

## **On Public Employment**

### *Invalidated Unofficial translation*

The Law of the Republic of Kazakhstan dated 23 January, 2001 No. 149.

#### **U n o f f i c i a l                    t r a n s l a t i o n**

Footnote. The Law of the Republic of Kazakhstan dated 06.04.2016 No. 482-V (the order of entry into force, see item 2 of article 39) null and void.

Footnote. In the text the words “Authorized body on issues of employment” are substituted by the words “Authorized body” – by the Law of the Republic of Kazakhstan dated 22 October, 2005 No. 84 (shall be enforced from the date of its official publication).

This Law regulates legal, economic and organizational relations in the field of public employment.

## **Chapter 1. General provisions**

### **Article 1. Basic definitions used in this Law**

The following basic definitions are used in this Law:

1) social workplace – workplace created by employer on the contract ground with the local executive body for the employment of citizens of the Republic of Kazakhstan from target forces with partial compensation of expenses of employer on payment of their work;

2) social contract – an agreement between individual from among the unemployed, self-employed and lower-income citizens of the Republic of Kazakhstan, participating in the state measures of promotion of employment and employment centre determining rights and obligations of parties;

3) vacancy – free workplace (position) of the employer;

4) labour-market – a scope of formation of demand and supply on the economically active population;

5) voluntarily selected employment – activity of citizens of the Republic of Kazakhstan, selected by them by free disposal of their capability to the labour, choice of the workplace and profession;

6) subsidization of the salary – compensation of parts of expenses of employer on salary of workers, employed on referral of the employment centre;

7) youth practice – type of work activity carried out by graduates of educational organizations, realizing professional educational programme of technical and

professional, post-secondary, higher educations with purpose of gaining of elementary experience on received profession (specialty), organized by the local executive bodies in recognition of situation on the regional labour-market;

8) private employment agency – individual or legal entity supporting in the employment, registered in the manner established by the Government of the Republic of Kazakhstan;

9) employment – complex of organizational, economic and legal events intended to support public employment;

10) active measures of promotion of employment – measures of the state supporting of citizens of the Republic of Kazakhstan and oralmans from among self-employed, unemployed and lower-income public carried out by the state in the manner established by the legislation of the Republic of Kazakhstan;

11) employment – labour activity linked with satisfaction of personal needs and (or) bringing earnings or income;

12) productive employment – employment providing the stable economic raise and social effect;

13) unemployed persons – individuals of employable age who are not engaged in labour activity bearing income, searching for work and ready to work;

14) unemployment - social-economic event, conditioned by absence of demand of part of economical active public on the labour market;

15) social protection from unemployment – complex of measures carried out by the state in the manner established by the legislation of the Republic of Kazakhstan;

16) lower-income citizens of the Republic of Kazakhstan (families) – individuals of employable age who have a right to targeted social aid and (or) monthly state benefit assigned and paid for children under the age of eighteen in accordance with the legislation of the Republic of Kazakhstan;

17) public works – types of labour activity organized by the local executive bodies not requiring preliminary professional training of worker having social and useful orientation and carried out by citizens of the Republic of Kazakhstan on referral of the authorized body for their provision by temporary employment;

18) target groups – groups of persons established by this Law as those having difficulties in employment and requiring social protection;

19) central executive body – the state body carrying out the administrative authority in the scope of public employment as well as within the ambit provided by the legislation of the Republic of Kazakhstan, inter-industry coordination;

20) self-employed persons – individuals, individually employed in producing (selling) commodities, works and services for receiving incomes, including producing for self-consumption, members of production cooperatives, non-reimbursable workers of family enterprises (farms) and employers using work-handed work;

21) authorized body – structural subdivision of local executive bodies providing promotion of public employment and social protection from the unemployment on the regional level;

22) long-term unemployment – unemployment with duration of twelve and more months;

23) centre of public employment – the state institution created by the local executive body of district, cities of oblast and republican significance, the capital in purpose of realization of active measures of promotion of employment;

24) quota on involvement of foreign labour force – number of foreign labour force involved for carrying out of work activity on the territory of the Republic of Kazakhstan;

25) economically active public (labour force) – part of the population at the age established for exploration of economical active public, providing the labour force supply for producing of commodities, works and services (employed in economy and unemployed persons);

26) economically inactive public – individuals that are not employed or unemployed.

**Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Article 2. Employed population**

Employed population consists of persons:

1) working under employment contract as well as performing work for the reward on conditions of complete or incomplete hours of work or having other paid work (service), income;

2) employed in entrepreneurial activity;

3) self-employed;

4) employed in ancillary craft and selling production under contracts;

5) performing works under civil law contracts as well as members of production cooperatives;

6) elected, assigned or established on the paid office;

7) serving in the Armed Forces, other militaries and military formations of the Republic of Kazakhstan;

8) being the founders (participants) of organizations except for the public associations, public funds and religious associations to the property of which the founders (participants) shall not preserve the property rights.

**Footnote. Article 2 is in the wording – by the Law of the Republic of Kazakhstan dated 22 October, 2005 No. 84 (shall be enforced from the date of its official publication).**

### **Article 3. Legislation of the Republic of Kazakhstan on public employment**

1. The legislation of the Republic of Kazakhstan on the public employment is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts.

2. The legislation of the Republic of Kazakhstan on the public employment shall apply to the citizens of the Republic of Kazakhstan, foreigners and stateless persons.

3. International treaties, ratified by the Republic of Kazakhstan shall have priority over this Law and shall be applied immediately, except for the cases, when it follows from international treaty that issuance of a Law is required for its application.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication).**

### **Article 4. Basic principles and directions of the state policy in the scope of public employment**

1. The state shall provide the performance of policy promoting the achievement of productive and free elected citizens' employment.

2. The state policy in the scope of employment is oriented to:

1) provision of equal possibilities to the citizens of the Republic of Kazakhstan, foreigners and stateless persons permanently residing in the Republic of Kazakhstan, to free choice of form of activity and profession, justified and favourable working conditions, social protection from the unemployment;

2) provision of productive employment, reduction of unemployment, creating of workplaces;

3) orientation of educational system on the staff training in accordance with labour market needs and perspectives of its development in recognition of investment policy;

4) supporting of labour and entrepreneurial initiative of citizens carried out in accordance with the legislation, promoting of development of their capability to the productive creative work;

5) stimulation of employers preserving active and creating new workplaces as well as for target forces;

6) organization of labour mediation through the authorized body and private employment agency;

7) *is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012);*

8) protection of local labour market by establishment of quotas on involvement of foreign labour force;

9) combination of republican events on provision of employment with the measures taken by the local executive bodies;

10) coordination of activity in the scope of public employment with other directions of economic and social policy;

11) formation of unified informational base of the labour market;

12) coordination and regulation of activity of the state bodies on development and implementation of measures providing the public employment and carrying out of control of their performance;

13) organization of the international cooperation in problems solving of the public employment including solution of questions linked with labour activity of citizens of the Republic of Kazakhstan abroad and foreigners on the territory of the Republic of Kazakhstan;

14) provision of participation of representatives of employers, workers and public organizations in elaboration and implementation of the state employment policy;

15) performance of the financial, tax and investment policy, coordinated with the employment policy, supporting the stimulation of creation of additional workplaces.

*Footnote. Article 4 as amended by the Laws of the Republic of Kazakhstan dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 month from the date of its official publication); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012)*

## **Article 5. State warrants in the field of public employment**

1. The state shall warrant to the citizens in the scope of public employment:

1) *(is excluded dated 15 May, 2007 No. 253)*

2) social protection from unemployment;

3) promoting in the selection of work and employment upon mediation of the authorized bodies.

