performed out of the workplace are included or their performance may not be recorded by the employer within a specific time, these periods are noted in the records of working hours as performance of the scope of work established by the employment contract.

Footnote. Article 79 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 7. REST TIME

Article 80. Types of rest time

The types of rest time are:

1) breaks during a working day (working shift):

break for rest and eating;

inter-shift and special breaks;

2) daily (inter-shift) rest;

3) days off (rotational rest);

4) holidays;

5) leave.

Article 81. Break for rest and eating

1. During the daily work (working shift), the employee must be given one break for rest and eating for at least half an hour.

2. The time for a break for rest and eating, its duration is established by the rules of the labor schedule, labor, collective contracts.

3. The break time for rest and eating is not included in the working hours. At works where a break is impossible under the production conditions, the employer must provide the employee with the opportunity to rest and eat during working hours in a specially equipped place. The list of such works, the order and place for rest and eating are set by the collective contract or acts of the employer.

Article 82. Inter-shift and special breaks

1. In certain types of work, employees shall be provided with interchange breaks due to the technology and organization of production and labor, which shall be included in working hours. The types of such work, the duration and the procedure for granting such breaks shall be determined by a collective agreement or acts of the employer, unless otherwise established by the legislation of the Republic of Kazakhstan.

2. Workers who work in the cold or hot seasons in the open air, in closed unheated rooms, as well as those engaged in loading and unloading works, have special breaks for heating or cooling and rest, which are included in the working hours. The employer is obliged to equip premises for heating, cooling and rest of workers.

3. Working women with children under the age of one and a half years, fathers (adoptive parents) raising children under the age of one and a half years without a mother, are given additional breaks for feeding a child (children) at least every three hours of work of the following duration:

1) having one child, - each break of at least thirty minutes;

2) having two or more children, - each break for at least one hour.

4. Breaks for feeding a child (children) at the request of the employee specified in paragraph 3 of this article, are added to a break for rest and eating or the summarized breaks are provided at the beginning or the end of the working day (shift).

5. Breaks for feeding a child (children) are included in the working hours. During the breaks, women, fathers, adoptive parents retain the average wage.

Footnote. Article 82 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 83. Duration of daily (inter-shift) rest

Duration of a daily (inter-shift) rest of an employee between the end of work and its beginning next day (working shift) may not be less than twelve hours.

Article 84. Weekend

1. Weekly employees are given weekends.

2. In a five-day workweek, employees are given two days off per week, and in a six-day workweek - one day off.

3. For a five-day, six-day or four-day working week, Sunday is the general day off. The second or third day off for a five-day and (or) four-day working week is established by a collective agreement or labor regulations.

4. Employees (a group of employees), employed in continuous productions or production, whose work may not be stopped on weekends due to production and technical conditions or due to the need for constant continuous service to the population, as well as working shifts, the days off are provided on different days of the week alternately according to shift schedules (watch schedules).

4-1. Employees (a group of employees) with a rolling work schedule have a working week with the provision of days off on a rolling schedule on various days of the week in accordance with the provisions of the employment contract or shift schedules.

5. The first day of the Kurban-ait, celebrated according to the Muslim calendar, January 7 - Orthodox Christmas are the days off, regardless of the operating modes and shift schedules used (watch schedules).

6. An employee, being on a business trip, enjoys the days off in accordance with the rules of the employer's work schedule to which he is sent.

Footnote. Article 84 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 85. Work on weekends and holidays

1. In order to attract employees working on a shift schedule or on a rotational basis according to the watch schedule, to work on holidays, as well as on weekends stipulated in paragraph 5 of Article 84 of this Code, the written consent of employees and the issuance of the employer's act are not required.

Work on weekends and holidays shall be permitted with the written consent of the employee or at his request on the basis of an act of the employer, except as provided for in Article 86 of this Code.

2. For work on weekends and holidays, the employee, at his request, is given another day of rest or payment is made in the amount specified in Article 109 of this Code.

3. For the purpose of rational use of working time during holidays, as well as on weekends provided for in paragraph 5 of Article 84 of this Code, the authorized body on labor has the right to transfer weekends to other working days.

4. It is prohibited to attract pregnant women who have provided a pregnancy certificate to their employer for work on weekends and holidays.

Footnote. Article 85 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 86. Exceptional cases of involvement in work on weekends and holidays without the consent of the employee

Attraction to work on weekends and holidays without the consent of the employee is allowed in the following cases for:

1) prevention of emergencies, natural disasters or industrial accidents, or immediate elimination of their consequences;

2) prevention and investigation of accidents related to work, loss of or damage to property ;

3) performance of urgent, unforeseen work, the urgent fulfillment of which influence the further normal work of the organization as a whole or its individual units.

Article 87. Types of leave

1. Employees are given the following types of leave:

1) paid annual labor leave;

2) social leave.

2. Paid annual leave is intended for rest of an employee, restoring health, improving health and other personal needs of an employee and is provided for a certain number of calendar days with preservation of the place of work (position) and average salary.

3. Employees are provided with the following types of paid annual labor leave:

1) the main paid annual labor leave;

2) additional paid annual labor leave.

4. Social leave refers to the release of an employee from work for a certain period in order to create favorable conditions for motherhood, undergo screening studies, child care, and in-service education and for other social purposes.

5. Employees are provided with the following types of social leave:

1) leave without pay;

2) study leave;

3) leave in connection with pregnancy and the birth of a child (children), the adoption of a newborn child (children);

4) leave without pay to care for a child until he reaches the age of three.

5) leave to undergo screening tests in the amount of not more than three working days during the year;

6) leave for medical registration for pregnancy up to twelve weeks in the amount of at least three working days.

The period of being on social leave is included in the length of service, unless otherwise stipulated by the laws of the Republic of Kazakhstan.

6. Granting leave is issued by the act of the employer.

Footnote. Article 87 as amended by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 88. Duration of the main paid annual leave

The main paid annual leave for employees is given for a period of twenty-four calendar days, unless more days are provided for by this Code, other normative legal acts of the Republic of Kazakhstan, labor, collective contracts and acts of the employer.

Article 89. Additional paid annual leave

1. Additional paid annual leave is granted:

1) to workers engaged in heavy work, work with harmful and (or) dangerous working conditions, lasting not less than six calendar days according to the List of industries, workshops, professions and positions, the list of heavy work, work with harmful and (or) dangerous working conditions.

Additional paid annual leave is granted to employees whose work in difficult, harmful and (or) dangerous conditions is confirmed by the results of attestation of production facilities for working conditions.

In the event that the employer fails to certify production facilities for working conditions, and also for workplaces that are not subject to certification, additional paid annual leave is provided in full according to the List of industries, workshops, professions and positions, the list of heavy work, work with harmful and (or) dangerous working conditions;

2) persons with disabilities of the first and second categories for at least six calendar days.

Additional paid annual work leave shall be granted to employees of the sending party based on the results of certification of production facilities according to the working conditions of the receiving party.

2. Other categories of employees may be granted additional annual leave and its duration may be established by the laws of the Republic of Kazakhstan.

3. Labor, collective agreements may establish additional annual paid leave of encouragement nature for long-term continuous work, performance of important, complex, urgent work, as well as work of a different nature.

Footnote. Article 89 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 90. Calculation of duration of paid annual labor leave

1. Duration of paid annual labor leave is calculated in calendar days, excluding holidays, which fall on the days of paid annual leave, regardless of the operating modes and shift schedules.

2. When calculating the total duration of the paid annual leave, additional paid annual leave shall be added together with the main paid annual labor leave.

Article 91. Calculation of the length of service for provision of paid annual leave

The length of service for provision of paid annual leave includes:

1) actually worked time;

2) the time when the employee did not actually work, but he retained his place of work (position) and wages in full or in part;

3) the time when the employee did not actually work due to temporary disability, including the time spent on maternity leave;

4) the time when the employee did not actually work before re-employment.

Article 92. Definition of period and procedure for provision of paid annual leave

1. A paid annual leave for the employee for the first and subsequent years of work by agreement of the parties is granted at any time of the working year.

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

3. By agreement between the employee and the employer, paid annual work leave can be divided into parts. At the same time, one of the parts of paid annual labor leave must be at least fourteen calendar days.

4. Payment for annual leave shall be made not later than three working days prior to the commencement of the leave, and in the event of granting the labor leave outside the vacation schedule - not later than three working days from the date of its grant.

5. Employees who work under an employment contract for part-time job receive the paid annual leave simultaneously with the leave for their main work.

If the duration of annual paid labor leave under an employment contract for part-time work is less than the duration of leave for main work, the employer, at the request of a part-time employee, grants him an unpaid leave for the days that make up a difference in duration of the leaves.

6. Granting leave, transfer or withdrawal from a paid annual labor leave are documented by the act of the employer.

Footnote. Article 92 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 93. Order of providing paid annual labor leave

1. The order of providing a paid annual labor leave to employees is determined annually in accordance with the leave schedule approved by the employer taking into account the opinion of employees, or is established outside the leave schedule by agreement of the parties.

1-1. The order of granting paid annual labor leave to employees performing military service in the reserve shall be determined on the basis of paragraph 1 of this Article, as well as in accordance with the schedule of combat training sessions or assemblies (if such a schedule is available).

2. In case of changing the leave schedule in connection with the production necessity, the employer is obliged to notify the employee about this not less than two weeks to go before the beginning of the labor leave.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 18.03.2025 № 175-VIII (effective sixty calendar days after the date of its first official publication).

Article 94. Cases and procedure for postponing the paid annual labor leave

1. The annual paid leave shall be postponed in full or in its part in the following cases:

temporary disability of the employee;

at the time of maternity leave.

2. The annual paid leave (part of it) in cases provided for by paragraph 1 of this article shall be postponed at the request of the employee while on a paid annual leave. The

postponed labor leave by agreement of the parties may be added to the leave for the next working year or provided at the request of the employee separately in the current working year.

3. It is forbidden not to grant an unused paid annual leave or a part thereof for two consecutive years.

Article 95. Recall from a paid annual leave

1. A paid annual leave may be interrupted by the employer in case of production necessity only with the written consent of the employee.

2. A part of the paid annual leave, unused in connection with the recall, by agreement of the parties to the employment contract, is granted during the current working year or next working year at any time or is added to the paid annual leave for the next working year.

3. If an employee is recalled from a paid annual leave, instead of granting an unused part of the leave at another time, by agreement between the employee and the employer, the employee receives a compensation for the days of the unused part of the annual paid leave.

4. It shall not be allowed to withdraw from paid annual work leave of an employee under the age of 18, pregnant women who have provided the employer with a certificate of pregnancy, and workers engaged in hard work, work with harmful and (or) dangerous working conditions.

Footnote. Article 95 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

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

1. A paid annual labor leave with subsequent termination of an employment contract in connection with expiration of its term may be granted in the case when the time of leave is fully or partially outside the term of the employment contract. The day of termination of the employment contract due to the expiry of its term is considered to be the last day of the paid annual leave.

2. Upon termination of the employment contract, an employee who has not used or not fully used an annual paid labor leave (annual leave) shall be compensated for the unused days of the paid annual labor leave (annual leave).

Compensation payment for unused days of the paid annual labor holiday (annual labor holiday) shall be estimated at the rate of the average salary of the worker.

Footnote. Article 96 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 97. Unpaid leave

1. By agreement of the parties to the employment contract on the basis of an employee's application, he may be granted an unpaid leave.

2. Duration of an unpaid leave is determined by agreement between the employee and the employer.

3. On the basis of notification of the employee, the employer is obliged to grant an unpaid leave for up to five calendar days in case of:

1) registration of marriage;

2) the birth of a child;

3) the death of close relatives, as well as the spouse and/or their traits (full-born and incomplete brothers and sisters, parents (parent), children, grandfather, grandmother, grandchildren);

4) in other cases provided for by labor, collective contracts.

4. The employer is obliged to grant unpaid leave to an employee for the period of stay in organizations providing special social services to victims of domestic violence, but no more than thirty calendar days.

Unpaid leave shall be granted upon a written notification of the employee indicating its duration and presenting a copy of the agreement on the provision of special social services.

Footnote. Article 97 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Article 98. Study leave

1. Workers who study in educational organizations are provided with study leave for preparing and passing exams and examinations, performing laboratory work, preparing and defending the thesis work (project), for passing training programs for the military-trained reserve.

2. Payment for study leave is determined by agreements, collective and employment contracts, training contracts.

3. The employer grants study leave with preservation of the place of work (position) for the employees, sent for training, internship abroad under the international scholarship Bolashak.

Article 99. Leave for pregnancy and birth of a child (children), adoption of a newborn child (children)

1. Pregnant women, women who gave birth to a child (children), women (men) who adopted a newborn child (children) are granted the following leaves in connection with the birth of a child:

1) a maternity leave;

2) a leave for employees who adopted a newborn child (children);

3) an unpaid leave to care for a child until he reaches the age of three.

2. A pregnant woman shall, from the date specified in the temporary disability list entitling her to maternity leave, execute it by submitting a temporary disability list confirming her right to that type of leave.

Maternity leave shall be provided for a duration of:

in normal delivery, seventy calendar days before delivery and fifty six calendar days after delivery;

in complicated delivery or birth of two or more children - seventy calendar days before delivery and seventy calendar days after delivery;

for normal delivery, women residing in the territories exposed to nuclear tests – ninety one calendar days before delivery and seventy nine calendar days (in case of complicated delivery or birth of two or more children – ninety three calendar days) after delivery;

in the case of delivery with a period from twenty two up to twenty nine weeks of pregnancy and birth of a child weighing five hundred grams or more, who lived more than seven days, - seventy calendar days after delivery;

in the case of delivery with a period from twenty two up to twenty nine weeks of pregnancy and birth of a dead fetus or a child weighing five hundred grams or more, who died before seven days of life, - fifty six calendar days after delivery;

for women living in the territories exposed to nuclear tests, in the event of delivery with a period from twenty two up to twenty nine weeks of pregnancy and birth of a child weighing five hundred grams or more, who lived for more than seven days, - ninety three calendar days after delivery;

women living in the territories exposed to nuclear tests, in the event of delivery with a period from twenty two up to twenty nine weeks of pregnancy and birth of a dead fetus or a child weighing five hundred grams or more, who died before seven days of life, - seventy nine calendar days after delivery.

When a woman applies for a temporary disability list during pregnancy, the leave shall be calculated in total and granted completely regardless of the number of days that she actually used before giving birth and the length of work with the employer.

When a woman applies for a temporary incapacity for work in the period following childbirth, only leave after childbirth of the duration specified in Part two of this paragraph shall be granted.

3. Employees who adopted a newborn child (children) shall be granted (to one of their parents) a leave for the period from the day of adoption and until expiration of fifty-six days from the date of the birth of the child.

4. The employer pays maternity leave, leave to employees who have adopted a newborn child (children), with the preservation of the average salary, if this is provided for by the terms of the labor and (or) collective agreement, the act of the employer, minus the amount of

social benefits in case of loss of income due to pregnancy and childbirth, adoption of a newborn child (children) carried out in accordance with the Social Code of the Republic of Kazakhstan.

Footnote. Article 99 as amended by the Law of the Republic of Kazakhstan № 165-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

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

1. The employer is obliged to grant an unpaid leave to the worker for childcare until he reaches the age of three:

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

2) the parent, raising the child alone;

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

4) the employee who adopted a newborn child (children).

2. An unpaid leave for child care until the age of three is granted on the basis of a written application of the employee with indication of its duration and provision of a birth certificate or other document confirming the birth of the child.

The employee can use the leave to take care of the child until he reaches the age of three years in full or in parts.

3. For the period of an unpaid leave for the care of the child until he reaches the age of three, the employee retains his place of work (position).

4. If the child is employed before the maternity leave expires, without payment, until the child reaches the age of three, the employee must notify the employer of his or her intention one month before the start of work.

Footnote. Article 100 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 8. LABOR STANDARDIZATION AND REMUNERATION

Article 101. Labor standardization

1. The state guarantee in the field of labor rationing includes:

standard norms and standards of work;

providing by state bodies of the development and approval of technically (scientifically) substantiated unified intersectoral or intersectoral standard or standard norms and labor standards for all areas of activity, or standard norms and standards of work of the organization ;

state control over the provision by employers of the development, introduction, replacement and revision of labor standards.

1-1. The norms of labor (time, production, labor intensity, maintenance, numbers) are a measure of labor costs and are established for the employee of the appropriate qualification in accordance with the achieved level of equipment, technology, and the organization of production and labor.

2. Development, introduction of new ones, replacement and revision of existing labor standards are carried out by the employer in agreement with representatives of employees, taking into account standard norms and labor standards.

3. Labor standards are subject to mandatory replacement in the process of attestation and rationalization of workplaces, introduction of new technology, equipment and organizational and technical measures that ensure growth of labor productivity.

Achievement of a high level of production (provision of services) by individual employees through the use of new methods of work and improvement of workplaces at their own initiative is not a basis for reviewing the previously established labor standards.

4. Employees are notified of introduction of new labor standards by the employer not later than one month prior to it.

5. When developing labor standards, the following should be ensured:

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

2) establishment of similar labor standards for the same work performed in similar organizational and technical conditions;

3) progressive nature of labor standards based on scientific and technological achievements;

4) coverage by the labor standards of those types of work for which it is possible and appropriate to establish the labor standards;

5) technical (scientific) validity of labor standards.

6. The labor standards in the organization, for the services (goods, works) of which the state regulation of tariffs (prices, fee rates) is introduced, are approved by the employer in agreement with the authorized state bodies of the relevant areas of activity and with the authorized state body for labor in accordance with the procedure established by it.

7. Standard norms and standards of work of organizations are approved by the authorized state bodies of the relevant areas of activity in agreement with the authorized state body for labor in the manner prescribed by it.

7-1. Replacement and revision of standard norms and standards of work of organizations are carried out by state bodies that have approved them in the manner determined by the authorized state labor body.

Note!

Paragraph 8 shall be amended by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective from 01.01.2030).

8. Qualification requirements for employees and complexity of certain types of work are established on the basis of professional standards, and in their absence - on the basis of the Unified tariff-qualification reference book of jobs and occupations of workers, the Qualification reference book of positions of managers, specialists and other employees, the tariff-qualification characteristics of occupations of workers and standard qualification characteristics of positions of managers, specialists and other employees of organizations.

Footnote. Article 101 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced from 01.01.2025).

Article 102. State guarantees in labor remuneration area

State guarantees for remuneration of employees include:

1) the minimum monthly wage;

2) the minimum amount of hourly wages;

3) payment for overtime work;

4) payment for work on holidays and weekends;

5) payment for night work;

6) limiting the amount of deductions from the employee's salary;

7) the procedure and terms of payment of wages.

Article 103. Amount of wages

1. The amount of the monthly salary of the employee is established differentially, depending on qualification of the employee, complexity, quantity and quality of the work performed, as well as working conditions. The size of the monthly salary is not limited to the maximum size.

The wage is paid to the employee for the time actually worked by him, recorded in the employer's documents on recording the working hours.

1-1. The amount of the main salary of the employees of the sending party shall be not less than the amount of the main salary of the employees of the receiving party for a similar position, corresponding qualification, specialty or profession, complexity, quantity and quality of the work performed, as well as industrial and household conditions in accordance with the contract for the provision of personnel services.

The wages of the employees of the sending party shall be paid for the time actually having worked by them, recorded in the documents on recording the working time of the receiving party.

2. The amount of the monthly salary of an employee who has completely worked out the working hours that have been determined for this period and has fulfilled the labor standards or labor obligations, may not be lower than the minimum monthly wage established for the relevant fiscal year by the law of the Republic of Kazakhstan on the republican budget.

The provisions of part one of this paragraph shall not apply to the cases provided for in part two of paragraph 2 of Article 75 of this Code.

Footnote. Article 103 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 104. Minimum wage determination

1. The minimum monthly wage is calculated based on the methodology for determining the minimum monthly wage.

The draft methodology for determining the minimum monthly wage is subject to consideration at a meeting of the Republican tripartite commission on social partnership and regulation of social and labor relations.

1-1. The minimum monthly wage should not be lower than the subsistence minimum, include additional payments and allowances, compensation and social benefits, bonuses and other incentive payments and should be paid in proportion to the time worked.

1-2. The minimum monthly wage is established annually for the corresponding financial year by the law on the republican budget.

2. The minimum amount of the hourly salary of an employee who has fulfilled his labor duties may not be less than the minimum monthly wage divided by the average monthly number of working hours according to the working time balance for the corresponding calendar year.

3. The minimum monthly wage or the monthly wage rate of a first-class employee provided for by the terms of labor, collective contracts and (or) acts of the employer may not be less than the minimum monthly wage established for the relevant fiscal year by the law of the Republic of Kazakhstan on republican budget.

Footnote. Article 104 as amended by the Law of the Republic of Kazakhstan dated 21.12.2023 № 49-VIII (effective from 01.01.2024).

