



On approval of the Rules for submitting and receiving the information on an employment contract in the unified system for recording employment contracts

Unofficial translation

Order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated September 3, 2020, No. 353. Registered with the Ministry of Justice of the Republic of Kazakhstan on September 4, 2020, No. 21173.

Unofficial translation

In accordance with subparagraph, 41-5) of Article 16 of the Labor Code of the Republic of Kazakhstan dated November 23, 2015, **I HEREBY ORDER:**

1. To approve the attached Rules for submitting and receiving the information on an employment contract in a unified system for recording employment contracts.
2. The Department of Labor and Social Partnership of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:
 - 1) state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan;
 - 2) posting this Order on the official Internet resource of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan after its official publication;
 - 3) within ten working days after the state registration of this Order, the submission to the Department of Legal Service of the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan the information on the implementation of the measures provided for in subparagraphs 1) and 2) of this paragraph.
3. Control over the implementation of this Order shall be entrusted to the First Vice-Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan, Sarbassov A.A.
4. This Order shall come into effect upon the expiration of ten calendar days after the day of its first official publication.

*Minister of Labor and Social Protection of the Population
of the Republic of Kazakhstan*

B. Nurymbetov

Approved
by Order of the
Minister of Labor and
Social Protection of the Population
of the Republic of Kazakhstan
dated September 3, 2020, № 353

1. These Rules for submitting and receiving the information on an employment contract in a unified system for recording employment contracts (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 41-5) of Article 16 of the Labor Code of the Republic of Kazakhstan dated November 23, 2015, and shall determine the procedure for submitting and receiving the information on an employment contract from the unified system for recording employment contracts (hereinafter referred to as the USREC).

2. The following basic concepts and abbreviations shall be used in these Rules:

1) integration of informatization objects - measures to organize and ensure information interaction between informatization objects based on standard data transfer protocols used in the Republic of Kazakhstan;

2) information system - organizationally ordered set of information and communication technologies, service personnel, and technical documentation that implement certain technological actions through information interaction and are designed to solve specific functional tasks;

3) the authorized state labour body – the central executive body responsible for developing and implementing state policy in the field of labour relations in accordance with the legislation of the Republic of Kazakhstan.

4) unified system for recording labor contracts - an information system designed to automate the recording of labor contracts, labor activity, and the number of employees;

5) employment contract - a written agreement between an employee and an employer, in accordance with which the employee undertakes to personally perform certain work (labor function), to comply with the work schedule, and the employer undertakes to provide the employee with work in accordance with the specified labor function, to ensure the working conditions stipulated by the Labor Code, by the laws of the Republic of Kazakhstan and other regulatory legal acts of the Republic of Kazakhstan, the collective agreement, acts of the employer, timely and in full pay wages to the employee;

6) employer – an individual or a legal entity with whom an employee has an employment relationship;

7) employee - an individual who is in an employment relationship with an employer and is directly performing work under an employment contract;

8) "electronic government" - a system of information interaction of state bodies with each other and with individuals and legal entities, based on the automation and optimization of state functions, as well as designed to provide services in electronic form;

9) electronic document - a document in which information is presented in electronic digital form and certified using an electronic digital signature;

10) electronic digital signature - a set of electronic digital symbols created using an electronic digital signature and confirming the authenticity of an electronic document, its ownership, and the invariability of its content.

Footnote. Clause 2 as amended by the order of the Minister of Labour and Social Protection of the Population of the Republic of Kazakhstan dated 26.07.2024 № 278 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 2. The procedure for submitting information to the unified system for recording labor contracts

3. The employer shall enter the information on the conclusion and termination of an employment contract with the employee, amendments and (or) additions to it in the USREC in accordance with subparagraph 27) of paragraph 2 of Article 23 of the Labor Code, containing the following information:

1) details of the parties:

individual identification number of the employer – individual or business identification number of the employer – legal entity;

individual identification number of an employee;

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

3) place of performance of work;

4) the term of the employment contract;

5) the date of commencement of work;

6) the date of the conclusion and the serial number.

4. The employer shall submit the information by integrating the information system of staffing with USREC or through the state information portal "Electronic Labor Exchange" or other information systems for automating the recording of labor contracts, integrated with USREC.

To integrate the information system of staffing, the employer shall organize integration work in accordance with the Order of the Acting Minister of Information and Communications of the Republic of Kazakhstan dated March 29, 2018, № 123 "On approval of the Rules for the integration of objects of informatization of "electronic government" (registered in the State Register of Normative Legal Acts under № 16777).