2. The state shall provide measures on promotion of employment to the target forces of public.

Target forces shall include:

lower-income persons;

young persons at the age up to twenty one years;

foster children of boarding schools, orphaned children and children left without parents' custody, at the age up to twenty three years;

sole parents, parents of large family nurturing minors children;

citizens maintaining the persons which are recognized as in need of permanent care , aid or supervision in the manner established by the legislation of the Republic of Kazakhstan;

persons of preretirement age (two years before retirement by the age);

disabled persons;

persons dismissed from the Armed Forces of the Republic of Kazakhstan;

persons released from the places of deprivation of freedom and (or) compulsory treatment;

oralmans;

graduates of higher and post-graduate educational organizations;

persons released due to liquidation of the employer-legal entity or termination of activity of employer-individual, reduction of number or staff of the workers;

persons being registered in probation services of criminal and executive inspection;

persons suffered from the act of terrorism and persons participated in its suppression.

The local executive bodies may establish additional list of persons, related to the target forces, proceeding from of the situation of the labour market and budget funds, as well as additional measures on the social protection.

**Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); dated 15.05.2007 No. 253; dated 05.05.2009 No. 159-IV (order of enforcement see Article 2) ; dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.11.2014 No. 244-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Chapter 2. Implementation of the state employment policy**

### **Article 5-1. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

1) develop basic directions of the state policy in the scope of public employment and organize their carrying out;

2) *is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);*

3) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

4) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

6) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

7) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

8) is excluded by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

9) perform of other functions imposed of it by the Constitution, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 5-1 in accordance with the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 26.11.2012 No. 57-V (shall be enforced upon expiry of ten days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 6. Central executive body**

1. Order of activity, legal status and competence of the central executive body shall be determined by the Government of the Republic of Kazakhstan.

2. Central executive body within the competence shall:

1) carry out the coordination and methodical administrative authority of local executive bodies in the scope of public employment;

1-1) implement the state policy in the scope of public employment;

2) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

3) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication );

4) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159 -V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

5) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 372 -IV (shall be enforced upon expiry of ten calendar days after its first official publication);

6) allocate quota within the limits and in the manner established by the Government of the Republic of Kazakhstan on involvement of foreign labour force for carrying out of labour activity on the territory of the Republic of Kazakhstan between oblasts, cities Astana and Almaty;

7) determine the needs in staff training and their employment jointly with interested bodies;

8) form unified informational base of the labour market;

9) is excluded by the Law of the Republic of Kazakhstan dated 29.12.2014 No. 269 -V (shall be enforced from 01.01.2015);

9-1) elaborate and approve typical statute of centre of public employment;

9-2) approve the order of determination of attribution criteria of citizens of the Republic of Kazakhstan to the self-employed, unemployed and lower-income persons upon implementation of active measures of promotion of employment;

9-3) elaborate and approve forms for presentation of details on required specialties and vacant workplaces for including into the database of current vacancies and predicted workplaces;

9-4) elaborate and approve typical provisions on district (city) and region commissions on issues of public employment;

9-5) approve the order of organization and financing of public works;

9-6) approve the order of organization and financing of social workplaces;

9-7) approve the order of organization of financing of the youth practice;

9-8) approve the order of organization and financing of studying, supporting in the employment of persons participating in active measures of promotion of employment, and provision of measures of state support to them;

9-9) approve the order of organization and financing of state support of development of the entrepreneurship for persons participating in active measures of promotion of employment;



9-10) approve the order of crediting of microfinancial organizations and credit cooperatives on a competitive basis;

9-11) approve the order of assistance to increase mobility of persons participating in active measures of promotion of employment and rendering of measures of state support to them;

10) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Central executive body within the competence shall render electronic services with appliance of informational systems in accordance with the legislation of the Republic of Kazakhstan on informatization.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 27.01.2004 No. 524 (shall be enforced from 01.03.2004); dated 11.01.2007 No. 218 (shall be enforced from the date of official publication); dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 months from the date of its official publication); dated 17.07.2009 No. 188-IV (order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

## **Article 7. Local executive bodies**

The local executive bodies shall provide implementation of policy of public employment by:

1) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication )*;

2) annual identification of target forces residing on the territory of the relevant administrative and territorial units and social measures on their protection;

3) supporting of creation of additional workplaces through development of individual entrepreneurship, small and medium enterprises;