Article 105. Remuneration of employees, employees of the guiding party engaged in hard work, work with harmful and (or) hazardous working conditions

Footnote. The title of the Article 105 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

1. Payment for labor of workers engaged in heavy work, work with harmful and (or) dangerous working conditions is established in an increased amount in comparison with payment for labor of workers engaged in work with normal working conditions, by establishing the increased official salaries (rates) or additional payments, the size of which is determined by a collective contract or an employer's act, taking into account the industry coefficients that classify working conditions by the degree of harmfulness and danger determined by the industrial agreement.

2. Payment for labor of workers engaged in heavy work, work with harmful and (or) dangerous working conditions, in an increased amount is carried out according to the List of

industries, workshops, professions and positions, the list of heavy work, work with harmful and (or) dangerous working conditions.

3. The labor payment conditions established by this article are provided to workers whose involvement in heavy work, work with harmful and (or) dangerous working conditions is confirmed by the results of attestation of production facilities for working conditions.

Based on the results of certification of production facilities according to the working conditions of the receiving party, increased job salaries (rates) or surcharges for employees of the sending party shall be established when concluding a contract for the provision of personnel services.

In the event that the employer fails to certify the production facilities for labor conditions, and also for workplaces that are not subject to attestation, the wages of workers engaged in heavy work, work with harmful, dangerous working conditions are made according to the List of industries, workshops, professions and positions, a list of heavy work, work with harmful and (or) dangerous working conditions.

Footnote. The Article 105 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 106. Hourly wage

1. The terms of the employment contract and (or) the act of the employer may establish hourly wages for work actually performed during part-time working day or part-time work, the application of joint employment, as well as for payment of temporary or one-time work. With a reduced working time for certain categories of employees provided for by this Code, hourly wages are established.

2. Remuneration for labor in the summarized recording of working hours is made for the actually worked-out working hours on the shift schedule (watch schedules). At the same time, wages are calculated on hourly tariff rate calculated on the basis of the tariff rate (official salary) and the monthly standard of working hours in accordance with the working time balance for the corresponding calendar year.

Footnote. Article 106 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 107. Remuneration system

1. Salary to an employee is established by an employment contract in accordance with the remuneration systems of the employer.

2. The system of labor remuneration is determined by the terms of labor, collective contracts and (or) acts of the employer.

3. To increase the interest of employees in improving production efficiency and quality of work performed, the employer may introduce bonus schemes and other forms of labor incentives defined by the terms of the collective contract and (or) acts of the employer.

4. The wage system should ensure a share of the basic wage of at least 75 percent in the wages of employees without taking into account one-time incentive payments.

5. Conditions of remuneration determined by agreements, labor, collective contracts and acts of the employer may not be worsened in comparison with the conditions established by this Code and other normative legal acts of the Republic of Kazakhstan.

Article 108. Overtime payment

With time-based pay, overtime work is paid at an increased rate under the terms of the labor or collective contracts and (or) the employer's act, but not lower than one and a half amount based on the daily (hourly) rate of the employee. In case of piecework remuneration, the extra payment for overtime work is made at a rate not less than fifty percent of the established daily (hourly) rate of the employee.

By agreement of the parties, hours of rest are allowed for overtime work at the rate of not less than one hour of rest per one hour of overtime work.

Article 109. Payment for work on holidays and weekends

Payment for work on holidays and weekends is made in an increased amount in accordance with the terms of labor or collective contracts and (or) the employer's act, but not lower than one and a half amount based on the day (hour) rate of the employee.

Article 110. Payment for night work

Every hour of night work is paid in an increased amount according to the terms of the labor or collective contracts and (or) the employer's act, but not lower than in one and a half amount based on the daily (hourly) rate of the employee.

If night shift coincides with a holiday or weekend, remuneration shall be paid separately for night hours in accordance with Part one of this Article and for hours of holiday or weekend in accordance with Article 109 of this Code.

Footnote. The Article 110 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 111. Payment for labor when combining posts, expanding the service area and performing (replacing) the duties of a temporarily absent employee

1. Workers performing in the same organization along with their main work, stipulated by the employment contract, the additional work for another or the same position or the duties of a temporarily absent employee without release from their basic work receive an additional payment.

2. Additional work assigned to employees may be carried out through:

1) combination of positions - the employee, along with his main job, as provided by the employment contract (job description), performs additional work for another vacant position;

2) expansion of service areas - the employee, along with his / her main job, as stipulated in the employment contract (job description), performs additional work for a specified duration of a working day (shift);

3) performance (replacement) of the duties of a temporarily absent employee - the employee, along with his / her main job, stipulated by the employment contract (job description), performs additional work for both the other and the same position.

An additional payment to employees for the performance (replacement) of the duties of a temporarily absent employee is not made if the replacement of a temporarily absent employee is included in the duties of a replacement employee.

3. The amount of surcharges for combination of positions, the expansion of the service area or performance (replacement) of the duties of a temporarily absent employee are established by the employer in agreement with the employee on the basis of the volume of work performed.

4. The employee shall have the right to refuse to perform additional work, and the employer - to cancel the order on its fulfillment, having notified the other party about this no later than three working days before the termination of additional work.

In case of early cancellation of the order or refusal to perform additional work by the employee, the employer shall be obliged to pay the employee salaries for the period worked.

Footnote. Article 111 as amended by the Law of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 112. Payment of downtime

1. The procedure for documentation of downtime and the terms of payment for downtime are determined by labor, collective agreements, if the procedure for documentation of downtime is not provided for in labor, collective agreements, then the beginning of downtime is documented by an act of the employer indicating the reason for downtime.

Payment for downtime for a reason that does not depend on the employer and the employee is set at an amount not lower than the minimum wage, by the fault of the employer – at least fifty percent of the average salary of the employee. Downtime caused by the fault of the employee is not subject to payment.

2. At the end of the downtime, the employer notifies the employee in advance of the date of going to work, the employee is obliged to start performing work duties.

In case of absence of the employee at the workplace within the period specified in the notification, the employer has the right to bring the employee to disciplinary responsibility.

Footnote. Article 112 is amended in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 113. Procedure and terms of payment of wages

1. Salaries shall be fixed and paid in monetary form in the national currency of the Republic of Kazakhstan at least once a month no later than the first decade of the following

month. The date of payment of salaries shall be provided for by labor, collective agreements. If the day of payment of salaries coincides with weekends or holidays, payment shall be made on the eve of them.

2. When paying wages, the employer is obliged to notify each employee in written or electronic form on a monthly basis of the components of wages due to him for the relevant period, the amounts and grounds for the deductions made, including information on the deducted and transferred mandatory pension contributions, the amount payable.

3. In case of non-payment of wages by the employer in full and within the time limits established by labor and collective agreements, the employer is liable in accordance with the laws of the Republic of Kazakhstan. The employer pays the employee a debt and a penalty for the period of delay in payment. The amount of the penalty shall be calculated based on 1.25 times the base rate of the National Bank of the Republic of Kazakhstan on the day of fulfillment of obligations to pay salaries and shall be accrued for each overdue calendar day, starting from the next day when payments are to be made, and ending with the day of payment.

4. When the employment contract is terminated, the payment of amounts due to the employee from the employer is made not later than three working days after its termination.

In case of violation of the terms specified in the first part of this paragraph, the employer shall pay the employee the debt and penalty for the period of delay of payment. The amount of the penalty shall be calculated based on 1.25 times the base rate of the National Bank of the Republic of Kazakhstan on the day of fulfillment of obligations to pay the amounts due to the employee, and is accrued for each overdue calendar day, starting from the next day when payments are to be made, and ending with the day of payment.

Footnote. The Article 113 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 02.01.2021 № 399-VI (shall enter into force from 16.12.2020).

Article 114. Calculation of the average salary of an employee

1. Calculation of the average wage both for a five-day and a six-day workweek is made for actually worked time on the basis of the average daily (hourly) wage for the corresponding period, taking into account the established surcharges and allowances, bonuses and other incentive payments, which are of a permanent nature, provided for by the remuneration system.

2. To calculate the average salary, the calculation period is the twelve calendar months preceding the event, to which the corresponding payment (payment) is related, in accordance with this Code. For employees who have worked less than twelve calendar months, the average wage is calculated for actually worked time.

The collective contract may provide for other periods for calculating the average wage, if this does not worsen the situation of workers.

3. For all cases of calculating the average wage provided for by this Code, the authorized state body for labor establishes a uniform procedure for its calculating.

Article 115. Deductions from wages

1. Deductions from the employee's wages are made by court decision, and also in cases provided for by the laws of the Republic of Kazakhstan and this article of the Code.

2. Deductions from the employee's salary to pay off his debt to the organization in which he works may be made on the basis of an act of the employer with notification of the employee:

1) for repayment of unspent and timely non-refunded amounts of money issued in connection with a business trip, as well as in case of failure to provide documents confirming expenses related to a business trip;

2) in cases providing compensation to the employer for the costs associated with training the employee, if there is a training contract, in proportion to the unfinished working hours in the early termination of the employment contract;

3) to reimburse the unearned advance paid to the employee against the future wages;

4) in cases of postponing or recall of an employee from an annual paid leave, with the exception of paragraph 3 of article 95 of this Code;

5) in other cases in presence of the written consent of the employee.

3. When deducting from wages on several execution lists, as well as in cases provided for by the laws of the Republic of Kazakhstan and this article of the Code, the amount of monthly deduction may not exceed fifty percent of the wage due to an employee .

Footnote. The Article 115 as amended by the Law of the RK dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 9. PROFESSIONAL TRAINING, RETRAINING AND ADVANCED TRAINING

Article 116. Concepts used in this chapter

The following concepts are used in this chapter:

1) advanced training - a form of vocational training that allows to maintain, expand, deepen and improve previously obtained professional knowledge, skills;

2) dual training - a form of training that combines training in an education organization with compulsory periods of industrial training and professional internship in an enterprise (organization) with the provision of workplace and compensation payments to students with equal responsibility of the enterprise (organization), educational institution and student;

3) dual training contract - a written agreement between the student, the enterprise (organization) providing the workplace for industrial training and professional internship, and the educational institution regulating the conditions and procedure for industrial training and professional internship;

4) vocational training - a form of vocational training aimed at personality development to obtain new or changed professional skills necessary to perform a certain type of work;

5) retraining - a form of vocational training that allows to master another profession or specialty;

6) training contract - a written agreement between the employer and the trainee on the conditions of vocational training, retraining and advanced training;

6-1) industrial training - training aimed at theoretical knowledge acquisition, practical skills of students, on the basis of education organizations and (or) enterprises (organizations);

7) excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication);

8) Mentor - a qualified employee of enterprise (organization), with knowledge in technologies of production or services, managing industrial training and professional internship.

Footnote. The Article 116 as amended by the Law of the RK dated 04.07.2018 № 171-VI (shall enter into force from 01.01.2021); № 172-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

Article 117. Professional standards and qualifications system

Footnote. Article 117 is excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

Article 118. Professional training, retraining, advanced training and recognition of professional qualifications

Footnote. The title of Article 118 - as amended by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

1. The need and scope of professional training, retraining, advanced training and recognition of professional qualifications for the functioning and development of the organization are determined by the employer.

1-1. excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

1-2. Recognition of professional qualifications in professions included in the register of professions is carried out in accredited centers for recognition of professional qualifications.

2. The employer conducts vocational training, retraining and advanced training of employees or other persons who are not in labor relations (trainee) with him:

1) directly in the organization (at the employer);

2) in educational organizations implementing educational programs of technical and vocational, post-secondary, higher and postgraduate education;

3) in other organizations that carry out vocational training, retraining and advanced training of personnel.

3. Professional training, retraining, advanced training and recognition of professional qualifications of employees by the referral from the employer shall be carried out at the expense of the employer or other means not prohibited by the laws of the Republic of Kazakhstan, in accordance with contracts for training or provision of services for the recognition of professional qualifications.

4. The training contract must contain:

1) stating of a particular specialty, qualification acquired by student, and (or) name of qualification course;

2) the rights and obligations of the employer and the trainee;

3) the period of study and the period of practicing at the employer after completion of training;

4) the procedure and cases of reimbursement to the employer of costs related to training, in proportion to the unfinished practicing period;

5) guarantees and compensation payments related to training;

6) responsibility of the parties.

The training contract may contain other conditions determined by agreement of the parties .

5. Employees undergoing vocational training, retraining, advanced training and recognition of professional qualifications, by agreement with the employer, may be released from work or perform work on a part-time basis.

6. The agreement, collective and (or) employment contracts may provide for benefits, compensation payments and guarantees related to training and recognition of professional qualifications.

7. The employer assists educational organizations implementing educational programs of technical and vocational education, in training, retraining and advanced training of the staff.

8. Employers, in accordance with the legislation of the Republic of Kazakhstan on education shall provide places for professional internship, as well as industrial training, create safe conditions and fulfill the obligations provided by the contracts.

Footnote. Article 118 as amended by the Law of the Republic of Kazakhstan № 171-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); № 172-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication).

Article 119. Dual training

Dual training shall be carried out in accordance with the dual training contract concluded on the basis of the form of a model contract on dual training, approved by the authorized agency for education.

During the period of industrial training and professional internship, the rules of labor regulations shall be applied to the student.

During the course of industrial training and professional internship, the student shall perform certain functional duties, which shall be counted in the student's work experience, and during this time compensation payments can be made.

Requirements on safety and labor protection shall apply to persons undergoing industrial training and professional internship.

On the basis of a dual training contract, an enterprise (organization) shall assign a mentor to the students for managing of industrial training and professional internship.

Footnote. Article 119 as amended by the Law of the Republic of Kazakhstan № 171-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); № 172-VI dated 04.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 10. LIABILITY OF THE PARTIES TO THE EMPLOYMENT CONTRACT, EMPLOYEE OF THE SENDING PARTY

Footnote. The title of the Article 10 as amended by the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 120. Obligation of the party to an employment contract for compensation for damage (harm)

1. Material liability of a party to an employment contract for damage (harm) caused by it to the other party of the employment contract is for damage (harm) caused as a result of the guilty unlawful conduct (action or inaction) and causal relationship between the guilty unlawful conduct and the damage caused (harm), unless otherwise provided by this Code and other laws of the Republic of Kazakhstan.

2. The party to the employment contract that caused damage (harm) to the other party shall reimburse it in accordance with this Code and other laws of the Republic of Kazakhstan.

3. The labor, collective contract can specify the material liability of the employee and the employer.

4. Termination of an employment contract after infliction of damage (harm) does not entail the release of the party to the employment contract from the liability for compensation of the damage (harm) to the other party.

121. Liability of the employer for damage caused to the employee by unlawful deprivation of opportunity to work

1. The employer is obliged to compensate the employee for not receiving his salary and other payments due to him in case of illegal transfer to another job, preventing the employee from working in the workplace, unilateral change of the terms of the employment contract, suspension from work, termination of the employment contract.

2. Additional cases of compensation by the employer of damage caused by unlawful deprivation of an employee of the opportunity to work may be established by the labor, collective contract.

Article 122. Liability of the employer for harm caused to life and (or) health of the employee

1. In case of causing harm to life and (or) health of an employee in connection with performance of his labor duties, the employer is obliged to compensate for harm in the amount and order, specified by the legislation of the Republic of Kazakhstan.

2. Damage specified in paragraph 1 of this article shall be compensated in full in the absence of employee's insurance payments, except for the case provided for in paragraph 3 of this article. In the presence of insurance payments, the employer is obliged to compensate to employee the difference between the sum insured and the actual amount of damage.

3. If the damage caused to the employee is related to establishment of the degree of professional disability for work from five to twenty-nine percent inclusive, the employer must compensate the employee for the lost wages and expenses caused by damage to his health.

The amount of expenses caused by damage to health, reimbursed by the employer during the period of establishing the degree of disability may not exceed two hundred and fifty monthly calculation indicators established for the relevant fiscal year by the law on the republican budget, at the time of payment.

Payment for reimbursement of expenses caused by damage to health shall be carried out on the basis of documents confirming these expenses submitted by the employee or the person who incurred these expenses. At the same time, expenses for medical care provided within the guaranteed volume of free medical care and in the system of compulsory social health insurance in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare shall not be subject to compensation .

Footnote. Article 122 as amended by Law of the Republic of Kazakhstan № 80-VI dated 30.06.2017 (shall be enforced since 01.01.2020).

Article 123. Liability of the employee, employee of the sending party for causing damage to the employer or the receiving party

Footnote. The title of the Article 123 – in the wording of the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

1. Material liability of the employee, employee of the sending party for damage caused to the employer or the receiving party occurs in cases provided for by this Code, other regulatory legal acts of the Republic of Kazakhstan and acts of the employer or acts of the receiving party.

2. The liability of the employee, the employee of the sending party for damage caused to the employer or the receiving party shall be excluded if the damage arose due to force majeure circumstances, as a result of which the proper performance of duties was impossible, or the extreme need for defense, as well as the failure of the employer or the receiving party

to provide adequate conditions for the safety of property transferred to the employee, the employee of the sending party.

3. The employee, the employee of the sending party shall be obliged to compensate for direct actual damage caused to the employer or the receiving party.

4. Direct actual damage refers to a real decrease in the available property of the employer or the receiving party or a deterioration in the condition of given property (including the property of third parties held by the employer or the receiving party, if the employer or the receiving party is responsible for the safety of this property), as well as the need for the employer or the receiving party to make costs or excessive payments for the purchase or restoration of property.

5. It shall be unacceptable to hold the employee, the employee of the sending party responsible for such damage, which can be classified as a normal industrial and economic risk .

6. The employer or the receiving party shall be obliged to create the necessary conditions for the employees, employees of the sending party to ensure full safety of the property entrusted to them.

The provision of this paragraph shall not apply to remote operation except for combined remote operation.

7. The list of positions and works occupied or performed by employees, employees of the sending party, with which a contract may be concluded on full individual or collective (joint) liability for the failure to ensure the safety of property and other values transferred to employees, employees of the sending party, as well as a model contract on full liability shall be approved by the employer's act or the act of the receiving party.

8. Liability for the full amount of damage caused to the employer or the receiving party shall be borne by the employee, the employee of the sending party in the following cases:

1) failure to ensure the safety of property and other valuables transferred to the employee, the employee of the sending party on the basis of a written agreement on assuming full liability;

2) failure to ensure the safety of property and other valuables received by the employee, the employee of the sending party for a report on a one-time document;

4) shortages, intentional destruction or intentional damage of materials, semi-finished products, products, including during their manufacture, as well as tools, measuring devices, special clothes and other items issued by the employer or the receiving party to the employee, the employee of the sending party for use;

5) violation of the condition of non-competition, which caused damage to the employer or the receiving party;

6) in other cases stipulated in labor, collective agreements or acts of the receiving party.

Footnote. The Article 123 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official

publication); dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication).

CHAPTER 11. GUARANTEES AND COMPENSATION PAYMENTS

Article 124. Guarantees when employees perform state or public duties

1. The employer shall exempt the employees from performing their labor duties while they are involved in state or public duties in cases stipulated by the laws of the Republic of Kazakhstan, while retaining their place of work (position).

2. For performance of state and public duties, the employee's salary is paid at the place of performance of the specified duties, but not below the average salary at the place of work.

For the performance of military duty during the period of conscription for military training, the employee's salary shall be paid at the place of performance of the specified duty in accordance with the Law of the Republic of Kazakhstan "On military service and the status of military personnel".

3. For employees subject to conscription for military service or military training, during the period of undergoing a medical examination, their place of work (position) and wages at the place of work upon being called up to local military command bodies shall be retained, and during the period of undergoing military service by conscription (except for military service during mobilization, under martial law and in wartime) or military training, their place of work (position) shall be retained.

An employee who retained his/her job (position) during the period of military service by conscription must, no later than one month from the date of exclusion from the lists of a military unit (institution) in connection with dismissal from military service, begin his/her work duties.

Footnote. The Article 124 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 16.07.2025 № 211-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 124-1. Guarantee for the employees performing military service in the reserve

The employment position (job) of employees performing military service in the reserve shall be preserved during periods of participation in combat training sessions or assemblies, or assemblies held in response to crisis situations).

Footnote. Chapter 11 was added Article 124-1 in accordance with the Law of the Republic of Kazakhstan dated 18.03.2025 № 175-VIII (shall enter into force upon expiry of sixty calendar days after its first official publication).

Article 124-2. Guarantees for employees participating as volunteer firefighters in activities to prevent and extinguish wildfires, as well as fires in organizations and populated areas

An employee who participates as a volunteer firefighter in activities to prevent and extinguish wildfires, as well as fires in organizations and populated areas, shall retain his or her job (position) and average salary.

Footnote. Chapter 11 is supplemented by Article 124-2 in accordance with the Law of the Republic of Kazakhstan dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

Article 125. Guarantees for employees sent for medical examination

For the time of periodic medical examinations at the expense of the employer, the employees, who are required to pass them in accordance with this Code or a collective contract, retain the place of work (position) and average salary.

Article 126. Guarantees for employees who are donors

An employee, who is a donor, during the examination and donation of blood and its components, retain the place of work (position) and average salary, and other guarantees are provided in accordance with the legislation of the Republic of Kazakhstan in health care area.