To submit the information through the state information portal "Electronic Labor Exchange", the employer shall register a personal account with electronic digital signature confirmation and shall fill in the necessary information specified in paragraph 3 of these Rules in the personal account, and send them to USREC, signing with an electronic digital signature.

5. Information shall be provided by the employer or on his behalf by the head of the personnel department, who is entrusted with this duty by the employer's act.

6. The employer sends the following additional information to the USALC:

1) the mode of working time and rest;

2) on leaving the employee on leave in connection with pregnancy and the birth of a child (children), adoption (adoption) of a newborn child (children), and on leave without pay to care for a child until he reaches the age of three years.

The information specified in paragraphs 3 and 6 of these Rules is certified by the employer's electronic digital signature.

Footnote. Paragraph 6 - as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).

7. Information on the newly concluded employment contracts shall be entered by the employer into the USREC no later than 5 working days from the date of signing the employment contract by both parties.

Information on employment contracts, the validity of which has not expired, shall be submitted by the employer to the USREC within a year from the date of entry into effect of these Rules for enterprises with up to 2000 people, within two years from the date of entry into effect of these Rules for enterprises with more than 2000 people.

8. Information on the amendments and additions to the employment contract shall be submitted by the employer to the USREC no later than 15 calendar days from the date of signing the amendments and additions to the employment contract by both parties.

9. If errors are detected, the employer within 30 working days from the date of entering the initial information:

1) corrects errors in case of incorrect entry of information specified in paragraph 3 of these Rules;

2) deletes information if the details of the employee and (or) employer are entered incorrectly.

Footnote. Paragraph 9 - as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).

10. In case of reinstatement of an employee at work, the employer, within 10 working days from the date of his reinstatement, shall make adjustments to the information by indicating the date, number, and authority that decided on reinstatement.

The information specified in paragraphs 9 and 10 of these Rules shall be certified by the employer's electronic digital signature or, on his behalf, by the head of the HR department, who is entrusted with this obligation by the employer's act.

11. The employee shall be familiarized with the changes made by the employer to the information provided in paragraphs 9 and 10 of these Rules, in the personal account on the web portal of "electronic government".

12. Information on the termination of the employment contract shall be entered by the employer into USREC no later than 3 working days from the date of termination of the employment contract.

13. After the employer enters information on the termination of the employment contract into the USALC, the change and addition of information in the USALC is carried out by the authorized state body for labor on the basis of an application from the employer or employee in accordance with the Administrative Procedure Code of the Republic of Kazakhstan.

Footnote. Paragraph 13 - as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).

13-1. When extending the term of the employment contract provided for in subparagraph 2) of paragraph 1 of Article 30 of the Labor Code, the employer, within 15 working days from the date of the extension of the term of the employment contract, enters the relevant information into the USALC.

Footnote. The rules are supplemented by paragraph 13-1 in accordance with the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).

Chapter 3. The procedure for receiving information from the unified system for recording employment contracts

14. The authorized state body for labor shall provide the information from USREC to individuals and legal entities, taking into account the requirements of the legislation of the Republic of Kazakhstan on personal data and their protection.

15. A request for the provision of information contained in the USREC shall be sent in electronic or paper form.

16. The employee shall receive the information specified in paragraphs 3 and 8 of these Rules, contained in the USREC through the personal account of an individual on the e-government web portal, in which this information is automatically reflected within one working day after the employer has entered it into the USREC.

17. The employer shall receive information on the labor activity of applicants and employees specified in paragraph 3 of these Rules, contained in the ESFTD, with their prior consent in the presence of integration in accordance with paragraph 4 of these Rules.

Preliminary consent shall be provided by the applicant and the employee in the employer's staffing information system through the use of an electronic digital signature.

18. A request for the provision of information contained in the USREC, sent in electronic form, shall be signed using the employer's electronic digital signature with the obligatory consent of the employee or the presenter to the processing of personal data.

19. The information contained in the USALC is provided to the employer within a period of not more than five working days from the date of receipt by the authorized body for labor of a request for provision of information, in the form of an electronic document or in accordance with the Administrative Procedure Code of the Republic of Kazakhstan.

Footnote. Paragraph 19 - as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).

20. If the USALC does not contain the requested information or the provision of information is not allowed in accordance with the legislation of the Republic of Kazakhstan on personal data and their protection, the authorized state body for labor, in accordance with the Administrative Procedure Code of the Republic of Kazakhstan, sends an electronic or paper notification about the absence of the requested information in the USALC or a reasoned decision to refuse to provide the requested information, which can be appealed in court.

Footnote. Paragraph 20 - as amended by the order of the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan dated 25.11.2021 № 442 (shall be enforced ten calendar days after the day of its first official publication).