4) rendering of social aid to the unemployed persons;

5) organization of public works;

5-1) grant of permissions to the foreign worker for employment and to employers for involvement of foreign labour force for carrying out the work activity on the territory of relevant administrative and territorial unit within the quota divided by the central executive body as well as suspension and revocation of mentioned permissions;

5-2) establishment of quota of workplaces for disabled persons in amount of three percent from general number of workplaces;

5-3) creation of special workplaces for disabled persons' employment;

5-4) organization of social workplaces;

5-5) establishment of quota of workplaces for persons being registered in the probation service of criminal and executive inspection, as well as persons released from the places of deprivation of freedom;

5-6) establishment of quota of workplaces for minors graduates of boarding schools organizations;

5-7) organizations of youth practice;

5-8) formation of the need in the labour resources, organization of public employment and supporting in the employment;

5-9) rendering of the state services within the competence, rendered in electronic form in accordance with the legislation of the Republic of Kazakhstan;

6) carrying out of other measures supporting public employment;

7) carrying out of other powers in interests of the local state administration imposed on the local executive bodies by the legislation of the Republic of Kazakhstan.

**Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 27 January, 2004 No. 524 (shall be enforced from 1 March, 2004); dated 13 April, 2005 No. 40 (shall be enforced from 1 January, 2005); dated 22 October, 2005 No. 84 (shall be enforced from the date of its official publication); dated 16.01.2009 No. 121 (shall be enforced from the date of its official publication); dated 29.04.2010 No. 272-IV (order of enforcement see Article 2); dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 8. Authorized body**

1. Authorized body shall:

1) inform the applying citizens and unemployment persons on possibility of work receiving, and employers on possibilities of labour force provision;

2) provide assistance to citizens and unemployed persons in work choice, issue referrals for the employment and training;

3) form data bank on the labour market;

4) to register and record applicants no later than five business days from the date of applying of persons;

5) render free services to citizens and unemployed persons in the professional orientation;

6) refer unemployed persons to the public works with their agreement;

7) refer unemployed persons to the professional training, retraining, and advanced training in accordance with needs of labour market with subsequent supporting of their employment;

7-1) refer employed persons and the persons engaged in care of children at the age up to eight years, from among lower-income persons in case of their application to the professional training, retraining, advanced training in accordance with needs of labour market;

7-2) terminated force from 01.01.2011 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-IV;

8) issue certificate to the unemployed person that he (she) is registered as unemployed person;

9) analyze, predict demand and supply of the part of economically active public (labour force) and inform the public, local and central executive bodies on the labour market's status;

10) implement the state policy within competence in the scope of public employment and special events providing promotion of employment to target forces.

2. The authorized body shall have a right to:

1) refer citizens and unemployed persons to the employers upon existence of the need in labour force at the latter;

2) submit suggestions to the local executive bodies on preparing and performance of public works in organizations located on their territory;

3) request from the state bodies being in charge of questions of education, in the educational organizations, educational courses of different organizations carrying out the training, retraining and advanced training of specialists, the details on employment of graduates, information on professions (specialties) on which the training is

performed, number of prepared specialties and those planned to preparing on the certain professions (specialties);

4) support the labour mediation;

5) *is excluded by the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-IV (order of enforcement see Article 2)*

*Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 27.01.2004 No. 524 (shall be enforced from 01.03.2004); dated 22.10.2005 No. 84 ( shall be enforced from the date of its official publication); dated 16.01.2009 No. 121 ( shall be enforced from the date of its official publication); dated 05.05.2009 No. 159-IV (order of enforcement see Article 2); dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).*

## **Article 9. Participation of employers in provision of public employment**

1. Employers shall participate in implementation of the state policy of employment by:

1) supporting in the employment with observance of conditions of labour contracts and collective contracts in accordance with the labour legislation of the Republic of Kazakhstan;

2) development of system of professional training and interproductive training of the staff; 2-1) staff training through educational organizations, implementing educational programmes of technical and professional, post-secondary and higher education;

3) maintenance and rational use of staff potential of qualified workers in the course of structural changes;

4) supporting in organization and performance of public works;

5) financing of public works at the expense of own funds;

6) acceptance for employment to vacancies of persons applied on the question of employment in accordance with the qualified requirements established in organizations ;

7) insurance of workers in accordance with the legislative acts of the Republic of Kazakhstan.