Article 126-1. Guarantees for women with up to twelve weeks of pregnancy

For pregnant women, the place of work (position) and average salary shall be retained for the period of examination and medical registration for pregnancy up to twelve weeks, as well as other guarantees shall be provided in accordance with the legislation of the Republic of Kazakhstan in the field of health.

Footnote. Chapter 11 as added by the Article 126-1 in accordance with the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 126-2. Guarantees for employees who are donors of organs (parts of organs) and (or) tissues (parts of tissue) for transplantation

An employee who shall be a donor of organs (parts of organs) and (or) tissues (parts of tissue) for transplantation, during the examination and removal of organs (parts of organs) and (or) tissues (parts of tissue), the place of work (position) and average salary are retained, as well as other guarantees are provided in accordance with the legislation of the Republic of Kazakhstan in the field of health.

Footnote. Chapter 11 as added by the Article 126-2 in accordance with the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 127. Guarantees and compensation payments for employees on business trips

1. For the duration of a business trip, the employee retains the place of work (position) and wages for working days falling on the days of the business trip.

2. Employees sent on business trips are paid:

1) daily subsistence allowance for calendar days of business trips, including travel time;

2) travel expenses to and from the place of destination;

3) expenses for renting accommodation.

3. Conditions and terms for sending employees on business trips are determined by labor, collective contracts or the employer's act.

During remote work, the employee shall be sent on a business trip from the place of actual performance of labor duties, unless otherwise provided for by labor, collective agreements or an act of the employer.

4. Sending employees under the age of eighteen, pregnant women, as well as employees with disabilities on a business trip is allowed, if such work is not prohibited to them for medical reasons. At the same time, these employees have the right to refuse to be sent on a business trip.

5. Employees with children under the age of three, employees caring for sick family members or raising children with disabilities may refuse to be sent on a business trip if, on the basis of a medical report, children with disabilities or sick family members need constant care .

6. The reimbursement of expenses for business trips at the expense of budget funds, including to foreign countries, shall be carried out in the manner determined by the Government of the Republic of Kazakhstan.

The procedure for reimbursement of expenses for business trips at the expense of budget funds, including to foreign countries, shall be developed by the central authorized agency for budget planning.

Footnote. Article 127 as amended by the Law of the Republic of Kazakhstan № 112-VI dated 30.11.2017 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 127-1. Guarantees for workers engaged in labor activity in ecological disaster and radiation risk zones

Guarantees for employees engaged in labor activity in the zones of ecological disaster and radiation risk are established by the laws of the Republic of Kazakhstan.

Footnote. Chapter 11 is supplemented by Article 127-1 in accordance with the Law of the Republic of Kazakhstan № 483-V dated 06.04.2016 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 127-2. Guarantees for employees, workers who participated in peacekeeping operation

Guarantees for employees, workers who took part in peacekeeping operation are established by the laws of the Republic of Kazakhstan.

Footnote. Chapter 11 is supplemented by Article 127-2 in accordance with the Law of the Republic of Kazakhstan № 483-V dated 06.04.2016 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 127-3. Guarantees for employees engaged in jobs with harmful working conditions

1. Employees engaged in work with harmful working conditions, upon reaching the age of fifty-five and paying mandatory occupational pension contributions for them for a total of at least eighty-four months, subject to termination of their employment at work with harmful working conditions or transfer to another job that excludes the impact of harmful production factors, receive a professional payment at the expense of the employer's funds.

2. The right to professional payment at the expense of the employer's funds arises from the date of application.

The day of applying for professional payments at the expense of the employer is the day of registration of an application for termination of employment by an employee at work with harmful working conditions or transfer to another job that excludes the impact of harmful production factors, or obtaining his consent to make professional payments at the expense of the employer through a proactive service in accordance with the Law of the Republic of Kazakhstan "On public services".

3. Professional payment at the expense of the employer's funds is carried out until the recipient of such payment reaches the retirement age established by Article 207 of the Social Code of the Republic of Kazakhstan.

4. The amount of professional payment at the expense of the employer's funds on a monthly basis is one amount of the subsistence minimum established for the corresponding financial year by the law on the republican budget.

Professional payment at the expense of the employer's funds is carried out taking into account the change in the amount of the subsistence minimum established for the corresponding financial year by the law on the republican budget.

5. The professional payments at the expense of the employer's funds are organized and paid through the State Corporation "Government for Citizens". In case of death of the recipient, professional payment at the expense of the employer's funds is made for the month of death inclusive, and in case of departure of the recipient of professional payment at the expense of the employer's funds for permanent residence outside the Republic of Kazakhstan – for the month of departure inclusive.

Payment for the services of the State Corporation "Government for Citizens" for the organization and implementation of professional payment at the expense of the employer is made at the expense of the authorized state labor body.

6. The procedure for implementation, suspension, resumption and termination of professional payments at the expense of the employer is determined by the authorized state labor body.

Footnote. Chapter 11 is supplemented by Article 127-3 in accordance with the Law of the Republic of Kazakhstan dated 21.12.2023 № 49-VIII (effective from 01.01.2024).

Article 128. Compensatory payments when transferring an employee to another locality together with the employer

1. When transferring an employee to work in another locality together with the employer, the employer is obliged to reimburse to the employee for:

1) relocation of the employee and his family members;

2) transportation of employee's property and his family members.

2. Procedure and amount of compensation payments provided for in paragraph 1 of this article shall be determined by labor, collective contracts or the employer's act.

Article 129. Compensatory payments in connection with the use of personal property by the employee in the interests of the employer

By agreement of the parties, when using the employee's personal property in the interests of the employer and with his consent, the employer makes a compensation payment for the use, depreciation (amortization) of the instrument, personal transport, other technical means and the costs of their operation.

Article 130. Compensation payments to employees in cases where their work takes place on the way or is of a traveling nature or is related to official trips within the areas served, settlements

Footnote. The title of the Article 130 in the wording of the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

1. Employees, when their work takes place on the way or has a traveling character or is associated with official trips within the serviced areas, settlements, compensation payments are made for each day of being out of permanent residence in the manner established by the agreement, collective agreements, labor agreements and (or) an act of the employer.

2. Employees whose permanent work shall take place on the way or has a traveling character or shall be associated with official trips within the serviced sections, settlements include employees of railway, river, sea, road transport, civil aviation, roads, gas distribution systems (including during trips within settlements), main pipelines, main communication lines and structures on them, radio relay lines and structures on them, overhead power transmission lines and structures on them, communication facilities, as well as employees serving sections of the State border of the Republic of Kazakhstan.

3. In the event that employees are on the move not all working days of the month, the payment is made in proportion to the actual number of days of travel to the place of work (operation) and back.

Footnote The Article 130 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 131. Compensation payments in connection with loss of work

1. The employer makes compensation payments in connection with the loss of work in the amount of the average monthly wage in the following cases:

1) upon termination of the employment contract at the initiative of the employer in case of liquidation of the employer - legal entity or termination of the activity of the employer - individual;

2) upon termination of the employment contract at the initiative of the employer in the event of reduction in the number or staff of employees;

3) upon termination of the employment contract at the initiative of the employee in the event of failure of the employer to comply with the terms of the employment contract.

2. The employer makes compensation payments in connection with the loss of work upon termination of the employment contract at the initiative of the employer in the event of a decrease in the production volume, work performed and services rendered, which caused worsening of the economic state of the employer, in the amount of the average salary for two months.

3. The labor, collective contracts or the employer's act may provide for a higher amount of compensation for loss of work.

Article 132. Procedure and conditions for payment of field allowance

Clause 1 is subject to amendment by the Law of the Republic of Kazakhstan dated 26.06.2025 № 198-VIII (shall come into effect on 01.01.2027).

1. Field allowance shall be paid to the employees of geological exploration, topographical and geodetic, survey organizations when performing work in the field:

1) outside a permanent place of residence without a daily return to a permanent place of residence;

2) outside the permanent place of residence, but with a daily return to the site of the field organization, which is also not a permanent place of residence;

3) outside the permanent place of residence through the organization of work on a rotational basis.

2. Procedure, terms of payment and the size of the field allowance, calculation of the time of work in the field conditions are established in agreements, collective, labor contracts and approved by the employer's act.

Article 133. Payment of social benefits to employees for temporary disability at the expense of the employer's funds

1. The employer is obliged at the expense of his funds to pay a social allowance to employees for temporary disability.

2. The basis for the payment of social benefits for temporary incapacity for work shall be the lists of temporary incapacity for work issued in the manner determined by the authorized body in the field of health.

3. Social benefits for temporary disability are paid to employees from the first day of disability until the day of restoration of work capacity or until disability is established in accordance with the legislation of the Republic of Kazakhstan.

4. Social benefits for temporary disability are not paid:

1) to the employee whose temporary disability occurred as a result of work-related injuries received in the course of a criminal offense, in the case of determination of guilt by a court verdict that has entered into legal force;

2) during the period of compulsory treatment of the employee by court ruling (except for the mentally ill);

3) during the time when the employee is under arrest and during the forensic medical examination in the case of determination of his guilt by a verdict or court order that entered into legal force;

4) in case of temporary disability of the employee from diseases or industrial injuries caused by the use of alcohol, narcotic drugs, psychotropic substances, their analogues and precursors;

5) for the days of temporary disability, falling within the paid annual work leave;

6) for days of temporary incapacity for work, which fall on leave without pay;

7) for days of temporary incapacity to work, which fall on leave without maintaining the salary for the care of the child until he reaches the age of three years.

4-1. The amount of social benefits for temporary disability of employees, with the exception of working veterans of the Great Patriotic War, veterans equated by benefits with veterans of the Great Patriotic War and veterans of military operations on the territory of other states, is determined by multiplying his average daily earnings by the number of working days falling during the period of temporary disability.

The amount of the average daily earnings of an employee is determined from the calculation of his average salary calculated in accordance with paragraph 3 of Article 114 of this Code.

If temporary disability begins in the previous year and ends in the current year, then the amount of social benefits for temporary disability and the monthly limit of its size are determined using the monthly calculation index for the previous and current years separately and the amounts received are summed up.

The amount of social benefits for temporary disability paid for one month may not exceed twenty-five times the monthly calculation index for the corresponding year, with the exception of the amount of benefits paid to employees in connection with labor injury or occupational disease, working veterans of the Great Patriotic War, veterans equated with benefits to veterans of the Great Patriotic War and combat veterans on the territory of other states, as well as to the personnel of the diplomatic service, receiving the allowance in foreign currency during the period of stay abroad.

The amount of social benefits for temporary disability to working veterans of the Great Patriotic War, veterans equated by benefits with veterans of the Great Patriotic War and veterans of combat operations on the territory of other states, is one hundred percent of wages

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The amount of social benefits for temporary disability paid in connection with an employee's labor injury or occupational disease is one hundred percent of the average salary.

The amount of social benefits for temporary disability paid to the staff of the diplomatic service in foreign currency during their stay abroad is one hundred percent of the average salary.

5. The procedure for the appointment and payment of social benefits for temporary disability is determined by the authorized state body on labor.

Employers have the right to establish additional payments to employees in addition to the amounts of social benefits for temporary disability established by paragraph 4-1 of this article

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Footnote. Article 133 as amended by the Law of the Republic of Kazakhstan № 165-VI dated 02.07.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

CHAPTER 12. SPECIFICS OF LABOR REGULATION OF INDIVIDUAL CATEGORIES OF EMPLOYEES

Article 134. Seasonal works

1. Seasonal works are the works that due to climatic or other environmental conditions are performed during a certain period (season), but not more than one year.

2. The employment contract should specify the condition for concluding a contract for seasonal work and a certain period of its implementation.

3. At the conclusion of an employment contract for seasonal work, the probationary period for the purpose of verifying the employee's compliance with the work assigned to him is not established.

4. An employment contract with employees engaged in seasonal work, in addition to the grounds provided for in Article 52 of this Code, may be terminated at the initiative of the employer in the following cases:

1) suspension of work at the employer for a period of more than two weeks for production reasons;

2) absence of an employee for work for one month in a row due to temporary disability.

5. An employee engaged in seasonal work shall have the right to terminate the employment contract on his own initiative, having notified the employer of this seven calendar days.

6. The employer shall be obliged to notify the employee engaged in seasonal work about the upcoming termination of the employment contract on the grounds stipulated by Article 52, paragraphs 1, subparagraph 1) and 2) of this Code within seven calendar days.

7. Upon termination of an employment contract with an employee engaged in seasonal work, the employer shall make a compensation payment for the unused leave in proportion to the time worked.

8. Upon termination of an employment contract with an employee engaged in seasonal work, on the grounds provided for by subparagraphs 1) and 2) of paragraph 1 of Article 52 of this Code, compensation is paid in the amount of a two-week average salary.

Footnote The Article 134 as amended by the Law of the RK dated 04.05.2020 № 321-VI *(shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021* № 61-VII *(shall enter into force upon the expiry of ten calendar days from the day of the first official publication).*

Article 135. Rotational work

1. Rotational work is a special form of the labor process outside the place of permanent residence of workers, when their daily return to their permanent place of residence can not be ensured.

2. The employer shall be obliged to provide employees working on a shift basis while they are at the site of work with housing and organize their food for life, delivery from the collection point to the place of work and vice versa, as well as conditions for work and interchange rest.

The employer shall determine the procedure for the application of the shift method of work, as well as provide the necessary conditions for the employee's stay at the object of work and in places specially equipped for living (watch camps), in accordance with the labor, collective agreements and (or) the provision on the shift method of work approved by the employer.

The employee shall be obliged, while on duty, to observe the procedure established by the employer at the object of work and in places specially equipped for living (shift villages).

3. Employees who have not reached the age of eighteen, pregnant women with a pregnancy period of twelve weeks or more, who have provided a pregnancy certificate, persons with disabilities of the first category from the date of providing a medical report are not allowed to work performed on a shift basis. Other employees may be involved in work performed on a shift basis, if such work is not contraindicated to them on the basis of medical reports.

4. A watch is considered to be a period, including the time of performance of work at the facility and the time between inter-shift holidays. The duration of the watch may not exceed fifteen calendar days.

With the written consent of the employee, the duration of the watch can be increased to thirty calendar days in accordance with collective, labor contracts.

For crew members of marine vessels with the consent of the employee, the duration of the watch can be increased to one hundred and twenty calendar days.

During the introduction of a state of emergency or martial law, the declaration of an emergency, as well as for the prevention of emergencies, natural disasters or industrial accidents or the immediate elimination of their consequences or the introduction of other restrictive measures, including quarantine, by decision of state bodies or their officials, as well as in other exceptional cases that endanger life or health of employees, the employer has the right, by an act of the employer, to increase the duration of the watch until the above cases are eliminated in compliance with the established working time.

5. When working on a watch basis, a cumulative accounting of working time for a quarter or other longer period is established, but not more than one calendar year, or the period of performance of certain work.

For the time of replacement of a temporarily absent employee working by the shift method, it shall be allowed to change the working time mode (from a five-day or six-day working week) according to the agreement of the parties to the labor contract for work by the shift method, and then provide the employee with days (hours) of rest for the processed hours.

6. Working hours and rest time within the accounting period are approved by the rotational work schedule (watch schedule). The accounting period covers working hours, rest time, travel time from the employer's location or from the point of collection to the place of work and back, as well as other periods falling on this calendar period of time. At that, the total length of working time for the accounting period should not exceed the norm established by this Code. The employer is obliged to keep a record of the working time and rest time of each employee working on a rotational basis.

Travel time from the employer's location or from the point of collection to the place of work and back is not included in the working hours. With a working shift of more than eight hours, the break for rest and eating is set for at least one hour.

7. Payment for the work of employees working on rotational basis at night, weekends and holidays, is made not later than the date of payment of wages for the worked month, provided for by labor, collective contracts.

Footnote The Article 135 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 136. Household worker

1. Household workers are recognized as workers who perform works (render services) at the employers - individuals in the household, which is managed by one or more family members if the works (services) are performed (rendered) not for the purpose of generating income by the employer and / or for the employer.

2. Issuance of an act on employment or termination of employment with a household worker and introduction of information about his work in the work book by the employer is not carried out.

3. The terms of notification of termination (suspension) of an employment contract with a domestic worker, as well as cases and amounts of compensation for loss of work shall be established by the employment contract.

4. Individual labor disputes between a household worker and an employer are resolved by agreement of the parties and (or) in court.

Footnote The Article 135 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 137. Homeworker

1. Homeworkers are those who have concluded an employment contract with the employer about doing work at home with their personal labor, using their materials and equipment, tools and devices or allocated by the employer or purchased at the expense of the employer's funds.

2. The employee's performance of work at home can be established both at the conclusion of the employment contract, and during the term of the employment contract by introduction of appropriate changes in the employment contract.

3. In the employment contract for performance of work at home, the following conditions must be provided:

1) performance of works using equipment, materials, tools and devices owned by the employee or allocated by the employer or purchased at the expense of the employer;

2) the procedure and terms of providing the employee with raw materials, materials, semi-finished products, necessary for performance of work;

3) compensatory and other payments to the employee.

Article 137-1. Procedure for the provision of personnel services

1. The sending party shall conclude an employment contract or supplementary agreement to the employment contract and shall send the employees to the receiving party to perform the employment functions defined by their employment contracts for the benefit, under the management and control of the receiving party. The guiding party shall be the employer for the employees of the guiding party and shall have the rights and obligations provided for in this Code.

2. Sending an employee of the sending party to the receiving party is allowed after the employee and the sending party signs an employment contract or an additional agreement to the employment contract indicating the place of work performed by the receiving party.

Sending the employee of the sending party to the receiving party to perform heavy work, work with harmful and (or) hazardous working conditions shall be allowed provided that

there are results of certification of production facilities according to the working conditions of the receiving side, as well as familiarization of the employee of the sending party with such results at his workplace.

In the event that the sending party shall carry out activities within the framework of the contract for the provision of personnel services, the professional risk class of the sent employee must comply with the requirements of the Law of the Republic of Kazakhstan "On compulsory insurance of the employee against accidents in the performance of labor (official) duties." The sending party shall not be entitled to send, and the receiving party shall not have the right to admit to the workplace of the employee of the sending party, uninsured under compulsory accident insurance of the employee during the performance of labor (official) duties.

If this Code and other laws of the Republic of Kazakhstan establish prohibitions and restrictions on employment in the receiving party, then these prohibitions and restrictions apply to the employee of the sending party sent to the receiving party.

3. It shall be allowed to send the employees of the guide side to the receiving side in the following cases:

1) to perform work in the household of individuals;

2) for the duration of certain work;

3) during replacement of a temporarily absent employee;

4) for the duration of seasonal work.

4. The date of completion of the work by the employee of the sending party at the receiving party shall be the day indicated in the notification sent by the receiving party to the sending party, on the expiration of the period of attraction of employees of the sending party by the receiving party.

5. It shall not be allowed to send the employees of the sending party to the receiving party to perform the work in the following cases:

1) replacement of employees participating in the strike in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

2) replacement of employees who refused to perform work in cases and procedures established by the labor legislation of the Republic of Kazakhstan, with the exception of deterioration of the health of the employee;

3) downtime, bankruptcy proceedings, introduction of a part-time regime in order to preserve jobs in case of threat of dismissal of employees.

6. The conditions and procedure for the performance of work by the employees of the sending party shall be determined by 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.

The provisions of the contract for the provision of personnel services that aggravate the situation of employees of the sending party compared to the labor legislation of the Republic of Kazakhstan shall be recognized invalid and shall not be subject to application.

7. The receiving party shall be obliged to respect the rights of the workers of the sending party in regulating the regime of work and rest provided for by the labor legislation of the Republic of Kazakhstan.

8. It shall be prohibited for the receiving party to discriminate against the workers of the sending party when concluding a contract for the provision of personnel services.

9. The employee of the sending party shall have the right to refuse to perform work in the event of a situation that poses a threat to his health or life, with the notification of this to the representative of the receiving party and the representative of the employer, and also has other rights and bears the obligations provided for in this Code.

10. The receiving party shall have the right to:

1) require the employees of the sending party to comply with the terms of the employment contract, the labor regulations and other acts of the receiving party;

2) encourage the employees of the sending party in the manner prescribed by the act of the receiving party;

3) compensate for damage caused by the employee of the sending party in the performance of labor duties.

11. The receiving party shall:

1) familiarize the employee of the sending party with the rules of labor regulations, other acts of the receiving party that shall be directly related to work (labor function);

2) provide workers of the sending party with production and household conditions in accordance with the labor legislation of the Republic of Kazakhstan;

3) provide the employees of the sending party with equipment, tools, technical documentation and other means necessary for the performance of labor duties at their own expense;

4) suspend work if its continuation poses a threat to the life and health of the employee of the sending party and other persons;

5) notify the employee of the sending party about harmful and/or hazardous working conditions and the possibility of occupational disease;

6) take measures to prevent risks at workplaces and technological processes, carry out preventive work taking into account production and scientific and technological progress;

7) keep records of working time, including overtime work, work on weekends and holidays, in harmful and (or) hazardous working conditions, in hard work performed by each employee of the sending party.

12. In case of violation of employment discipline by the employee of the directing party, the receiving party shall notify the directing party within five working days from the date of

detection of the fact in order to decide whether to bring him to disciplinary liability in accordance with the employment legislation of the Republic of Kazakhstan.

13. Material liability of the employee of the sending party for damage caused to the receiving party occurs in cases provided for in Article 123 of this Code, regulatory legal acts of the Republic of Kazakhstan, as well as an employment contract.

14. The employment relations of the workers of the sending party shall be carried out in accordance with this Code, the Laws of the Republic of Kazakhstan and the employment contract.

Footnote. Chapter 12 as added by the Article 137-1 in accordance with the Law by of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 03.01.2023 № 188-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 138. Remote operation

1. Remote work shall be established both at the conclusion of the employment contract and during the validity period of the employment contract, with the corresponding amendments and additions to the employment contract.

For employees performing official (job) duties without concluding an employment contract, whose work is regulated by this Code with the features stipulated by special laws of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan, including those in military service, employees of special state and law enforcement agencies, civil defense agencies, civil servants, the procedure and terms of remote work, provision of the equipment necessary for the performance of work duties, information technology facilities in accordance with the legislation of the Republic of Kazakhstan on information technology, communication services and other means, reimbursement of expenses shall be determined by the act of the employer.

2. At the initiative of the employee or employer, by agreement of the parties, remote work or combined remote work can be established.

3. During the period of the introduction of a state of emergency or martial law, the declaration of an emergency or the introduction of other restrictive measures, including quarantine, by decision of state bodies or their officials, and in other exceptional cases endangering the life or health of employees, the employer shall have the right by the act of the employer to temporarily establish, with the reasons given, remote work or combined remote work until the above cases are eliminated. At the same time, the provision of equipment and objects of informatization necessary for the performance of labor duties in accordance with the legislation of the Republic of Kazakhstan on informatization, communication services and other means, as well as reimbursement of expenses shall be determined by the employer's act.

The employer's certificate must contain:

1) the basis of temporary establishment of remote operation and/or combined remote operation;

2) a list of employees for whom remote work and/or combined remote work shall be temporarily established;

3) duration of remote operation and/or combined remote operation, which does not exceed the date of elimination of the case, which served as the basis for temporary establishment of remote operation and/or combined remote operation.

4. The employer, the receiving party shall provide the employee with the equipment, objects of informatization necessary for the performance of work duties in accordance with the legislation of the Republic of Kazakhstan on informatization, communication services and other means. The employer shall bear the expenses of their installation and maintenance.

The employee shall be obliged to use equipment, objects of informatization in the course of performance of labor duties in accordance with the legislation of the Republic of Kazakhstan on informatization, communication services and other means provided by the employer, the receiving party.

In the event that an employee shall use his own equipment, informatization facilities in accordance with the legislation of the Republic of Kazakhstan on informatization and other means, and also bears the expenses of paying for communication services, the employer shall be paid compensation, the amount, procedure and term of payment of which shall be established by agreement with the employee.

According to the agreement of the parties, the employee employed in remote work may be reimbursed for other reasonable expenses, including the cost of electricity associated with the performance of work for the employer receiving the party.

5. For employees engaged in remote work, a fixed recording of working hours shall be established, subject to the restrictions of daily working hours, the characteristics of control over which shall be determined in the employment contract or in the act of the employer.

The employee within working hours must be in the availability mode for communication with the employer receiving the party.

The employer, the receiving party shall not be entitled to demand that the employee be in the mode of accessibility outside working hours, except in the cases provided for in Article 77 , paragraph 2, and Article 86 of this Code.

If it is necessary to perform remote work outside the established working time, the employee may be employed only with his written consent with payment in an increased amount in accordance with Articles 108, 109 and 110 of this Code.

In remote work, when the performance of work cannot be recorded by the employer receiving the specific time, the working time is noted in the document on recording working time as the fulfillment of the scope of work established by the labor contract, the act of the employer.

By agreement of the parties to the employment contract, a flexible working time regime may be established for employees employed in remote work in accordance with Article 74 of this Code.

6. Salaries for remote work shall be paid in full in the performance of the scope of work determined by the employment contract and the act of the employer, depending on the qualification of the employee, the complexity and quality of the work performed.

7. In order to ensure the health and safety of employees during their remote work, the employer shall perform the duties provided for in Article 182, paragraph 2, subparagraphs 2), 3), 8), 10), 11), 14), 16) and 17) of this Code, the receiving party shall perform the duties provided for in Article 182-1, paragraph 2, subparagraphs 3), 8), 9) and 10) of this Code, as well as the employer or the receiving party, develop and issue an act of the employer, an act of the receiving party with requirements for safety and labor protection when working with equipment, objects of informatization in accordance with the legislation of the Republic of Kazakhstan on informatization and other means.

The other duties of the employer, the receiving party to ensure safety and labor protection, established by this Code, shall not apply to employees during the period of remote work, unless otherwise provided in labor contracts, collective agreements, an act of the employer, an act of the receiving party.

8. In order to protect official, commercial or other legally protected secrets that have become known to the employee in the process of remote work, in the employment contract or act of the employer, the act of the receiving party provides for a condition on the preservation and non-disclosure of this information of the employer, information of the receiving party.

9. The employment relations of employees engaged in remote work shall be carried out in accordance with this Code, taking into account the peculiarities established by this Article, the employment contract, and the employer's act.

Footnote. The Article 138 in the wording f the Law of the RK dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); as amended by the Law of the Republic of Kazakhstan dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 139. Civil service

1. Admission to the civil service is carried out in the order of appointment or by competition.

2. The competition is organized and conducted by a state institution, a state-owned enterprise that has a vacant position.

The volunteer activity of a candidate is taken into account when entering the 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 the civil service is carried out by concluding an employment contract and issuing an employer's act.

4. A person cannot be accepted for civil service positions related to the performance of functions equated to state functions:

1) previously committed a corruption crime;

Note!

Subparagraph 2) of Part four comes into force on 01.01.2027 in accordance with the Law of the Republic of Kazakhstan dated 03.01.2023 № 188-VII (the text is deleted).

5. Development and approval of the register of civil servants' posts are carried out by the authorized state bodies of the relevant areas of activity in coordination with the authorized state body for labor.

6. A civil servant shall not be entitled to:

1) use the means of material, technical, financial and information support, other state property and official information for non-official purposes;

2) participate in activities that impede the normal functioning of the civil service and performance of official duties;

3) use the official position for purposes other than civil service;

4) disclose information that became known during the period of civil service, constituting state secrets, official and other secret protected by law.

7. Procedure and conditions for attestation of civil servants are determined by the authorized state body of the relevant field of activity.

8. A civil servant, upon his written application, may be transferred to work in another state institution, a state enterprise upon agreement between the heads of the relevant organizations.

9. Payment for labor of civil servants, maintained at the expense of the state budget, is determined by the Government of the Republic of Kazakhstan.

According to the decision of local representative authorities at the expense of budget funds shall be established the increased salaries not less than twenty five percent to specialists for health care, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural territories, who shall be civil servants and rural area workers and tariff rates compared with the salaries and rates of civil servants engaged in these activities in urban areas, unless otherwise shall not be established by the Laws of the Republic of Kazakhstan.

The list of positions of specialists for health, social security, education, culture, sports, veterinary medicine, forestry and specially protected natural territories that shall be civil servants and rural area workers shall be determined by the local executive authority in consultation with the local representative authority.

10. Civil servants maintained at the expense of the state budget are provided with a basic paid annual leave for not less than thirty calendar days with payment of allowance for health rehabilitation in the amount of the official salary.

Allowance for health rehabilitation for civil servants is paid once a calendar year when providing the paid annual labor leave.

Footnote. Article 139 as amended by the Law of the Republic of Kazakhstan dated 15.06.2017 № 73-VI (shall be enforced from 01.01.2019); dated 04.07.2022 № 134-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 03.01.2023 № 188-VII (see Article 2 for the procedure for entry into force).

Article 140. Peculiarities of labor regulation of the head of the executive body of a legal entity and other members of the collegial executive body of a legal entity, as well as employees of the internal audit service and corporate secretary

Footnote. The title of the Article 140 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

1. Conclusion and termination of an employment contract, procedure and conditions of remuneration, bringing to material and disciplinary responsibility, removing the head of the executive body from work, members of the collective executive body of a legal entity, as well as employees of the internal audit service and the corporate secretary, shall be carried out in accordance with this Code, other regulatory legal acts of the Republic of Kazakhstan, documents approved by the founders, owner of property of a legal entity or authorized founders, owner of a person (of the body) or an authorized body of a legal entity, regulations on the executive body, the internal audit service, the corporate secretary of the legal entity and the employment contract.

2. In the event that the sole founder (participant, shareholder) is the sole executive body of the legal entity, the employment contract is not concluded. Labor relations are documented by the employer's act on employment, which must include the labor function, the term of employment, the date of commencement of work, the place of performance of work, as well as the amount and other terms of payment for labor.

In case of amendments in the composition of founders (participants, shareholders) with the head of the executive body, members of the collegial executive body of the legal entity, a new employment contract shall be concluded or labor relations with them shall be terminated on the basis of the decision of the founders, the owner of the property of the legal entity or authorized by the founders, the owner of the person (body) or the authorized body of the legal entity.

3. In case of appointment (election, approval) of the head of the executive body, members of the collegial executive body of a legal entity, as well as employees of the internal audit service and the corporate secretary for a new term, the employment contract shall be amended and added accordingly.

4. The employer's act on accepting and terminating the employment contract is signed by a person authorized by the decision of the founders, the owner of the property of the legal entity or authorized by the founders, the owner of the person (body) or the authorized body of the legal entity or documents approved by them.

5. Disciplinary action against the head and other members of the collegial executive body of a legal entity, employees of the internal audit service and the corporate secretary shall be imposed directly after the discovery of a disciplinary offence, but not later than two months from the date of its discovery.

The procedure for applying disciplinary sanctions 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 shall be established by an act of the employer approved by the decision of the founders, the owner of the property of the legal entity or authorized by the founders, the owner of the person (body) or the authorized body of the legal entity, taking into account the peculiarities of the legislation of the Republic of Kazakhstan and the constituent documents of the legal entity.

6. The specifics of labor regulation of the head of the executive body of the legal entity provided for by this Code extend to the sole executive body of the legal entity, as well as to other members of the collegial executive body of the legal entity.

Footnote. Article 140 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 141. Regulation of the work of employees in the field of civil and experimental aviation

The work of employees in the field of civil and experimental aviation is regulated by this Code with the features provided for by the Law of the Republic of Kazakhstan "On the use of airspace of the Republic of Kazakhstan and aviation activities", which establishes for:

1) aviation personnel directly related to flight safety, including air traffic services, special standards for the duration of working hours and rest time.

Such special standards may also be provided for by other regulatory legal acts of the Republic of Kazakhstan, taking into account international standards and regulations in the field of civil and experimental aviation;

2) aviation personnel and other employees who report or are mentioned in reports on aviation events, special rules for bringing to disciplinary and (or) material responsibility;

3) aviation inspectors of the authorized organization in the field of civil aviation - special standards providing for restrictions and types of disciplinary penalties.

Footnote. Article 141 as amended by the Law of the Republic of Kazakhstan dated 29.12.2022 № 174-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 142. Regulation of labor of employees relating to crew members of marine vessels (onboard personnel)

The labor of employees related to the members of the crews of marine vessels (onboard personnel) is regulated by this Code with the peculiarities, stipulated by the Law of the Republic of Kazakhstan "On Merchant Shipping" and other normative acts of the Republic of

Kazakhstan establishing the specifics of regulation of labor, wages, working hours and rest time of crew members of marine vessels (onboard personnel).

Article 143. Regulation of labor of civil servants, contract employees in state bodies, deputies of Parliament and maslikhats, judges of the Republic of Kazakhstan

The work of civil servants, contract employees in state bodies, deputies of Parliament and maslikhats, judges of the Republic of Kazakhstan is regulated by this Code with the features provided for by the laws of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan, establishing special conditions and procedure for entering the service, its passage and termination, special working conditions, conditions of remuneration, as well as additional benefits, advantages and limitations.

Footnote. Article 143 – as amended by the Law of the Republic of Kazakhstan dated 20.03.2023 № 214-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 143-1. Regulation of labor of persons who are subject to the requirements of the Law of the Republic of Kazakhstan "On Combating Corruption"

The labor of persons who are subject to the requirements of the Law of the Republic of Kazakhstan "On Combating Corruption" shall be regulated by this Code with the specifics provided for by the Law of the Republic of Kazakhstan "On Combating Corruption".

Footnote. Chapter 12 as supplemented by article 143-1 in accordance with Law of the Republic of Kazakhstan № 273-VI dated 26.11.2019 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 144. Regulation of labor of persons in military service, employees of special state, law enforcement bodies and state courier service

The work of persons in military service, employees of special state, law enforcement agencies, civil defense agencies and the state courier service shall be regulated by this Code with the features provided for by special laws of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan establishing special conditions and procedures for entering service, its completion and termination, special working conditions, terms of remuneration, as well as additional benefits, advantages and restrictions.

Footnote. Article 144 as amended by the Law of the Republic of Kazakhstan dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 145. Regulation of labor of employees of the National Bank of the Republic of Kazakhstan and its departments

The labor of employees of the National Bank of the Republic of Kazakhstan and its departments is regulated by this Code with the peculiarities, stipulated by the Law of the Republic of Kazakhstan "On the National Bank of the Republic of Kazakhstan" and other normative legal acts of the Republic of Kazakhstan and acts of the National Bank of the Republic of Kazakhstan establishing special conditions for appointment, termination of the

employment contract, special working conditions, the system and terms of payment, as well as privileges and limitations.

Article 145-1. Labor regulation of employees of the authorized body for regulation, control and supervision of the financial market and financial organizations

The labor of employees of the authorized body for regulation, control and supervision of the financial market and financial organizations shall be regulated by this Code with the specifics provided for by the Law of the Republic of Kazakhstan "On State Regulation, Control and Supervision of the Financial Market and Financial Organizations", other regulatory legal acts of the Republic of Kazakhstan and acts of the authorized body on regulation, control and supervision of the financial market and financial organizations, establishing special conditions for appointment to a position, termination of an employment contract, special working conditions, conditions of remuneration, as well as additional benefits, advantages and restrictions.

Footnote. Chapter 12 as supplemented by Article 145-1 in accordance with Law of the Republic of Kazakhstan № 262-VI dated 03.07.2019 (shall be enforced since 01.01.2020).

Article 146. Regulation of labor of employees who are members of the trade union bodies of the trade union

The labor of employees who are members of the trade union bodies of the trade union is regulated by this Code with the peculiarities stipulated by the Law of the Republic of Kazakhstan "On Trade Unions".

Article 146-1. Features of labor regulation of employees hired by an individual entrepreneur or a legal entity operating using Internet platforms and (or) a mobile application of platform employment

1. The work of employees employed under an employment contract with an individual entrepreneur or a legal entity engaged in activities using Internet platforms and (or) a mobile application for platform employment is regulated in accordance with this Code, taking into account the specifics established by this article, the employment contract and the act of the employer.

2. An employment contract between an employee and an individual entrepreneur or a legal entity carrying out activities using Internet platforms and (or) a mobile application for platform employment is concluded for a certain period without limitation provided for in subparagraph 2) of paragraph 1 of Article 30 of this Code.

3. For employees engaged in labor activity using Internet platforms and (or) a mobile application of platform employment, a different duration of daily work (work shift) may be established in accordance with the labor legislation of the Republic of Kazakhstan, acts of the employer, collective or employment contract.

4. The system and conditions of remuneration, duration and procedure for recording the working hours of employees engaged in labor activity using Internet platforms and (or) mobile application of platform employment are established in accordance with the labor

legislation of the Republic of Kazakhstan, acts of the employer, collective or employment contract.

Footnote. Chapter 12 is supplemented by Article 146-1 in accordance with the Law of the Republic of Kazakhstan dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

SECTION 3. SOCIAL PARTNERSHIP AND COLLECTIVE RELATIONS IN LABOR AREA

CHAPTER 13. SOCIAL PARTNERSHIP IN LABOR AREA

Article 147. Bodies, principles and tasks of social partnership

1. Parties to social partnership are the state in the person of the relevant executive bodies, employees and employers in the person of their representatives authorized in accordance with the established procedure.

2. Social partnership is provided in the form of interaction between the parties through the bodies of social partnership:

1) at the republican level - by the republican tripartite commission on social partnership and regulation of social and labor relations (hereinafter - the republican commission);

2) at the industrial level - by industrial commissions on social partnership and regulation of social and labor relations (hereinafter - the industrial commission);

3) at the regional (regional, municipal, district) level - regional, municipal, district commissions on social partnership and regulation of social and labor relations (hereinafter - the regional commission);

4) at the level of organizations in the form of collective contracts that establish specific mutual obligations in labor area between representatives of employees and the employer on the basis of the legislation of the Republic of Kazakhstan.

3. Regularly functioning republican, industrial, regional commissions are formed on the basis of the following principles:

1) mandatory participation of representatives of executive authorities, representatives of employers and representatives of employees in the work of the commissions;

2) the authority of the parties;

3) parity representation;

4) the equality of the parties;

5) mutual responsibility of the parties.

4. The personal composition of the commission members is formed by each party of the social partnership independently.

5. Social partnership in the Republic of Kazakhstan is aimed at solution of the following tasks:

1) establishment of an effective mechanism to regulate social, labor and related economic relations;

2) assistance in ensuring social stability and social harmony on the basis of an objective consideration of the interests of all sectors of society;

3) assistance in ensuring the guarantees of the rights of workers in labor area, their social protection;

4) facilitation of the process of consultations and negotiations between the parties to social partnership at all levels;

5) assistance in resolving collective labor disputes;

6) development of proposals for implementation of state policy in social and labor relations area.

Footnote. Article 147 as amended by the Law of the Republic of Kazakhstan dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 148. Organization of social partnership

1. Republican, industrial and regional commissions are regular bodies to coordinate the interests of the parties to social partnership through consultations and negotiations that are documented by relevant decisions binding on the parties.

2. Organization of social partnership is entrusted:

1) at the republican level – to the authorized state body for labor;

2) at the industrial level - to the authorized state bodies of the relevant areas of activity;

3) at the regional level - to local executive bodies of the respective administrative and territorial unit.

For the purposes of this Code, the list of sectors is established by the republican commission.

3. Representatives of the parties shall be:

1) at the republican level - plenipotentiary representatives of the Government of the Republic of Kazakhstan, republican associations of trade unions, republican associations (associations, unions) of employers, republican associations for small business;

2) at the sectoral level - authorized representatives of authorized state bodies of the relevant spheres of activity, branch trade unions, branch associations (associations, unions) of employers, and in their absence - branch organizations;

3) at the regional level:

at the level of the region, the city of republican significance, the capital - plenipotentiary representatives of local executive bodies, territorial associations of trade unions, regional or city of republican significance and the capital of the association (association, union) of employers, regional or city of republican significance and the capital of the association for small business;

at the level of a district, a city of regional significance - plenipotentiary representatives of local executive bodies, a district or city of regional significance of a small business association, territorial associations of trade unions.

The personal composition of the members of the commissions shall be formed by each side of the social partnership independently. Representatives of the parties to the social partnership are given equal rights and powers.

4. Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

5. Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Footnote. The Article 148 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 149. The right to negotiate preparation of contracts

1. Negotiations on development, content, conclusion, amendment, complementation of a contract may be initiated by any of the parties to social partnership.

2. If there are several representatives authorized by employees and employers at the republican, industrial and regional levels, each of them is given the right to negotiate on the basis of the pro-rata representation principle, depending on the number of represented employees and employers.

Article 150. The order of negotiation, development and conclusion of contracts

1. The parties that received written proposals to start negotiations from the other party are obliged to consider them within ten calendar days and begin negotiations.

If there are disagreements between the parties on certain provisions of the agreements, the parties must sign a contract on the agreed terms and simultaneously draw up a protocol of disagreements within three months from the date of the commencement of negotiations.

If the parties could not come to an agreement, a protocol is drawn up, which contains the finalized proposals of the parties on eliminating disagreements and the terms for resumption of negotiations.

2. The procedure for conducting negotiations, the timing of the development and conclusion of agreements, as well as the introduction of amendments and additions to them, shall be approved by the commissions.

3. Agreements come into force from the moment they are signed by the parties or from the day set up in the agreements. All annexes to agreements are their integral part and have equal legal force with them.

4. The term of the agreement is established by agreement of the parties or before adoption of a new agreement, but may not exceed three years.

5. In cases where workers are simultaneously covered by several agreements, the most favorable conditions for employees are applied if there are written applications from employees.