2. Employer shall:

1) provide the information in full volume to the authorized body on coming release of workers due to the liquidation of employer-legal entity or termination of activity of employer-individual, reduction of number or staff, number and categories of workers

on which it may be related with specification of offices and professions, specialties, qualification and salary size of released workers and terms during which they will be released no less than two months before the release;

1-1) terminated force from 01.01.2011 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-IV;

2) refer the details to the authorized body on existence of free workplaces (vacant offices) within three business days from the date of their appearance;

3) notify on acceptance for employment or refuse in the acceptance for employment with specification of the reason by the relevant note in the referral issued by the authorized body in due time (within five business days from the date of direction of citizens to him (her) by the authorized body);

4) perform the established quota of the workplaces for disabled persons, persons released from the places of deprivation of freedom and minors graduates of care home organizations;

5) represent the details to the authorized body on number of those who passed the professional training, retraining and interproductive training with specification of received specialty and qualification;

6) not to allow the requirements of discriminatory nature in the scope of labour in the information on vacancies for the appliance to work.

3. Liability of employers for infraction of requirements of this Article shall be incurred in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 27.01.2004 No. 524 (shall be enforced from 01.03.2004); dated 22.10.2005 No. 84 ( shall be enforced from the date of its official publication); dated 07.05.2007 No. 244; dated 15.05.2007 No. 253; dated 27.07.2007 No. 320 (order of enforcement see Article 2); dated 05.05.2009 No. 159-IV (order of enforcement see Article 2); dated 29.04.2010 No. 272-IV (order of enforcement see Article 2); dated 21.06.2013 No. 106 -V (shall be enforced upon expiry of ten calendar days after its first official publication ).**

## **Article 10. Private employment agency**

1. Private employment agency shall have a right to:

1) advise the applicants on the issues of the labour legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan on public employment;

2) provide information on employment possibility and support to applied persons in the employment;

3) form details on employers and persons willing to obtain employment;

4) carry out selection of workers in recognition of their correspondence to the qualified requirements of employer;

5) carry out the enlistment of workers for employment from one country to another upon existence of international treaties;

6) organize professional training and retraining of applied persons with subsequent employment;

7) form approval documents on removal in case of employment of individuals abroad.

2. Private employment agency shall:

1) not to allow any forms of discrimination;

2) provide information confidentiality received from the applied persons;

3) not to allow the exploitation of children labour, enrolment of people for sexual and (or) other exploitation;

4) conclude contracts with applied persons on service provision on labour mediation.

3. Private employment agencies shall cooperate with the state bodies, employers on questions of employment, creation of workplaces.

4. Activity linked with the export of labour force from the Republic of Kazakhstan to foreign countries shall be carried out by the private employment agencies.

Involvement of foreign labour force, as well as removal of labour force from the Republic of Kazakhstan to foreign countries shall be carried out only upon the terms of warranty of return of the worker to his (her) country upon expiry of contract term by introduction of the warrant payment in the name of the worker in country banks of employment.

Order, conditions of introduction and amounts of warrant payment in the banks of the Republic of Kazakhstan shall be determined by the central executive body.

**Footnote. Article 10 is in the wordings of the Law of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); as amended by the Laws of the Republic of Kazakhstan dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 months from the date of its official publication); dated 06.07.2007 No. 276; dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Article 11. Involvement of foreign labour force**

1. In purpose of protection of internal labour market, the Government of the Republic of Kazakhstan shall establish the quota on involvement of foreign labour force.