6. Decisions of the commissions are taken only on the basis of reaching agreement of all parties in the negotiations and are documented by corresponding agreements. The order of decision-making and organization of work is developed and approved by the commissions.

7. General, industrial, regional agreements are signed by representatives of the parties to social partnership.

Footnote. The Article 150 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 151. Registration of agreements

1. Industrial and regional agreements with annexes signed by the parties are sent for notification registration within a ten-day period.

2. Registration of industrial and regional agreements concluded at the regional level is carried out by the authorized state body for labor.

3. Registration of industrial and regional agreements concluded at the municipal and district level is carried out by local executive bodies.

Article 152. Parties, types of social partnership agreements

1. At the republican level, a general agreement shall be concluded between the Government of the Republic of Kazakhstan, republican associations (associations, unions) of employers and republican associations (associations, unions) of trade unions.

2. At the industrial level, industrial agreements are concluded between the authorized state bodies of the relevant area of activity, plenipotentiary representatives of employers and industrial trade unions.

3. Regional (regional, municipal, district) agreements between local executive bodies and plenipotentiary representatives of employers and territorial associations of trade unions are concluded at the regional level.

Footnote. The Article 152 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 153. Content of social partnership agreements

1. Agreements should include provisions:

1) on validity period;

2) on the order of control over execution;

3) on the procedure for introducing amendments and additions to the agreement;

4) on the responsibility of the parties in case of failure to fulfill their obligations.

2. The content of the general agreement shall be determined by the republican commission on the basis of the draft general agreement submitted by all parties to the social partnership or one of them.

3. The content of industrial and regional agreements is determined by the industrial and regional commissions on the basis of draft agreements submitted by all parties to the social partnership or one of them.

4. The general agreement should provide for the following provisions:

1) on consideration of draft laws in social and labor relations area;

2) on the measures to prevent social and labor conflicts and strikes;

3) on development of the labor market, promotion of effective employment of the population;

4) excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication);

5) on conditions and labor protection, industrial and environmental safety;

6) on development of social partnership and dialogue;

7) on the procedure for formation and activities of a group of observers to participate in development and adoption of agreements at the industrial and regional levels.

5. Industrial agreements should include the provisions:

1) review of program and strategic documents of the relevant industry;

2) on development of social partnership and dialogue in the sector;

3) on measures to prevent social and labor conflicts and strikes;

4) on basic principles of the wage system of the sector, including establishment of:

minimum tariff rates (salaries) in the sector;

limit values of inter-category coefficients;

a unified procedure for establishment of additional payments to workers engaged in heavy work, work with harmful and (or) dangerous working conditions;

4) excluded by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication);

6) excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication);

7) excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication);

8) excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication);

9) excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

6. Regional agreements should contain provisions for:

1) development of social partnership and dialogue in the region;

2) consideration of policy and strategic documents of the region;

3) measures to prevent social and labor conflicts and strikes;

4) assisting employers and workers' representatives in resolving labor disputes;

5) taking measures aimed at ensuring employment and reducing unemployment;

6) the activities of the Council for the prevention and settlement of collective employment disputes.

7. The provisions of the agreement, which worsen the position of the employee in comparison with the labor legislation of the Republic of Kazakhstan, shall be declared null and void and shall not be subject to application.

Footnote. The Article 153 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication)..

Article 154. Effect of social partnership agreements, control over their implementation and responsibility of the parties

1. Effect of the general agreement shall extend to state bodies, employers, employees in the person of their representatives authorized in the established procedure.

2. Effect of the industrial agreement shall extend to the state bodies of the relevant area of activity, employers, employees and their representatives in the relevant sector.

3. Effect of the regional agreement shall extend to the local executive bodies, employers, employees and their representatives of the relevant administrative and territorial unit.

4. The agreements also apply to organizations registered in the territory of the Republic of Kazakhstan, property owners whose founders (shareholders) or shareholders are foreign citizens or foreign legal entities or legal entities with foreign participation, as well as branches and representative offices of foreign legal entities.

5. The authorized state body for labor at the republican level, the state bodies of the relevant area of activity at the industrial level and local executive bodies at the regional level are obliged to officially publish the agreements within thirty calendar days from the date of their signing.

6. The parties to social partnership shall control the implementation of agreements.

7. Evasion of representatives of the parties from participating in negotiations on concluding, amending, supplementing agreements, or unreasonable refusal to sign an agreement, violation of the terms of negotiations and failure to ensure the work of the relevant commission, failure to provide information necessary for negotiating and controlling the compliance with the agreements, as well as violation or non-fulfillment of their conditions entail responsibility established by the laws of the Republic of Kazakhstan.

Article 155. Public control over observance of the labor legislation of the Republic of Kazakhstan

Republican and industrial associations of workers carry out public control over observance of the labor legislation of the Republic of Kazakhstan on terms and in the manner stipulated in agreements and collective contracts.

CHAPTER 14. COLLECTIVE CONTRACT

Article 156. Parties to the collective contract. The procedure for collective negotiations, development and conclusion of a collective contract

1. The parties to the collective contract are the employer and employees in the person of their representatives authorized in the established procedure.

2. The proposal for collective bargaining and collective bargaining may come from either party.

The party notified to the other party with a proposal to commence negotiations on the conclusion of a collective agreement shall, within ten working days, consider it and enter into negotiations in the order prescribed by paragraph 4 of this Article.

3. A collective agreement can be concluded both in organizations and in branches and representative offices of foreign legal entities. The organization shall have one collective agreement.

4. To conduct collective negotiations and prepare a collective contract, the parties shall set up a commission on a parity basis. The number of members of the commission, its staff, the timing of development of the draft and conclusion of a collective contract are determined by agreement of the parties.

Employees who are not members of the trade union have the right to authorize the body of the trade union to represent their interests in the relationship with the employer.

If there are several representatives of workers in the organization, they set up a single representative body to participate in the work of the commission, discussion and signing of a collective contract.

5. The draft collective contract prepared by the commission is subject to mandatory discussion by the employees of the organization. The draft is finalized by the commission taking into account the received recommendations and proposals.

6. Upon reaching an agreement between the parties, the collective contract shall be drawn up in at least two copies and signed by the representatives of the parties.

7. If there are disagreements between the parties on certain provisions of a collective contract, the parties must sign a collective contract on the agreed terms and simultaneously draw up a protocol of disagreements within one month from the day of their appearance. The disagreements that have arisen in the course of collective negotiations may be the subject of further collective negotiations on their settlement with introduction of amendments and additions.

8. Amendments and additions to the collective contract are made only by mutual consent of the parties in the manner established by this article, for its conclusion.

9. The parties to collective negotiations shall not be entitled to disclose the information received, if such information constitutes state secrets, official, commercial or other secret protected by law.

10. The parties to collective negotiations may be exempted from performance of their duties for the period of their conduct, while retaining their wages.

11. The employer is obliged to submit the collective contract signed by the parties to the territorial subdivision for monitoring within one month from the date of signing.

Footnote. The Article 156 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 157. Content and structure of a collective contract

1. Content and structure of a collective contract shall be determined by the parties in accordance with the concluded general, industrial and regional agreements.

The collective contract includes the following provisions:

1) on standardization, wage systems, size of tariff rates and salaries, allowances and additional payments to employees, including those engaged in heavy work, work with harmful and (or) dangerous working conditions;

2) on establishment of inter-category coefficients;

3) on duration of working hours and rest time, leaves;

4) on creation of healthy and safe working and living conditions, on the volume of financing measures for safety and labor protection, on improving health protection;

5) on creation of conditions for activities of the trade union;

6) on the procedure for introducing amendments and additions to the collective contract;

7) on control and responsibility of employees and the employer for execution of a collective contract;

8) on the acts of the employer, requiring consideration of opinion of workers' representatives;

9) on the procedure for admission to heavy work, work with harmful and (or) dangerous working conditions of persons who have reached the retirement age established by the Social Code of the Republic of Kazakhstan.

2. The collective contract may include mutual obligations of employees and the employer on the following issues:

1) on improving labor organization and increasing efficiency of production;

2) on the order of indexation of wages;

3) on ensuring employment, on training, advanced training, retraining, recognition of professional qualifications and employment of dismissed employees;

4) on guarantees, benefits and compensation payments to employees undergoing training, retraining, advanced training and recognition of professional qualifications, as well as to employees combining work with training;

5) on improving the living conditions of workers;

6) on health improvement, sanatorium treatment and rest of workers;

7) on guarantees to employees elected to the bodies of the trade union, as well as to elective representatives and conditions for performance of their works;

8) on the procedure for taking into account the motivated opinion of the body of the trade union in the event of termination of the employment contract with employees who are members of the trade union;

9) on compensation payment in case of termination of the employment contract at the initiative of the employer when the employee reaches retirement age;

10) on compensation payment for the time of finding employees on the road from the location of the employer or from the point of collection to the place of work and back;

11) on the payment of maternity leave, leave to employees who have adopted a newborn child (children), with the preservation of the average salary minus the amount of social payment in case of loss of income due to pregnancy and childbirth, adoption of a newborn child (children), carried out in accordance with the Social Code Republic of Kazakhstan;

12) on responsibility of employees and the employer for the damage caused by them;

13) on voluntary pension contributions;

14) on guarantees of medical insurance for employees and their families, on environmental protection;

15) on making, at the expense of the employer's funds, of voluntary pension contributions in favor of the employee in the event of inadequate funds for conclusion of a pension annuity contract with the insurance organization;

16) on measures to train employees in the basics of labor legislation of the Republic of Kazakhstan;

17) on payment of benefits and compensation payments, including in case of accidents related to work;

17-1) on guarantees and benefits to parents and other legal representatives who have a child (children) under the age of three, as well as to employees caring for a sick family member, in accordance with the medical report;

18) other issues identified by the parties and this Code.

3. Collective contract should not worsen the situation of employees in comparison with the labor legislation of the Republic of Kazakhstan, general, industrial, regional agreements. Such provisions are recognized as invalid and not applicable.

Footnote. Article 157 as amended by the Law of the Republic of Kazakhstan № 483-V dated 06.04.2016 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 04.07.2023 № 15-VIII (effective sixty calendar days from the date of its first official publication); dated 15.04.2024 № 72-VIII (effective sixty calendar days after the date of its first official publication).

Article 158. Terms, scope of a collective contract and responsibilities of the parties

1. A collective contract is concluded for a period determined by the parties.

2. A collective contract shall enter into force from the moment of its signing, unless otherwise provided by its provisions, and is binding on the parties.

In case of expiration of the collective agreement, it shall be considered extended until the conclusion of a new collective agreement, but not more than for a period of up to one year, provided that at least one of the parties before the expiration of its validity period shall made a proposal to conclude a new collective agreement.

The collective agreement may provide for its extension before the date of the conclusion of a new collective agreement without limiting the period established by part two of this Paragraph.

3. A collective contract shall apply to the employer and employees of the organization on behalf of whom the collective contract is concluded and to the employees who joined it. The terms and conditions of accession are defined in the collective contract.

4. Upon liquidation of the organization, declaring it bankrupt, a collective contract terminates on the date of termination of employment contracts with all employees.

5. Evasion of representatives of the parties to participate in negotiations to conclude, amend or supplement a collective contract or the unjustified refusal to conclude a collective contract, violation of the terms of the negotiations and failure to ensure the work of the relevant commission, failure to provide the information necessary to negotiate and monitor compliance with the provisions of the collective contract, as well as the violation or non-fulfillment of its conditions entail responsibility established by the laws of the Republic of Kazakhstan.

Footnote. Article 158 as amended by the Law of the Republic of Kazakhstan № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

CHAPTER 15. CONSIDERATION OF INDIVIDUAL LABOR DISPUTES

Article 159. Order of consideration of individual labor dispute

1. Individual employment disputes shall be considered by the conciliation commissions, except for disputes arising between the employer and the employee of the microenterprise, a non-profit organization with a number of employees of no more than fifteen people, a domestic worker, the sole executive body of a legal entity, the head of the executive body of a legal entity, as well as other members of the collegial executive body of a legal entity, and on unresolved issues or failure to comply with the decision of the conciliation commission - courts.

The requirement to create a conciliation commission to consider individual labor disputes in the manner determined by this Code shall not apply to certain categories of workers whose work is regulated by the Labor Code of the Republic of Kazakhstan with the specifics provided for by special laws and other regulatory legal acts of the Republic of Kazakhstan, including those in military service, employees of special state and law enforcement agencies, civil defense agencies, and civil servants.

2. The conciliation commission is a permanent body established in the organization on a parity basis from an equal number of representatives from the employer and representatives of employees.

The collective agreement may provide for the creation of conciliation commissions in branches, representative offices and other separate structural divisions of the organization.

3. The procedure for the formation and activities of the conciliation commission are determined by the agreement on the work of the conciliation commission, which is concluded between the employer and the representatives of employees, or a collective agreement.

An agreement on the work of the conciliation commission or a collective agreement must contain provisions on the number of members of the conciliation commission, the procedure for electing the chairman and secretary from among the members of the conciliation commission, the procedure for submitting an application to the conciliation commission, the procedure and rules of work of the conciliation commission, the procedure for making a decision by the conciliation commission and its content, the term of office of the members of the conciliation commission, the provision of guarantees to its members and other issues related to the organization of the work of the conciliation commission.

It is allowed to hold a meeting of the conciliation commission with the use of information and communication technologies. In this case, the participation of the members of the conciliation commission and other persons is confirmed by an electronic digital signature or other electronic means with the authorization, identification and preservation by the employer of the record of the meeting.

4. An application submitted to the conciliation commission shall be subject to mandatory registration by the said commission on the day of filing.

The dispute is considered in the presence of the applicant and / or the representative authorized by him within the limits of authority delegated to him in accordance with the normative legal acts of the Republic of Kazakhstan. It shall be allowed to consider the dispute without the participation of the applicant with his written consent.

The applicant has the right, prior to the decision of the conciliation commission, to withdraw the previously submitted application by notifying the secretary of the commission in writing about the withdrawal of the application.

A person who has previously been in an employment relationship has the right to delegate by written application the right to represent his interests in the conciliation commission to trade union bodies, elected representatives of employees.

4-1. An individual labor dispute, the party to which is an employee, including one who was previously in an employment relationship, rendering (rendered) assistance in combating corruption in an organization by informing the superior head and (or) the management of this organization, is considered with the mandatory invitation of a representative of the authorized body for combating corruption in the manner prescribed by this article, taking into account the specifics established by the Law of the Republic of Kazakhstan "On combating corruption

", and ensuring confidentiality in the presence of an agreement on non-disclosure of information on assistance in combating corruption, concluded in accordance with the procedure established by the legislation of the Republic of Kazakhstan on combating corruption.

The invitation of a representative of the authorized anti-corruption body is made by sending the organization specified in part one of this paragraph a notification and relevant materials related to the labor dispute to the authorized anti-corruption body, indicating the place and time of consideration of the labor dispute no later than three working days before its consideration.

If a representative of the authorized anti-corruption body fails to appear for consideration of a labor dispute, a meeting of the conciliation commission shall be held without his participation in the manner prescribed by this article, taking into account the specifics established by the Law of the Republic of Kazakhstan "On combating corruption".

The requirements of parts one, two and three of these paragraphs are valid for three years from the date of receipt by the authorized state bodies of the employee's notification of the fact of a corruption offense or from the moment he provides other assistance in combating corruption.

If the head of the organization receives a notification from the authorized anti-corruption body about the need to consider an individual labor dispute between an employee, including one who previously had an employment relationship, who assisted in combating corruption, and the employer, the employer is obliged to take measures to consider this dispute in the manner prescribed by this article, taking into account the specifics established by the Law of the Republic of Kazakhstan "On combating corruption."

5. The conciliation commission shall review the dispute within fifteen working days from the date of registration of the application and issue copies of the decision to the parties to the dispute within three working days from the date of its adoption.

The conciliation commission is headed by a chairman elected by the members of the commission from among the representatives of the employer and representatives of employees on a rotating basis with a frequency of at least once every two years.

The meeting and the decision of the conciliation commission are valid if, when considering an individual labor dispute, an equal number of members of the conciliation commission were present at the meeting on the part of representatives of the employer and representatives of employees. Each member of the conciliation commission has one vote when voting.

The decision must be reasoned, stated in writing and signed by the chairman and secretary of the conciliation commission.

The members of the conciliation commission are released from performing their work duties for the time of consideration of an individual labor dispute with the preservation of wages.

6. The decision of the conciliation commission is subject to execution within the period established by it, which may not exceed one month from the date of the decision of the conciliation commission, with the exception of a dispute about reinstatement.

The amounts to be paid by the employer by the decision of the conciliation commission are paid to the applicant no later than the next month established for the payment of wages after the decision of the conciliation commission.

7. In case of non-fulfillment of the decision of the conciliation commission within the time period established by it or non-settlement of issues, the employee or a person who previously had an employment relationship, or the employer has the right to apply to the court .

8. Members of the conciliation commission shall be required to undergo annual training on the application of the employment legislation of the Republic of Kazakhstan, the development of skills in negotiating and reaching consensus in employment disputes.

Footnote. The Article 159 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 03.01.2023 № 188-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 160. Terms of application for review of individual labor disputes

To apply to the conciliation commission or to the court for review of individual labor disputes, the following terms are established:

1) on disputes about reinstatement at work - one month from the day of delivery or sending by mail by registered letter with a notification of delivery of a copy of the employer's certificate of termination of the employment contract to the conciliation commission, and to apply to the court - two months from the day of delivery or sending by mail by registered letter with a notice of delivery of a copy of the decision of the conciliation commission when dealing with unresolved disputes or when the party fails to fulfill its decision;

2) in other labor disputes – one year from the day when the employee, including the one who was previously in an employment relationship, or the employer learned or should have learned about the violation of his right.

Duration of the term for reviewing the individual labor disputes is suspended during the validity period of the mediation contract for the labor dispute under consideration, and also in the absence of a conciliation commission prior to its establishment.

In case of omission for good reasons of the fixed period of application, the conciliation commission on employment disputes may restore the period of application to the conciliation commission and resolve the dispute on the merits.

The conciliation commission independently shall determine whether the reasons why the employee, including those who had previously been in labor relations, did not apply to the conciliation commission within the prescribed time limit shall be valid.

The following deadlines shall be set for the participants in employment relations who are entitled under this Code to appeal to the court without recourse to the conciliation commission for the consideration of individual employment disputes:

on disputes about reinstatement at work - three months from the day of delivery or sending by mail by registered letter with notification of delivery of a copy of the employer's certificate of termination of the employment contract;

in other employment disputes, one year from the day on which an employee, including one who had previously been in an employment relationship, learned or should have learned of a violation of his or her right.

Footnote. The Article 160 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 161. Reinstatement in a job

1. An employee who has been reinstated shall be paid a salary for all the time of forced absenteeism or a salary difference for the period of lower paid work when illegally transferred to another job, but not more than six months.

2. The decision of the conciliation commission or the court to consider an individual labor dispute on the reinstatement of an employee in his former job is immediately enforceable. If the employer delays the execution of the decision on reinstatement, the conciliation commission or the court makes a decision on the payment of salaries or salary differences to the employee during the delay in the execution of the decision.

Footnote. The Article 161 in the wording by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 16. CONSIDERATION OF COLLECTIVE LABOR DISPUTES

Article 162. Definitions used in this chapter

The following definitions are used in this chapter:

1) labor arbitration is a temporary acting body, set up by the parties to a collective labor dispute involving authorized persons to resolve a labor dispute when an agreement is not reached in the conciliation commission;

2) a strike - full or partial termination of work in order to meet the social and economic and professional requirements of employees in a collective labor dispute with the employer;

3) a conciliation commission - is a body established by agreement between the employer and employees (their representatives) to settle a collective labor dispute by conciliation of the parties;

4) conciliation procedures - consecutive consideration of the collective labor dispute initially in the conciliation commission, and in the absence of consent in it - in labor arbitration, and also by mutual agreement of the parties with the application of the mediation procedure.

Article 163. Emergence of a collective labor dispute

1. A collective employment dispute shall be deemed to have arisen from the date of notification to the employer of the requirements of the employees on the application of the employment legislation of the Republic of Kazakhstan, execution or amendment of the terms of the agreements, employment and/or collective agreements, acts of the employer executed in accordance with Article 164 of this Code.

2. The employer shall be obliged to consider the requirements put forward by employees no later than three working days, the associations (associations, unions) of employers - no later than five working days from the date of their receipt and take measures to resolve them, and if it is impossible to resolve them within the specified period, bring their decisions and proposals in written form to the employees with the indication of their representatives for further consideration of differences.

Footnote. The Article 161 in the wording by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 01.07.2021 № 61-VII (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 164. Bodies for consideration of collective labor disputes and procedure for documentation and consideration of the claims of employees

1. Collective employment disputes shall be settled in the following sequence: they shall be considered by the employer (association, union) of employers) if it is impossible to resolve - in a conciliation commission, if the agreement is not reached in it - by labor arbitration, on issues that are not resolved by him - by the courts.

2. The requirements of employees on the application of employment legislation of the Republic of Kazakhstan, fulfillment or amendments of the terms of agreements, collective and (or) labor agreements, employer's acts between employees and employer, association (association, union) of employers are formed and approved at a general meeting (conference) of employees.

A meeting of employees shall be considered eligible if it is attended by at least two thirds of the total number of employees of the organization.

The conference shall be deemed eligible if at least two thirds of the delegates elected by the employees in accordance with protocol decisions are present.

The decision of the meeting (conference) of employees is considered adopted if more than half of the participants voted in support of the requirements put forward by them. If it is impossible to hold a meeting (conference) of employees, the representative body of employees has the right to approve its decision by collecting more than half of the signatures of employees in support of the requirements put forward by them.

Representatives of employees agree with the employer on the rules for holding meetings (conferences) of employees, place, time, number of participants in the meeting (conference).

3. Employees' claims shall be stated in written and sent to the employer, (associations, unions) of employers within a three-day calendar period from the date of the meeting (conference).

4. In the event that these demands are put forward by employees of different employers, these demands may be submitted by industrial or territorial associations of trade unions or other individuals and (or) legal entities authorized by employees.

5. The employer, at the request of employees, is obliged to provide premises and create the necessary conditions for holding a meeting (conference) of employees and has no right to interfere with its holding.

6. Demands of employees when it is impossible to resolve them are considered in accordance with conciliation procedures.

7. At any stage of consideration of a collective labor dispute, the parties may apply to the mediator. The mediation procedure is independent of conciliatory procedures in the conciliation commission, labor arbitration and may be in parallel with them.

Footnote. The Article 164 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 165. Conciliation commission

1. The conciliation commission is a body established by a joint decision of the parties on a parity basis from an equal number of representatives from the employer and representatives of employees.

The decision to establish a conciliation commission shall be taken within three working days from the date when the employer, association (association, union) of employers (their representatives) bring their decision to the attention of employees (their representatives) or draw up a protocol of disagreement during collective bargaining. If there are several representatives of employees in the organization, they create a single representative body to participate in the work of the commission.

2. The employer, association (association, union) of employers creates the necessary conditions for the work of the conciliation commission.

3. Conciliation commission shall consider the demands of employees (their representatives) within a period not later than seven working days from the date of their

receipt. The procedure for consideration of demands by the conciliation commission, extension of the specified period of review shall be carried out by agreement of the parties and documented by a protocol.

4. In the process of conciliation, the conciliation commission consults with employees (their representatives), the employer, the association (association, union) of employers (their representatives), state bodies and other interested persons.

5. A decision of the commission is made on the basis of an agreement of the parties, documented by a protocol signed by the representatives of the parties, binding on the parties and executed in the manner and terms established by the decision of the conciliation commission. In case of refusal by one of the parties to sign the protocol, the other party makes a corresponding record in the protocol.

6. If the agreement is not reached in the conciliation commission, its work ceases, and labor arbitration is established to resolve the dispute.

Footnote. The Article 165 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 166. Labor arbitration

1. Labor arbitration shall be established by the parties to a collective labor dispute within two working days from the date of termination of the work of the conciliation commission.

2. The number of members of the labor arbitration, its personal composition from among the representatives of the employer and representatives of employees, the procedure for considering a labor dispute are determined by agreement of the parties on a parity basis. Labor arbitration must consist of at least five people. The composition of the labor arbitration includes the state labor inspector, representatives of the tripartite commission on social partnership and regulation of social and labor relations. The members of the tripartite commissions representing the parties of the social partnership are included in the composition of the labor arbitration on a parity basis.

According to the demands of the workers, the members of the conciliation commission may not be part of the labor arbitration.

3. Chairman of labor arbitration shall be elected by the members of arbitration from among them.

4. Collective labor dispute is considered by labor arbitration with obligatory participation of representatives of the parties to the collective labor dispute, and, if necessary, also with participation of representatives of other interested persons.

5. Procedure for consideration of a dispute is determined by labor arbitration and brought to the attention of the parties to a collective labor dispute.

5-1. During the period of consideration of a collective labor dispute by labor arbitration, employees may hold a one-hour warning strike, except for the cases provided for in paragraph 1 of Article 176 of this Code, in which no more than fifty employees may take part.

Representatives of employees participating in labor arbitration must warn employees participating in an hour-long warning strike about the liability established by law in case of violation of its duration.

The employer must be warned by employees in writing about the beginning of an hour-long warning strike no later than three working days in advance.

6. The decision of the labor arbitration shall be adopted no later than five working days from the date of its creation by a simple majority vote of the arbitration members. When dividing the votes of the members of the labor arbitration equally, the chairman's vote is decisive. The decision must be reasoned, stated in writing and signed by all members of the arbitration.

7. If the agreement of the parties to a collective labor dispute is not reached in the conciliation commission in organizations in which the laws of the Republic of Kazakhstan prohibit or restrict strikes, the establishment of labor arbitration is mandatory.

8. A decision of labor arbitration shall be binding on the parties to a collective labor dispute.

9. In the event of non-fulfilment of the decision of labor arbitration within the specified period, the parties have the right to resolve the dispute in court.

Footnote. The Article 166 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 167. Consideration of a collective labor dispute involving a mediator

1. Procedure for consideration of a collective labor dispute involving a mediator is determined by agreement of the parties to a collective labor dispute.

2. As mediators, the parties determine the organizations and persons independent of them. The republican, industrial and regional commissions for regulating social and labor relations may, with the consent of the parties to a collective labor dispute, involve heads and employees of central and local executive bodies, associations and other public associations, employers and independent experts in the settlement of collective labor disputes.

In all cases of involving mediators from among them, a written consent for mediation must be obtained.

Article 168. Consequences of reaching an agreement of the parties on a collective labor dispute

1. In all cases of reaching an agreement between the parties to a collective labor dispute on its resolution with or without a mediator, the unfinished conciliation proceedings shall be

terminated, and the terms of the agreement between the parties shall be considered as the conditions for resolution of the dispute.

Agreements reached by the parties to a collective labor dispute are documented in writing.

2. Agreement between the parties on settlement of a dispute entails termination of a strike, if it was declared.

Article 169. Guarantees in connection with resolution of a collective labor dispute

Members of the conciliation commission for the period of participation in negotiations on resolution of a collective labor dispute are exempted from work with preservation of wages.

Representatives of employees and their associations participating in resolution of a collective labor dispute may not be subjected to disciplinary sanction during resolution of a collective labor dispute, transferred to another job or employment contracts may not be terminated with them at the initiative of the employer without the prior consent of the body authorizing them for representation.

Article 170. Obligations of the parties and conciliatory bodies for settlement of collective labor disputes

1. Neither party has the right to evade participation in conciliatory procedures.

2. Disagreements not settled in a collective labor dispute must be brought to attention of the parties in writing.

3. If settlement of the disputes between the parties to a collective labor dispute is impossible because of the lack of authority of the representative of the employer, the demands of employees are put forward to property owners, founders (participants) or shareholders of organizations, including organizations located in the territory of the Republic of Kazakhstan, whose property owners are foreign individual or legal entities or organizations with foreign participation.

4. In case of disagreement with the results of the procedures specified in paragraph 2 and 3 of this article, employees are entitled to use all other ways of protecting their interests provided for by law.

5. The employer is obliged:

1) on the day of receipt of the workers' claims issued in accordance with paragraph 3 of Article 164 of this Code, inform the territorial subdivision about the occurrence of a collective labor dispute, followed by weekly information about the situation until its final resolution;

2) during the day, inform the bodies of the Procurator's Office of the Republic of Kazakhstan and the territorial subdivision about the beginning of a strike conducted without observing the requirements of this Code.

Footnote. Article 170 as amended by the Law of the Republic of Kazakhstan dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 171. Right to strike

1. Employees may decide to hold a strike if, through conciliatory procedures, the collective labor dispute has not been resolved and, if the employer has evaded conciliation procedures or failed to comply with the agreement reached during resolution of the collective labor dispute.

2. A decision to hold a strike is taken at a meeting (conference) of employees (their representatives).

A meeting of employees is considered eligible if more than half of the total number of the organization's employees is present.

The conference is considered competent if it is attended by more than half of the delegates elected by employees in accordance with protocol decisions.

Decisions of the meeting (conference) of employees are considered to be adopted by a majority of the participants. If it is impossible to hold a meeting (conference) of workers, the representative body of workers has the right to approve its decision, collecting more than half of the workers' signatures in support of the strike.

If the interests of employees in the organization are represented by trade unions, then the decision to hold a strike is taken by trade unions, and in their absence – by elected representatives.

If the interests of employees in the organization are represented by a trade union and an elected representative, as well as several trade unions, the decision to hold a strike is taken by a single representative body created by them. A single representative body is formed in proportion to the number of employees who are and are not members of a trade union or trade unions.

3. A strike is headed by a body (strike committee), authorized by employees (their representatives). In the case of a strike declared by workers (their representatives) of several employers with the same demands, it may be headed by a joint body formed from an equal number of representatives of these workers.

4. Participation in a strike is voluntary. No one can be forced to participate or refuse to participate in a strike.

5. Persons forcing employees to participate or refuse to participate in a strike are liable in accordance with the procedure set up by the laws of the Republic of Kazakhstan.

Footnote. Article 171 as amended by the Law of the Republic of Kazakhstan dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 172. Announcement of the beginning of a strike

1. The employer, association (association, union) of employers (their representatives) shall be informed in written form by the body authorized by the employees specified in Article 171, paragraph 3 of this Code of the start of the strike and its possible duration not later than five working days before its announcement.

2. A decision to declare a strike shall specify:

1) a list of disagreements between the parties that are the basis for the strike;

2) the date, place and time of the beginning of the strike, the expected number of participants;

3) the name of the body, heading the strike, the composition of representatives of employees authorized to participate in conciliation procedures;

4) proposals for minimum necessary works (services) performed during the strike.

Footnote. The Article 172 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 173. Powers of the body heading the strike

1. The body heading the strike shall act within the limits of the rights granted to it by this Code and on the basis of the powers vested in it by its employees (their representatives).

2. The authority leading the strike has the right to:

1) represent the interests of employees in relations with the employer, the association (association, union) of employers (their representatives), state, trade union, other legal entities, officials on issues of resolving the made claims;

2) to receive from the employer, association (association, union) of employers (their representatives) information on issues affecting the interests of employees;

3) to cover the course of consideration of the demands of employees in the mass media;

4) to attract specialists to give opinions on the matter of dispute;

5) to suspend a strike with the consent of employees (their representatives).

3. The resumption of a previously suspended strike does not require a reconsideration of the dispute by a conciliation commission, an intermediary or in employment arbitration. The employer, the association (association, union) of employers (their representatives) and the body for the settlement of employment disputes must be warned of the resumption of the strike no later than three working days.

4. The powers of the body, heading the strike terminate when the parties to a collective labor dispute sign an agreement on its settlement, and also in case the strike is declared illegal

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Footnote. The Article 173 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 174. Obligations of the parties to a collective labor dispute during a strike

During the strike, the parties to a collective labor dispute must continue to resolve the dispute by negotiating.

The employer, state bodies and the body, heading the strike are obliged to take measures to ensure public order, security of the organization's property and workers' safety during the

strike, as well as the work of machinery and equipment, the stop of which poses an immediate threat to life and health of people.

Article 175. Guarantees to employees in connection with the strike

1. Organization or participation in strikes (except for the cases provided for by paragraph 1 of Article 176 of this Code) may not be considered as a violation of the labor discipline by the employee and entail application of disciplinary sanctions provided for by this Code.

2. During the strike, the employee retains his place of work (position), the right to receive social benefits for temporary disability, work experience, and also other rights arising from labor relations are guaranteed.

Wages during the strike to the workers participating in it are not preserved, except when the strike is held in connection with non-payment or late payment of wages.

3. It is not allowed to replace workers participating in a strike in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Footnote. Article 175 as amended by the Law of the Republic of Kazakhstan dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

Article 176. Illegal strikes

1. Strikes are recognized as illegal:

1) during the periods of the introduction of martial law or state of emergency or special measures in accordance with the Laws of the Republic of Kazakhstan "On martial law" and " On state of emergency"; in military administration bodies and military units of the Armed Forces, other troops and military formations of the Republic of Kazakhstan and organizations responsible for ensuring the country's defense, state security, emergency rescue, search and rescue, fire prevention, or emergency response; special State and law enforcement agencies; in organizations that are hazardous production facilities; emergency and emergency medical stations;

2) in organizations directly related to the provision of vital activities of the population, on energy supply, heat supply, water supply and water disposal, gas supply, aviation, railway, road, public and water transport, communications, healthcare, if the minimum list and volume of relevant services necessary for the population is not preserved, determined on the basis of a preliminary agreement of employees' representatives with the local executive body;

2-1) at hazardous production facilities whose suspension shall be associated with severe and hazardous consequences, if the uninterrupted operation of the main equipment and mechanisms is not ensured;

3) in the event of an announcement without taking into account the terms, procedures and requirements provided for by this Code;

4) in cases where this creates a real threat to the life and health of people;

5) in other cases provided for by the laws of the Republic of Kazakhstan.

In the presence of one of the grounds specified in this paragraph, the prosecutor has the right to suspend the strike before the court takes the appropriate decision.

2. Excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

3. A decision to recognize a strike as illegal is taken by the court in accordance with the laws of the Republic of Kazakhstan.

4. A decision to recognize a strike as illegal is taken by the court at the request of the employer or the prosecutor.

The decision of the court is brought to the notice of the workers through the body heading the strike, which is obliged to immediately inform the strikers of the court decision, and in the absence of the body, heading the strike, directly by the employer.

The employer ensures placement of the text of the court decision in the places accessible to the general public.

The court's decision to recognize the strike as illegal is subject to immediate execution, and the strike - to termination.

In case of creating an immediate threat to the life and health of people, the prosecutor or the court, before taking the appropriate decision, has the right to suspend the strike.

5. The body heading the strike has the right to appeal the court decision in the manner specified by the laws of the Republic of Kazakhstan.

6. Persons provoking to continue participating in a strike recognized by the court as illegal are liable in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Footnote. The Article 176 as amended by the Laws of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 177. Consequences of recognizing a strike as illegal

When a court recognizes a strike as illegal, the employer may bring the workers, who took part in organization or conduct of the strike, to disciplinary responsibility.

Article 178. Prohibition of lockout

In the process of settling a collective labor dispute, including a strike, a lockout is forbidden, that is, the termination of employment contracts with employees at the initiative of the employer in connection with their participation in a collective labor dispute or strike, except for the case provided for in subparagraph 22) of paragraph 1 of Article 52 of this Code

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SECTION 4. LABOR SAFETY AND PROTECTION

CHAPTER 17. STATE REGULATION IN THE FIELD OF LABOR SAFETY AND PROTECTION

Article 179. State regulation in the field of labor safety and protection

State regulation in the field of labor safety and protection includes:

1) state supervision, control and monitoring of compliance with the requirements of the legislation of the Republic of Kazakhstan in labor safety and protection area;

2) development and adoption of normative legal acts of the Republic of Kazakhstan and normative and technical documentation in labor safety and protection area;

3) creation and implementation of economic stimulation systems to improve conditions, safety and labor protection, development and implementation of safe techniques and technologies, individual and collective protection of workers;

4) increase of efficiency of state, internal control over compliance with the legislation of the Republic of Kazakhstan in labor safety and protection area;

5) research on labor safety and protection issues, taking into account the best domestic and foreign experience in improving labor conditions and protection;

6) protection of the legitimate interests of employees affected by accidents related to work and occupational diseases, as well as members of their families;

7) establishment of guarantees and compensations for heavy work and work with harmful and (or) dangerous working conditions that may not be eliminated with the current technical level of production and labor organization;

8) training and advanced training of specialists in occupational safety and labor protection ;

9) establishment of a unified procedure for recording occupational accidents and occupational diseases;

10) maintenance of a uniform information system in labor safety and protection area;

11) international cooperation in labor safety and protection area.

Article 180. Requirements for labor safety and protection and financing of activities

1. Requirements for labor safety and protection are established by the normative legal acts of the Republic of Kazakhstan and must contain rules, procedures and standards aimed at preserving the life and health of workers in the course of their labor activity.

2. Requirements for labor safety and protection are mandatory for employers and employees when they carry out activities in the territory of the Republic of Kazakhstan.

3. Financing of activities for labor safety and protection is carried out at the expense of the employer and other sources not prohibited by the legislation of the Republic of Kazakhstan.

Employees do not bear the costs for these purposes.

The amount of funds is determined by an employer's act or a collective contract.

Chapter 18. Rights and obligations of employees, employees of the sending party, the employer and the receiving party in the field of occupational health and safety

Footnote. The title of the Chapter 18 – in the wording of the Laws of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 181. Rights and duties of employee in labor safety and protection area

1. The employee has the right to:

1) a workplace equipped in accordance with the requirements for safety and labor protection;

2) sanitary facilities, means of individual and collective protection in accordance with the requirements for safety and labor protection, as well as labor, collective contracts;

3) apply to the territorial subdivision to conduct a survey of labor conditions and safety at the workplace;

4) participate personally or through a representative in examination and consideration of issues related to improvement of conditions, safety and labor protection;

5) refuse to perform work if the employer does not provide the employee with the means of individual and (or) collective protection and in case of a situation that poses a threat to his health or life, with a written notification of the direct manager or employer about it;

6) education and professional training necessary for the safe performance of labor duties, in accordance with the procedure set up by the legislation of the Republic of Kazakhstan;

7) obtaining reliable information from the employer on the characteristics of the workplace and the territory of the organization, the state of conditions, safety and labor protection, on the existing occupational risk, as well as on measures to protect it from harmful and (or) hazardous industrial factors;

8) maintaining salaries for the period of suspension of the organization's work due to non-compliance with safety and labor protection requirements.

2. The employee must:

1) comply with the requirements of norms, regulations and instructions for safety and labor protection;

2) immediately notify the employer or the organizer of the work of every industrial injury and other damage to the health of workers, signs of occupational disease (poisoning), as well as a situation that poses a threat to life and health of people;

3) to passcompulsory preliminary and periodic medical examinations, as well as pre-shift and other medical examinations in the manner determined by the authorized agency for health care;

4) at the request of the employer, take preventive medical examinations in cases stipulated by the employer's act, as well as when transferring to another job;

5) inform the employer about establishment of a disability or other deterioration of the state of health, which prevents continuation of labor duties;

6) strictly apply and use as intended the means of individual and collective protection provided by the employer;

7) fulfill requirements of the state labor inspector, technical inspector for labor protection, internal control specialists and medical and health measures prescribed by medical institutions ;

8) undergo training, instructing and testing knowledge on labor safety and protection in the manner prescribed by the employer and stipulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 181 as amended by the Law of the Republic of Kazakhstan № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 181-1. Rights and obligations of the employee of the sending party in the field of health and safety

1. The employee of the sending party shall have the right to:

1) a workplace equipped in accordance with the requirements of safety and labor protection at the receiving party;

2) provision of sanitary facilities in accordance with the requirements for safety and labor protection of the receiving party;

3) obtaining reliable information from the receiving party on the characteristics of the workplace and the territory of the organization, the state of conditions, safety and labor protection, on the existing professional risk to his life and health, as well as on measures to protect him from harmful and (or) hazardous industrial factors.

2. The employee of the guiding party shall:

1) comply with the requirements of the norms, rules and instructions on safety and labor protection of the receiving party;

2) immediately inform the employer or representative of the receiving party about each industrial injury and other damage to the health of employees, signs of occupational disease (poisoning), as well as about the situation that poses a threat to the life and health of people;

3) at the request of the receiving party to undergo preventive medical examinations in cases stipulated by the receiving party's act.

Footnote. The Chapter 18 as added by the Article 181-1 in accordance with the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 182. Rights and duties of the employer in labor safety and protection area

1. The employer has the right to:

1) encourage employees for assistance in creating favorable working conditions in the workplace, rationalizing proposals for creation of safe working conditions;

2) suspend from work and bring to disciplinary responsibility the employees who violate requirements for labor safety and protection in accordance with the procedure established by this Code;

3) require the employee to strictly observe requirements for the safe conduct of work in production;

4) direct employees at their own expense for preventive medical examinations in cases stipulated by the legislation of the Republic of Kazakhstan or the act of the employer.