Regulations of this Law on quotation of foreign labour force and issuance of permissions to the foreign worker for employment and to the employers for involvement of foreign labour force shall not apply to foreigners and stateless persons:

working on the regional financial centre of the Almaty city in positions of heads and specialists with post-secondary and higher education with confirmed documents in manner established by the legislation of the Republic of Kazakhstan;

working in the autonomous educational organizations, their organizations, as well as in the “Nazarbayev Fund” in positions of heads and specialists with higher education;

working in the legal entities of the Republic of Kazakhstan that concluded the investment contracts in accordance with the legislation of the Republic of Kazakhstan on investments for the realization of investment priority project, as well as working in organizations involved by mentioned legal entities (or their contractors) as a general contractor, contractor, subcontractor or service performer in the scope of architectural, town-planning and building activity (including exploring and project activity, engineering services), for the term of expiry of one year after introduction of object of investment activity in exploitation as heads and specialists with higher education, as well as qualified workers according to the list of professions and number determined in investment contracts on realization of investment priority project;

working in positions of heads and teachers with higher education with confirmed documents in manner established by the legislation of the Republic of Kazakhstan, in higher educational establishments development of which is provided by the documents of the System of the state planning of the Republic of Kazakhstan in the scope of industrial and innovative development;

working in positions of heads and specialists with higher education in organizations that in purpose of realization of industrial and innovative project by the authorized body in the scope of the state supporting of industrial and innovative activity made a decision on provision of innovative grant on involvement of highly qualified foreign specialists;

working in positions of heads and specialists with higher education in the national institutions of development, organizations linked with them;

working in the autonomous cluster fund of the special economic zone “Park of innovative technologies” in positions of heads and specialist with higher education;

working in the organizations carrying out the activity on organization and performance of international specialized exhibition on the territory of the Republic of Kazakhstan;

being participants or workers of participants on the international specialized exhibition on the territory of the Republic of Kazakhstan.

2. Central executive body shall distribute the quota within limits and in manner established by the Government of the Republic of Kazakhstan on involvement of foreign labour force for carrying out the labour activity on the territory of the Republic of Kazakhstan between oblasts, cities of Astana and Almaty.

2-1. Local executive bodies on the territory of relevant administrative and territorial unit shall issue permissions to the employers for involvement of foreign labour force and to the foreign workers for employment with exception of persons determined by the Government of the Republic of Kazakhstan for carrying out the labour activity within the quota distributed by the central executive body, as well as suspend and revoke mentioned permissions.

3. Order of determination of quota, conditions and order of issuance of permissions to the employers for involvement of foreign labour force and to the foreign workers for employment shall be determined by the Government of the Republic of Kazakhstan

4. Level of education (professional training) and experience (length of service) of practice work of foreign labour force involved for carrying out of labour activity on the territory of the Republic of Kazakhstan shall satisfy the qualified requirements presented to the profession of workers and positions of heads, specialists and servants in accordance with qualified reference book of works and professions and qualified reference book of positions of servants.

5. *Is excluded by the Law of the Republic of Kazakhstan dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012).*

**Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 27.01.2004 No. 524 (shall be enforced from 01.03.2004); dated 05.06.2006 No. 146 (order of enforcement see Article 2); dated 12.01.2007 No. 222 (shall be enforced upon expiry of 6 months from the date of its official publication) dated 06.07.2007 No. 276; dated 27.07.2007 No. 320 (order of enforcement see Article 2); dated 19.01.2011 No. 395-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.07.2011 No. 461-IV (shall be enforced from 30.01.2012); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.01.2012 No. 535-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2013 No. 151-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.06.2014 No. 208-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**



## **Article 12. Republican and regional programmes of public employment**

Footnote. Article 12 is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

### **Article 12-1. Centre of public employment**

Centre of public employment shall carry out:

1) selection and distribution of citizens of the Republic of Kazakhstan and oralmans on categories for participation in active measures of promotion of employment, determination of their need in the social supporting in accordance with the legislation of the Republic of Kazakhstan;

2) rendering of adaptive services and psychological supporting of citizens of the Republic of Kazakhstan and oralmans being participants of active measures of promotion of employment;

3) conclusion of social contracts with citizens of the Republic of Kazakhstan and oralmans being participants of active measures of promotion of employment;

4) organization of realizing active measures of promotion of employment provided by Article 20-1 of this Law;

5) provision of other measures of the state supporting to the participants of active measures of promotion of employment.