2. The employer is obliged to:

1) assess occupational risk and take measures to minimize it and eliminate it by preventing, replacing production equipment and technological processes with safer ones;

2) conduct training, instructing, testing knowledge of employees on labor safety and protection issues, and provide documents for the safe conduct of the production process and work at their own expense;

3) organize training and testing of knowledge on safety and labor safety issues of managers and persons responsible for ensuring safety and labor safety, periodically at least once every three years in organizations that carry out advanced training of personnel, in the manner determined by the authorized state body for labor, according to the list approved by the employer's act;

4) create the necessary sanitary and hygienic conditions for the workers, provide the issuance and repair of special clothes and footwear for employees, provide them with preventive treatment, detergents and disinfectants, a medical first-aid kit, milk or equivalent foods, and (or) specialized products for dietic (curative and preventive) nutrition, the means of individual and collective protection in accordance with the norms established by the authorized state body for labor;

5) is excluded by the Law of the Republic of Kazakhstan dated 06.04.2016 № 483-V (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

6) not allow the workers under the age of eighteen to carry and move weight exceeding the established limits for them;

7) prevent women from lifting and moving weights exceeding the limits established for them by hand;

8) register, record and analyze occupational accidents and occupational diseases;

9) once a quarter, provide the authorized state body for labor and the territorial subdivision, representatives of employees, upon their written request, with the necessary information to monitor the state of conditions, safety and labor protection;

10) ensure investigation of accidents related to work activity, in accordance with the procedure established by the legislation of the Republic of Kazakhstan;

11) fulfill instructions and conclusions of state labor inspectors;

12) with participation of representatives of employees, conduct a periodic, at least every five years, attestation of production facilities for working conditions in accordance with the rules approved by the authorized state body for labor;

13) excluded by the Law of the Republic of Kazakhstan dated 04/06/2024 № 71-VIII (effective upon expiration of sixty calendar days after the date of its first official publication);

14) to insure an employee against accidents in the performance of his/her labor (official) duties and send information to the authorized state labor body on the conclusion of a contract of compulsory insurance of an employee against accidents in the performance of his/her labor (official) duties in accordance with the procedure determined by the authorized state labor body;

15) take urgent measures to prevent development of an emergency situation and the impact of traumatic factors on other persons;

16) develop, approve and revise occupational health and safety instructions in accordance with the procedure established by the authorized state labor body;

17) to conduct at their own expense compulsory, periodic (during employment) medical examinations and pre-shift medical examination of employees in cases provided by the agreement, collective agreement, legislation of the Republic of Kazakhstan, as well as when transferring to another job with changes in working conditions or signs occupational disease.

18) implement a system of labor protection management and monitor its functioning.

Footnote. Article 182 as amended by the Law of the Republic of Kazakhstan № 483-V dated 06.04.2016 (shall be enforced upon expiry of ten calendar days after its first official publication); № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 21.12.2023 № 49-VIII (effective from 01.01.2024); dated 06.04.2024 № 71-VIII (effective upon expiration of sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 182-1. Health and safety rights and obligations of the receiving party

1. The receiving party shall have the right to:

1) encourage workers of the sending party for assistance in creating favorable working conditions at workplaces, rationalization proposals for creating safe working conditions;

2) require the employees of the guiding party to strictly comply with the requirements for the safe conduct of work at work;

3) direct the employees of the sending party at the expense of their own funds for preventive medical examinations in accordance with the terms of the contract for the provision of personnel services.

2. The receiving party shall:

1) to present the results of certification of production facilities according to working conditions to the sending party when concluding an agreement for the provision of personnel

services. In case of failure to submit the results of certification of production facilities according to working conditions, the receiving party is prohibited from concluding a contract for the provision of personnel services;

2) take measures to prevent any risks in workplaces and technological processes against workers of the sending party by preventing, replacing production equipment and technological processes with safer ones;

3) provide guidance to the workers of the sending party on safety and health issues;

4) create the necessary sanitary and hygienic conditions for the workers of the sending party in accordance with the sanitary rules and hygienic standards established by the state body in the field of sanitary and epidemiological well-being of the population;

5) prevent employees of the sending party who have not reached the age of 18 from carrying and moving weights that exceed the limit standards for them;

6) prevent women from manually lifting and moving weights that exceed the limits for them;

7) take urgent measures to prevent the development of an emergency situation and the impact of traumatic factors on the workers of the sending party;

8) to analyze accidents related to employment and occupational diseases of workers of the sending party;

9) to ensure, together with the sending party, investigation of accidents related to the work activities of the workers of 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, suspend the employees of the sending party from work with immediate notification of the sending party in the manner provided for by the contract for the provision of personnel services.

Footnote. Chapter 18 as added by the Article 182-1 in accordance with the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

CHAPTER 19. ORGANIZATION OF LABOR SAFETY AND PROTECTION

Article 183. Attestation of production facilities for working conditions

1. Production facilities are subject to obligatory periodic attestation on working conditions

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2. Attestation of production facilities for working conditions is carried out by specialized organizations for attestation of production facilities from time to time at least every five years.

3. The procedure for mandatory periodic attestation of production facilities for working conditions is determined by the authorized state body for labor.

4. An extraordinary attestation of production facilities for working conditions shall be carried out at the request of the body of state control and supervision over labor safety and

protection in case of revelation of violation of the procedure for attestation of production facilities for working conditions.

The results of the extraordinary attestation of production facilities for working conditions are documented in the form of an attachment to the materials of the previous attestation of the production facility on working conditions.

5. To organize attestation of production facilities for working conditions, the employer issues an appropriate order to establish an attestation commission consisting of the chairman, members and secretary responsible for drawing up, maintaining and storing documentation on attestation of production facilities for working conditions.

6. Composition of an attestation commission includes the head or his deputy, specialists of the security and labor protection services and other units upon agreement, as well as representatives of employees.

Refusal of representatives of employees to participate in an attestation commission is not the grounds for not conducting attestation of production facilities for working conditions.

7. After completion of attestation of production facilities for working conditions, a specialized organization for attestation of production facilities within ten calendar days shall send information on its results to the authorized state body for labor in accordance with the procedure established by it.

8. Results of attestation of production facilities for working conditions come into force from the moment of issuance of the attestation act of the production facility.

9. State labor inspectors control the compliance with the procedure for attestation of production facilities.

Article 184. Safety requirements for workplaces

1. Buildings (structures) in which workplaces are located, should correspond to their functional purpose and meet the requirements of safety and labor protection.

2. The working 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 in the workplace.

3. Emergency routes and exits of workers from the premises should be indicated, remain free and lead to the open air or to a safe area.

4. Hazardous areas shall be clearly marked. If workplaces are located in hazardous areas where, due to the nature of the work, there is a risk to the employee, then such places should be equipped with devices that block access to these areas by unfamiliar ones.

On the territory of the organization the pedestrians and technological vehicles must move in safe conditions.

5. During working hours, the temperature, lighting, as well as ventilation in the room where the workplaces are located, must meet the sanitary and epidemiological requirements.

6. When carrying out work on the construction site at the same time by several organizations (two or more), general coordination of work on their compliance with health

and safety requirements in accordance with this Code and other regulatory legal acts of the Republic of Kazakhstan shall be carried out by the general contractor.

Footnote. The Article 184 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 185. Compulsory medical examination of workers

1. The employer, at the expense of his own funds, must organize periodic medical examinations and inspections of workers engaged in heavy work, work with harmful and (or) dangerous working conditions, in the manner prescribed by the legislation of the Republic of Kazakhstan.

2. Employees engaged in work associated with increased danger, machinery and mechanisms must undergo a pre-shift medical examination. The list of occupations requiring pre-shift medical examination shall be determined by the authorized agency for health care.

Footnote. Article 185 as amended by the Law of the Republic of Kazakhstan № 147-VI dated 16.04.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

CHAPTER 20. INVESTIGATION AND RECORD OF ACCIDENTS RELATED TO WORK ACTIVITY

Article 186. General provisions of investigation and record of accidents related to work activity

1. In accordance with this Code, the cases of damage to the health of employees related to their work activities and leading to disability or death shall be subject to investigation, as well as:

1) persons studying in educational institutions, when they pass professional practice;

2) servicemen, employees of special state bodies involved in performance of work not related to passage of military service, service in special state bodies;

3) persons involved in labor in custodial settings and on the verdict of a court;

4) personnel of professional emergency rescue services and formations in the field of civil defense, paramilitary security, and members of volunteer teams to eliminate the consequences of accidents, natural disasters, and to save human life and property.

2. Shall be recorded as accidents related to work, damage to the health of employees, employees of the sending party, related to the performance of work duties, resulting in disability or death:

1) before the beginning or after the end of working time during the preparation and order of the workplace, tools of production, personal protective equipment and other actions;

2) during the working time at the workplace, along the path of the employee, the employee of the sending party, whose activities are related to movement between service

objects, including on the instructions of the employer or the receiving party, as well as during the trip during the performance of labor duties;

3) when travelling to or from the place of work on a vehicle provided by the employer or the receiving party;

4) on a personal vehicle with the written consent of the employer or the receiving party to the right to use it for official purposes;

5) when taking actions on their own initiative in the interests of the employer or the receiving party;

6) on the way of workers following the shift method from the place of collection (residence during the shift period) to work or back on a vehicle provided by the employer or the receiving party.

3. Shall not be recorded as accidents related to work, damage to the health of employees, employees of the sending party, during the investigation of which it is objectively established that they occurred:

1) in the course of performance of works or other actions by the injured person on their own initiative that shall not be part of the functional duties of the employee, the employee of the sending party and shall not be related to the interest of the employer or the receiving party , including during the interstate rest during work by the shift method, a break for rest and eating;

2) in the case when the main cause was the state of intoxication, the use of toxic and drug substances (their analogues) to the victims;

3) as a result of intentional harm to his health, as well as in the commission of a criminal offense by the victims;

4) due to sudden deterioration in the health of the victim, not related to exposure to production factors, confirmed by medical opinion.

4. The investigation of occupational diseases shall be carried out by the employer together with the state body in the field of sanitary and epidemiological well-being of the population in the manner determined by the legislation of the Republic of Kazakhstan in the field of health.

5. within two working days, the responsible officials of health care organizations should notify employers and the territorial subdivision about each case of initial appeal about the work-related injury or injury to workers, related to work, and also about the cases of acute occupational disease (poisoning) to the state body in the field of sanitary and epidemiological welfare of the population.

6. The employer is responsible for organizing investigation and recording of accidents, related to work activities and occupational diseases at production site.

7. The responsibility for organizing the investigation of accidents related to the work of the workers of the sending party and occupational diseases at work, as well as for admission to the facility or workplace of the representative of the sending party is borne by the receiving party.

Footnote. The Article 186 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 187. Obligations of the employer in investigation of work-related accidents

1. The employer is obliged to:

1) organize provision of first aid to the affected person and, if necessary, his delivery to the healthcare organization;

2) keep the situation at the scene of the accident related to work activity (the condition of equipment and machinery, tools) in the same condition as it was at the time of the incident, provided that it does not endanger the life and health of others, and violation of continuity of the production process will not lead to an accident, and also take a photograph of the place of the accident;

3) immediately inform the close relatives of the affected person about the accident and send a message to the state bodies and organizations specified in this Code and other normative legal acts;

4) admit members of the commission for special investigation to the scene of an accident to investigate an accident related to work.

2. The employer immediately within 24 hours informs about the accident related to the work activity, in the form established by the authorized state body for labor:

1) to the territorial subdivision;

2) to the territorial division of the department of the authorized body in the field of industrial safety in the event of accidents occurring at hazardous industrial facilities;

3) to the territorial subdivision of the state body in the field of sanitary and epidemiological welfare of the population about the cases of occupational disease or poisoning;

4) representatives of employees;

5) excluded by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication);

6) law enforcement body at the place where the accident occurred and the authorized bodies of production and departmental control and supervision in cases that are subject to special investigation.

2-1. The employer shall immediately, but not later than three working days, as he has become aware of the occurrence of an accident, notify the insurance organization with which

he has a contract for insurance of the employee against accidents in the performance of his work (official) duties.

3. When investigating an accident related to work activities, at the request of the commission, the employer, at the expense of its own funds, provides for:

1) performance of technical calculations, the conduct of laboratory research, testing, other expert works and involvement of experts for these purposes;

2) photographing the scene of the accident and damaged objects, drawing up plans, sketches, schemes;

3) provision of transport, office space, communications, special clothing and other personal protective items necessary for investigation;

4) provision of:

documents characterizing the state of the workplace, the presence of harmful and (or) dangerous production factors (plans, sketches, schemes, and if necessary - photo and video materials of the scene and others);

extracts from the logs of registration of briefings and protocols for testing the knowledge of the affected persons about the occupational safety and labor protection, protocols of interviews with eyewitnesses of the accident related to work activities and officials, explanations of injured persons, expert opinions of specialists;

results of laboratory studies and experiments;

medical conclusion about the nature and severity of damage caused to the health of the affected person, or the cause of his death, about the presence (absence) of signs of alcohol, narcotic or toxic intoxication;

copies of documents confirming the issuance of special clothes and other personal protective items to the affected person;

extracts from the orders of state labor inspectors and officials of the territorial body of state supervision issued earlier at this facility (object) (if an accident related to work activity occurred in an organization or on an object controlled by this body);

other documents related to consideration of the case, at the discretion of the commission.

Footnote. The Article 187 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication); dated 24.06.2025 № 196-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

Article 187-1. Obligations of the receiving party in the investigation of accidents related to the work of the workers of the sending party

The receiving party shall:

1) organize the provision of first aid to the injured employee of the sending party and, if necessary, his delivery to the health care organization;

2) maintain the situation at the scene of an accident related to work activity (condition of equipment and mechanisms, tools) in the same form as at the time of the incident, provided that this does not threaten the life and health of other persons, and violation of the continuity of the production process will not lead to an accident, as well as photograph the scene of the accident;

3) immediately inform the guiding party about the accident;

4) allow members of the special investigation commission to the scene of the incident to investigate an accident related to the work of the employee of the sending party.

Footnote. The Chapter 19 as added by the Article 187-1 in accordance with the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 188. Order of formation and composition of a commission for investigation of accidents related to work activity

1. Investigation of work-related accidents, except for the cases subject to special investigation, is carried out by the commission established by the employer's act within twenty-four hours from the receipt of the conclusion on the severity of work injury, in the following composition:

1) chairman - the head of the organization (production service) or his deputy, and in their absence - the authorized representative of the employer;

2) members - the head of the organization's security and labor protection services and the representative of employees.

2. An official directly responsible for occupational safety at the relevant site where an accident related to work activity occurred shall not be included in the commission during an investigation.

3. The following shall be subject to special investigation:

1) accidents related to work activities, with severe or fatal consequences;

2) group accidents related to work activities that occurred simultaneously with two or more workers, regardless of the severity of the injuries to workers;

3) group cases of acute poisoning.

4. A special investigation into a work-related accident shall be carried out by a commission established within twenty-four hours by the territorial subdivision from the moment of receiving an opinion on the severity of the work injury, in the following composition:

1) chairman - state labor inspector;

2) members - the employer and the employees' representative.

Investigation of group accidents related to work activities, in which two people died, is carried out by a commission headed by the chief state labor inspector of the region, a city of republican significance, the capital.

Investigation of group accidents related to work activities, in which three to five people were killed, is carried out by a commission established by the authorized state body for labor, and with the death of more than five people - by the Government of the Republic of Kazakhstan.

5. When investigating accidents related to work activities that occurred in emergency situations of anthropogenic nature due to an accident at a dangerous production facility, a representative of the authorized body in the field of industrial safety or its territorial subdivision is appointed as the chairman of the commission. In this case, the state labor inspector is a member of the commission.

6. The commission also includes:

1) in case of accidents related to labor activity, occurred at dangerous production facilities , as well as in organizations of the electric power industry, - the state inspector for state supervision in the field of industrial safety and an official who exercises state energy supervision and control;

2) in case of acute poisoning - representatives of the state body in the field of sanitary and epidemiological welfare of the population;

3) in case of an accident related to work activity that occurred with an employee of an organization located and conducting work in the territory of another organization, or with an employee sent to another organization to perform a production assignment (official or contractual duties), - the responsible representative of the organization in the territory of which there was an accident.

7. A representative of an insurance organization having corresponding contractual relations with the employer or the affected person has the right to participate in the work of the commission.

8. An investigation of a work-related accident at the employer – individual involves the employer or its authorized representative, a representative of workers, a labor protection specialist, who may be involved in investigation of an accident and on a contractual basis.

9. In order to resolve issues requiring an expert opinion, the chairman of the commission for special investigation has the right to set up expert sub-committees from among specialists of research organizations and control and supervisory bodies at the expense of the employer.

Footnote. Article 188 as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 188-1. Procedure for the formation and composition of the commission to investigate accidents related to the employment of employees of the sending party

1. The investigation of accidents related to the employment of employees of the sending party, except for cases subject to special investigation, shall be carried out by a commission created by the act of the receiving party within twenty-four hours from the moment of receiving an opinion on the severity of the work injury, consisting of the following:

1) chairman - the head of the organization (production service) of the receiving party or its deputy, and in their absence - the authorized representative of the receiving party;

2) the deputy chairman - the head of the organization of the guiding party or its deputy, and in their absence - the authorized representative of the guiding party;

3) members - the head of the safety and health service of the organization (host party) and the representative of the workers of the sending party.

2. The official of the receiving party, who is directly responsible for the safety of work in the relevant area where a work-related accident occurred, is not included in the commission during the investigation.

3. A special investigation of an accident related to work is carried out by a commission established within twenty-four hours by the local employment inspectorate from the moment of receiving a report on the severity of the work injury, in the following composition:

1) chairman - state labor inspector;

2) members - the head of the organization (production service) of the receiving party or its deputy, as well as the head of the organization of the sending party or its deputy and the representative of the employee of the sending party.

The investigation of group accidents related to work, in which two people died, shall be carried out by a commission headed by the head state inspector of labor of the region, a city of republican significance, and the capital.

The investigation of group accidents related to work, in which between three and five people died, shall be carried out by a commission established by the authorized state body for labor, and in the event of the death of more than five people, by the Government of the Republic of Kazakhstan.

Footnote. The Chapter 19 as added by the Article 188-1 in accordance with the Law of the RK dated 19.12.2020 № 386-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 189. Procedure for investigating accidents related to work activity

1. Period of investigation of an accident related to work activity shall not exceed ten working days from the date of the commission's establishment.

In the event of circumstances that objectively impede completion of the investigation within the established time limits, the investigation time can be extended by a protocol decision of the commission for ten working days no more than two times.

2. Accidents related to work activities that have not been timely notified to the territorial subdivisions are investigated at the request of the affected person or his authorized representative within ten working days from the date of registration of the application.

3. In each case of investigation, the commission identifies and interviews eyewitnesses of the incident, persons who have committed violations of the requirements for safety and labor

protection, receives the necessary information from the employer and, if possible, an explanation from the affected person.

4. It is strictly forbidden, without the consent of the chairman of the commission for special investigation, to conduct a survey of witnesses, eyewitnesses, as well as parallel investigations of this work-related accident, by someone or another commission on the days of work of the officially appointed commission.

5. Based on the collected documents and materials, the commission determines the circumstances and causes of the accident related to work activity, determines the relationship of the accident to the employer's production activities and, accordingly, whether the affected person’s stay at the scene of the accident was related to performance of his work duties, qualifies the accident as the work-related accident, or as an accident not related to work activity, identifies individuals, who admitted violations of labor safety and protection requirements, and measures to eliminate the causes and prevent accidents related to work.

6. Investigation of a work-related accident with a severe or fatal result, a group accident that occurred simultaneously with two or more workers, regardless of the severity of the injuries of the affected persons and the group case of acute poisoning of workers, is documented by an act of special investigation in the form, established by the authorized state body for labor.

7. Investigation of accidents related to work activities that occurred as a result of vehicle accidents is carried out on the basis of the investigation materials of the authorized body for traffic safety.

8. The authorized body for traffic safety within five days from the day of the transport incident, upon the request of the chairman of the commission for investigating accidents related to work activities, is obliged to submit copies of the investigation materials.

9. The working conditions of the commission for investigation of work-related accidents at the site facilities are determined taking into account the specifics of access for the stay at these facilities.

10. Completion of the search for the affected person (affected persons), missing person (lost) as a result of the explosion, accidents, destruction, fire and other events at the facilities of the organization is determined by the commission for special investigation on the basis of the conclusion of the head of rescue service or formation and experts.

Footnote. Article 189 as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 190. Order of registration of investigation materials of accidents related to work activity, and their record

1. Every work-related accident that caused the worker (s) to suffer a disability in accordance with a medical opinion (recommendation) shall be investigated.

Accidents related to work activity, with severe, fatal consequence and group accidents are subject to special investigation.

Forms of acts of investigation, special investigation and forms of acts of accident related to work and occupational disease shall be established by the authorized state employment authority.

2. The act should be drawn up in accordance with the materials of the investigation and taking into account the opinion of the majority of the members of the commission.

If in the investigation of an accident related to work, the commission found that gross negligence caused the occurrence or increase of harm, then the commission applies a mixed liability of the parties and determines the degree of guilt of the employee and the employer in percentage.

In the event that a member of the commission of inquiry into a work-related accident disagrees with the findings of the commission (majority), he shall, within two working days of the conclusion of the investigation, submit in writing his reasoned opinion for inclusion in the material of the investigation. He signs the act of special investigation with the reservation "see a special opinion."

3. In the event of disagreement with the result of the investigation or the late issuance of an act of accident related to work, the victim or his proxy, the representative of the employees has the right to write to the employer, who is obliged to consider their application and decide on the merits within ten working days.

4. Disagreements on the investigation, registration and recording of work-related accidents are addressed:

1) state employment inspector or court in case of disagreement between employer and employee;

2) by the relevant higher state labor inspector or court in case of disagreement between the employer, the employee and the lower state labor inspector or the state inspector for state supervision in the field of industrial safety in cases that occurred at hazardous production facilities.

The decision of the state employment inspector on the investigation of accidents related to work shall be drawn up in the form of a conclusion in the form established by the authorized state employment authority.

5. The investigation materials of the accident related to work activity, along with the act of investigation, should contain:

1) information on training, passed by the affected person and instruction in labor protection, as well as preliminary and periodic medical examinations;

2) protocols of interviews in the form established by the authorized state body for labor and eyewitnesses' explanations of the incident, as well as officials responsible for compliance with labor safety and protection requirements;

3) plans, schemes and photographs of the scene;

4) extracts from instructions, regulations, orders and other acts regulating labor safety and protection requirements, duties and responsibilities of officials for ensuring healthy and safe working conditions at work, and others;

5) a medical report on the nature and severity of damage to the health of the affected person (cause of death);

6) the results of laboratory and other studies, experiments, expertise, analyzes, and others;

7) conclusion (if any) of a state employment inspector;

8) information about material damage caused to the employer;

9) an order of the employer to compensate the victim (his family members) for the harm caused to health and bring to justice the officials responsible for the incident;

10) list of attached documents.

In the absence of the materials specified in this paragraph, the accident investigation report shall reflect the relevant information with the reasons.

6. Upon completion of the investigation of each labor-related accident, in accordance with the investigation materials, the employer is obliged to issue an accident report no later than three working days and send it in electronic format to the authorized state labor body in accordance with the procedure determined by the authorized state labor body.

7. The act of occupational disease in the prescribed form is filled by the employer on the basis of the conclusion of the expert occupational pathology commission.

8. The act on the accident shall be filled and signed by the heads of the security and labor protection services and the organization’s sub-division, the representative of the organization's employees in cases of poisoning, also signed by the representative of the state body in the field of sanitary and epidemiological welfare of the population.

The act on the accident is approved by the employer and certified by the seal of the organization (if any).

9. Not later than three working days after the end of the investigation, one copy of the act on the accident shall be issued to the affected person or his agent, in addition, shall be sent to:

1) an insurance organization, with which a contract was concluded for insurance of an employee against accidents in performance of his labor (official) duties;

2) to the territorial subdivision on paper and electronic media;

3) the state body in the field of sanitary and epidemiological welfare of the population in case of poisoning.

10. Copies of materials of special investigation of a labor-related accident shall be transferred by the employer to the territorial division. Upon completion of the investigation of a labor-related accident, copies of the materials of the special investigation by the state labor inspector shall be sent within seven working days to the territorial police body, which, in accordance with the legislation of the Republic of Kazakhstan takes the appropriate decision and communicates the decision no later than twenty working days.

11. The affected person or employees' representative has the right to familiarize with all the materials of the investigation of the accident related to work activity and to make the necessary extracts.

12. Each accident documented by the act is entered by the employer in the log of accidents related to work activity and other health injuries at work. The log is maintained according to the form established by the authorized state body for labor. Primary statistical data on temporary disability and occupational injuries are presented in accordance with the statistical methodology approved by the authorized body in state statistics area.

13. The investigation file of an accident related to labor activity in electronic or paper form are subject to storage in the organization (by the employer) for forty-five years, in case of its liquidation, the investigation file of the accident must necessarily be transferred to the state archive at the place of its activity.

14. The employer or his representative shall report work-related accidents that have become serious or fatal accidents to the relevant territorial division and insurance organizations about insured events.

Footnote. The Article 190 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 21.12.2023 № 49-VIII (effective from 01.01.2024); dated 06.04.2024 № 71-VIII (effective sixty calendar days after the date of its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

SECTION 5. CONTROL OF COMPLIANCE WITH LABOR LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

CHAPTER 21. STATE CONTROL OF COMPLIANCE WITH 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 over compliance with labor legislation of the Republic of Kazakhstan is exercised by state labor inspectors.

2. State labor inspectors are:

1) Chief state labor inspector of the Republic of Kazakhstan - an official of the authorized state body for labor;

2) chief state labor inspectors - officials of the authorized state body for labor;

3) chief state labor inspector of a region, a city of republican significance, the capital - head of a territorial subdivision of a region, a city of republican significance, the capital;

4) state labor inspectors - officials of a territorial subdivision of a region, a city of republican significance, the capital.

3. State labor inspectors in performance of official duties are protected by law and are guided by the Constitution of the Republic of Kazakhstan, laws and other normative legal acts of the Republic of Kazakhstan.

4. Persons who obstruct the state labor inspector to perform his official duties are liable in accordance with the laws of the Republic of Kazakhstan.

5. The state control over compliance with the labor legislation of the Republic of Kazakhstan shall be carried out in the form of inspection and preventive control with a visiting the entity (object) subject to control in accordance with the Business Code of the Republic of Kazakhstan, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

6. Is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 191 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

Article 192. Principles of activity and main tasks of state labor inspection

Activity of the state labor inspection is carried out on the basis of the principles of respect for, observance and protection of workers' rights and freedoms, legality, objectivity, independence and publicity.

The main tasks of the state labor inspection are:

1) provision of state control over compliance with the labor legislation of the Republic of Kazakhstan;

2) ensuring observance and protection of the rights and freedoms of employees, including the right to safe working conditions;

3) consideration of applications, claims and complaints of employees and employers on labor legislation of the Republic of Kazakhstan.

Article 193. The rights of state labor inspectors

When exercising state control over compliance with the labor legislation of the Republic of Kazakhstan, state labor inspectors have the right:

1) to visit employers without hindrance in order to conduct inspections of compliance with the employment legislation of the Republic of Kazakhstan in accordance with regulatory legal acts of the Republic of Kazakhstan;

2) Is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

3) to request and receive from employers, employees (their representatives) the documents, explanations, information necessary for performance of the functions assigned to them;

4) to issue instructions and conclusions binding on employers, as well as to draw up protocols and decisions on administrative offenses, to impose administrative penalties;

5) to give explanations on the issues falling within their competence;

6) suspend (prohibit) the activities of individual industries, workshops, sites, workplaces and equipment operation, mechanisms if they are found to be inconsistent with the requirements of regulatory legal acts of the Republic of Kazakhstan on safety and labor protection for a period of not more than five working days with the mandatory submission of a statement of claim to the court within the specified period;

If the organization is found to be in non-compliance with the requirements of the normative legal acts of the Republic of Kazakhstan on safety and labor protection, which poses a threat to the life and health of workers, which cannot be eliminated by suspension (prohibition) of the activity of individual industries, workshops, plots, workplaces and the operation of equipment, mechanisms, the chief state inspector of labor of the Republic of Kazakhstan, the chief state inspector of labor of the region, cities of republican significance, the capital has the right to suspend (prohibit) the activity of the organization for a period of not more than five working days with the obligation to submit a statement of claim to the court within the specified period.

The threat to the life and health of employees in this subparagraph should be understood as the possibility of industrial injuries or the risk of death of employees;

7) to prohibit the issuance and use in the workplace of special clothing and other means of individual and collective protection that do not meet the requirements established for them;

8) Is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

9) to investigate accidents related to work in an established manner;

10) issue mandatory orders for employers to suspend employees, managers and persons responsible for ensuring safety and labor protection who have not completed training, instruction, knowledge test on safety and labor protection issues, as well as to bring the perpetrators to justice;

11) send to the relevant law enforcement agencies and courts information, statements of claim and other materials on the facts of violations of labor legislation of the Republic of Kazakhstan, non-fulfillment by employers of acts of state labor inspectors;

12) to participate in testing of knowledge on safety and labor protection;

13) conduct an inspection for compliance of employers with the procedure and conditions for attracting foreign labor established by the legislation of the Republic of Kazakhstan in the field of population migration;

14) Is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication);

15) to interact with citizens and representatives of employees when exercising state control over compliance with the labor legislation of the Republic of Kazakhstan;

16) to exercise other rights provided for by the legislation of the Republic of Kazakhstan.

Footnote. Article 193 as amended by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

Article 194. Duties of state labor inspectors

State labor inspectors are obliged to:

1) control compliance with labor legislation of the Republic of Kazakhstan;

2) timely and qualitatively carry out inspections to comply with labor legislation of the Republic of Kazakhstan;

3) inform employers (their representatives) about the revealed violations of the labor legislation of the Republic of Kazakhstan to take measures to eliminate them;

4) timely consider the appeals of employees and employers on the application of labor legislation of the Republic of Kazakhstan;

5) identify the causes and circumstances that lead to violations of the labor legislation of the Republic of Kazakhstan, provide recommendations on their elimination and restoration of violated labor rights;

6) take part in investigation of accidents related to work activity;

7) collect, analyze and summarize the causes of violations of labor legislation, participate in development and adoption of measures aimed at strengthening work to prevent violations of labor legislation of the Republic of Kazakhstan;

8) not disclose information constituting state secrets, official, commercial or other secret protected by law, which they learnt in connection with performance of their duties;

9) conduct explanatory work on application of labor legislation of the Republic of Kazakhstan.

Article 195. Acts of state labor inspector

1. According to the results of the audit, the state employment inspector, in accordance with the Entrepreneur Code of the Republic of Kazakhstan, shall draw up an act on the results of the audit.

Depending on the revealed violations of the labor legislation of the Republic of Kazakhstan, the state labor inspector shall issue (make) the following acts:

1) instruction:

on elimination of violations of the requirements of labor legislation of the Republic of Kazakhstan;

on conducting preventive work on labor safety and protection at production facilities and equipment, as well as in production processes to prevent occurrence of traumatic and emergency situations;

on prohibition (suspension) of operation of individual productions, shops, plots, workplaces and equipment and activities of the organization as a whole;

the payment of wages by the employer;

At the same time, the act on suspension (prohibition) of activities is valid until the court opens a civil case on the application for suspension (prohibition) of activities filed in accordance with subparagraph 6) of Article 193 of this Code;

2) a protocol on an administrative offense;

3) the decision to terminate proceedings on the case on an administrative offense;

4) the decision on the case on an administrative offense;

5) the conclusion of the state labor inspector.

2. Acts of the State employment inspector are legal measures of influence on violations by employers and officials of the requirements of the employment legislation of the Republic of Kazakhstan, taking into account the requirements of Article 198, paragraph 3 of this Code. Acts shall be drawn up in two copies, one of which shall be awarded to the employer for signature.

3. Acts of the state labor inspector are mandatory for execution by officials, individuals and legal entities.

4. The form of acts of the state labor inspector is approved by the authorized state body for labor.

Footnote. The Article 195 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 26.06.2020 № 349-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 196. Interaction of the state labor inspectorate with other state bodies and organizations

1. The state labor inspectorate carries out its activities in cooperation with other state bodies of supervision and control, with representatives of employees, public associations, and other organizations.

2. State bodies are obliged to assist the state labor inspector in fulfilling tasks to monitor compliance with the labor legislation of the Republic of Kazakhstan.

Article 197. Other forms of control with a visit to a subject of control

Footnote. Article 197 is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 198. Procedure for appealing decisions, actions (inaction) of the state labor inspector exercising state control

1. In case of violation of the rights and legitimate interests of the employer when exercising state control over compliance with the employment legislation of the Republic of Kazakhstan, the employer shall have the right to appeal the actions (inactions) of the state

employment inspector to a higher state inspector and (or) to the court in the order established by the legislation of the Republic of Kazakhstan, taking into account the requirements of paragraph 3 of this article.

2. The Chief state labor inspector of the Republic of Kazakhstan or the Chief state labor inspector of the region, city of the republican significance, the capital has the right to suspend execution, to cancel or revoke acts of a lower state labor inspector before the decision on the application (complaint) of individual and (or) legal entities against actions (inaction) or acts is made.

3. An order for payment of wages by an employer may be appealed to a higher State employment inspector or court within ten working days from the date of receipt of the order.

In the event of failure to comply with the order within the period prescribed by the State Employment Inspector and after the expiry of the period of appeal, if it has not been appealed, the order shall, not later than three working days after the expiry of the specified periods, be sent for enforcement to the relevant judicial body or to the regional chamber of private judicial executors for territorial status in accordance with the Law of the Republic of Kazakhstan "On Enforcement Proceedings and Status of Judicial Executors."

From the date of receipt of the complaint against the order, the higher State Employment Inspector shall decide on the complaint within ten working days.

In the event of an appeal against a court order, it shall be sent not later than three working days from the date of entry into force of the judicial act for enforcement to the relevant judicial body or to the regional chamber of private bailiffs for territorial status in accordance with the Law of the Republic of Kazakhstan "On Enforcement Proceedings and Status of Bailiffs."

Footnote. The Article 198 as amended by the Law of the RK dated 26.06.2020 № 349-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 199. Departmental record

Footnote. Article 199 is excluded by the Law of the Republic of Kazakhstan № 156-VI dated 24.05.2018 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 200. Declaration of employer activity

Declaration of the employer's activity shall be carried out by the territorial unit together with regional associations (associations, unions) of employers and territorial associations of trade unions in accordance with the procedure determined by the authorized state body for labor.

The declaration shall be carried out by comparing the criteria (indicators) by which the employer independently evaluates his activities for compliance with the requirements of labor legislation of the Republic of Kazakhstan.

Information on the declaration shall be entered by the employer in the information system on labor protection and safety.

Employers whose activities shall be recognized as complying with the requirements of the employment legislation of the Republic of Kazakhstan are given a certificate of confidence for a period of three years, which is taken into account when forming a semi-annual list of preventive control with a visit to the subject (object) of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

Footnote. The Article 200 in the wording of the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); as amended by the Law of the Republic of Kazakhstan dated 08.07.2024 № 116-VIII (shall enter into force upon expiry of ten calendar days after its first official publication).

CHAPTER 22. INTERNAL CONTROL

Article 201. Internal control on labor safety and protection

1. Internal health and safety control shall include the organization of the creation and implementation of a employment safety management system, monitoring the state of working conditions, conducting an operational analysis of production control data, assessing occupational risk and taking measures to eliminate found inconsistencies with safety and safety requirements.

2. Internal monitoring of occupational safety and safety shall be carried out by the employer in order to comply with the established requirements for occupational safety and health and to take immediate measures to eliminate the violations detected.

Footnote. The Article 201 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 202. Mechanism of implementation of internal control on labor safety and protection

1. In order to exercise internal control over compliance with labor safety and protection requirements in organizations carrying out productive activities with the number of more than fifty employees, the employer establishes a labor safety and protection service that reports directly to the first head of the organization or to the person authorized by him.

2. A standard provision on the labor safety and protection service in the organization is developed by the authorized state body for labor.

3. The employer with a staff of up to fifty people introduces the position of a specialist in labor safety and protection taking into account the specifics of the activity or the responsibility for ensuring labor safety and protection is assigned to another specialist.

4. The labor safety and protection service or the specialist specified in paragraph 3 of this article shall have the right:

1) to visit and inspect production, household and other premises without hindrance;

2) to monitor development and fulfillment of preventive measures to create safe and healthy working conditions, prevent occupational injuries and occupational diseases in the structural units of the organization;

3) to issue the binding instructions on taking measures to eliminate the revealed violations of labor safety and protection to the employees of the structural divisions of the organization.

5. The labor safety and protection service or a specialist specified in paragraph 3 of this article shall be obliged:

1) to monthly analyze the state and causes of occupational injuries and occupational diseases in the organization, develop preventive measures and incorporate them into electronic databases of the organization for permanent storage;

2) provide training, guidance and knowledge testing on occupational health and safety issues for workers, managers and persons responsible for occupational health and safety;

3) to ensure compliance with the procedure for investigating accidents related to work activities.

6. Organization of labor safety and protection for small businesses can be carried out on a contractual basis with individuals or legal entities.

Footnote. The Article 202 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication).

Article 203. Employee council on labor safety and protection in organizations

1. On the initiative of the employer and (or) on the initiative of employees or their representatives within a period of not more than fifteen working days, a production council for employment health and safety shall be created. It consists on a parity basis of representatives of the employer, representatives of employees, including technical inspectors for employment protection.

2. The composition of the employee council on labor safety and protection is approved by a joint decision of the employer and representatives of employees.

3. The industrial safety and labor protection council is headed by a chairman elected by the members of the council from among the representatives of the employer and representatives of employees on a rotating basis with a periodicity of two years.

Decisions of the employee council on labor safety and protection are mandatory for the employer and employees.

4. The Occupational Safety and Safety Council organizes joint actions of the employer and employees to ensure safety and safety requirements, prevent industrial injuries and occupational diseases, and also organize inspections of working conditions and safety at workplaces by technical employment protection inspectors.

5. Technical inspectors for labor protection are approved by the decision of the employee council for safety and labor protection.

The status, rights and duties of technical inspectors for labor protection, as well as the procedure for exercising control by them are determined by the decision of the employee council for safety and labor protection.

Footnote. The Article 203 as amended by the Law of the RK dated 04.05.2020 № 321-VI (shall enter into force upon the expiry of ten calendar days from the day of the first official publication); dated 15.02.2023 № 199-VII (shall be enforced sixty calendar days after the date of its first official publication).

CHAPTER 23. FINAL PROVISIONS

Article 204. The order of introduction of this Code

1. This Code shall enter into force on January 1, 2016.

2. To establish that from 1 January 2017:

1) subparagraph 64) of paragraph 1 of Article 1 is effective in the following wording:

"64) specialized organizations for attestation of production facilities - organizations that carry out attestation of production facilities for working conditions, having qualified personnel and having testing laboratories in their composition accredited in accordance with the legislation of the Republic of Kazakhstan;";

2) subparagraph 4) of paragraph 1 of Article 26 is effective in the following wording:

"4) with foreigners and stateless persons temporarily staying on the territory of the Republic of Kazakhstan until the local executive body issues a permission to employ foreign labor or a certificate of qualification for independent employment issued, in accordance with the procedure determined by the authorized body for migration issues, to foreign workers, or before issuance of permission to a labor immigrant issued by the internal affairs bodies in accordance with the procedure established by the Ministry of Internal Affairs of the Republic of Kazakhstan, or without observance of limitations or exceptions established by the laws of the Republic of Kazakhstan;";

3) subparagraph 6) of paragraph 1 of Article 30 is effective in the following wording:

"6) within the terms established by the legislation of the Republic of Kazakhstan for exercising the labor activity by foreign workers arriving for independent employment, the permits, issued by the local executive body for attraction of foreign labor or a permit, issued by the internal affairs bodies to a labor immigrant;";

4) subparagraph 1) of paragraph 1 of Article 57 is effective in the following wording:

"1) when the local executive bodies withdraw their permit to hire foreign workers or the expiry of the validity of the residence permit;";

5) subparagraph 3) of Article 60 is effective in the following wording:

"3) conclusion of an employment contract with foreigners and stateless persons without obtaining certificates of qualifications in accordance with the established procedure for independent employment or a permit to employ foreign labor or without compliance with restrictions or exemptions established by the laws of the Republic of Kazakhstan;".

3. To recognize as invalid from the date of enactment of this Code:

1) The Labor Code of the Republic of Kazakhstan dated May 15, 2007 (Bulletin of the Parliament of the Republic of Kazakhstan, 2007, № 9, art. 65; № 19, art. 147; № 20, art. 152; № 24, art. 178; 2008, № 21, art. 97; № 23, art. 114; 2009, № 8, art. 44; № 9-10, art. 50; № 17 , art. 82; № 18, art. 84; № 24, art. 122, 134; 2010, № 5, art. 23; № 10, art. 48; № 24, art. 146, 148; 2011, № 1, art. 2, 3; № 11, art. 102; № 16, art. 128; 2012, № 3, art. 26; № 4, art. 32; № 5, art. 41; № 6, art. 45; № 13, art. 91; № 14, art. 92; № 15, art. 97; № 21-22, art. 123; 2013, № 2, art. 13; № 3, art. 15; № 7, art. 36; № 9, art. 51; № 10-11, art. 56; № 14, art. 72, 75; № 15, art. 78, 81; № 16, art. 83; № 23-24, art. 116; 2014, № 2, art. 10; № 7, art. 37; № 8, art. 44, 49; № 11, art. 67; № 14, art. 84; № 16, art. 90; № 19-I, 19-II, art. 96; № 21, art. 122; № 23, art. 143; 2015, № 1, art. 2; № 3, art. 13; № 7, art. 33; № 8, art. 45; № 10, art. 50; № 11, art. 56; № 14, art. 72; № 15, art. 78);

2) The Law of the Republic of Kazakhstan dated May 15, 2007 "On enactment of the Labor Code of the Republic of Kazakhstan" (Bulletin of the Parliament of the Republic of Kazakhstan, 2007, №. 9, Article 66).

President
of the Republic of Kazakhstan *N. NAZARBAYEV*

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