Footnote. Chapter 2 is supplemented by Article 12-1 in accordance with the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 3. State social protection from unemployment**

### **Article 13. Rights of citizens in the scope of employment**

Footnote. Article 13 is excluded in accordance with the Law of the Republic of Kazakhstan dated 15 May, 2007 No. 253.

### **Article 14. State social protection from unemployment**

Following social protection from unemployment shall be rendered by the state:

1) supporting in the employment;

2) professional training, retraining, advanced training;

3) organization of public works and payment for labour of unemployed persons employed in public works;

3-1) terminated force from 01.01.2011 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-IV;

4) rendering of state targeted social assistance to the unemployed persons from among of lower-income citizens in accordance with the legislative acts;

5) rendering of active measures of promotion of employment.

**Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication); dated 05.05.2009 No. 159-IV (order of enforcement see Article 2); dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 15. Registration of unemployed persons**

1. Persons searching for work shall apply for supporting in the employment to the authorized body at the place of residence or through web portal of “electronic government”.

2. The authorized body shall carry out the registration of a person searching for work as unemployed persons on the ground of document certifying identification, and upon applying through web portal of “electronic government” on the ground of application in form of electronic document.

3. The authorized body shall register applied persons as unemployed persons not later than five business days from the date of applying after check of data on the applicant through informational systems of the state bodies and (or) organizations by writing of details in card of personal record, the form of which shall be confirmed by the central executive body.

Authorized body shall notify the applicant from the date of registration and recording as unemployed person or refuse in registration not later than:

1) one business day upon applying through web portal of “electronic government”

2) three business days upon applying to the authorized body.

4. Unemployed persons registered in the authorized body shall check in the authorized body no less than once every ten calendar days, and unemployed persons residing in rural settlements – no less than once every month at akim of rural settlement, village, rural district.

**Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 No. 64-V (shall be enforced from 01.01.2013); as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

## **Article 16 Deregistration of unemployed person**

1. The authorized body shall remove the unemployed person from the register in cases of:

- 1) written refusal from two suggested variants of convenient work;
- 2) non-appearance without reasonable excuses within five business days from the date of issuance of referral by the authorized body at the place of suggested employment or training;
- 3) non-appearance without reasonable excuses within five business days upon call to the authorized body for receiving the referral to work, training;
- 4) willful termination of participation in public works or training under referral of the authorized body by the unemployed person without reasonable excuses;
- 5) non-observance of terms of visiting the authorized body provided by paragraph 7 of Article 15 of this Law by the unemployed person without reasonable excuses;
- 6) change of the residence place;
- 7) referring to the category of employed persons in accordance with Article 2 of this Law;
- 8) conviction of authorized body to the punishment in the form of deprivation of freedom or referral to compulsory treatment under court decision;
- 9) award of pension in accordance with the legislation of the Republic of Kazakhstan.

2. Unemployed persons removed from the register in accordance with subparagraphs 1)-6) of paragraph 1 of this Article may be registered in the authorized body repeatedly only upon expiry of thirty calendar days from the date of deregistration.

**Footnote. Article 16 as amended by the Law of The Republic of Kazakhstan dated 22 October, 2005 No. 84 (shall be enforced from the date of its official publication); dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication).**

## **Article 17. Obligations of registered unemployed persons**

1. Unemployed persons shall be obliged to:
  - 1) comply with this Law;
  - 2) comply with procedure, conditions and terms of visiting the authorized bodies;
  - 3) apply to the employer on the question of arrangement of labour within five business days from the date of receiving the work referral, issued by the authorized body;
  - 4) provide details on changes, having an effect on the further work order with unemployed persons without undue delay (within five business days), including:
    - change of the place of residence;

arrangement of labour on permanent, temporary, season work, work under civil law contacts;

engagement in entrepreneurial activity;

foundation (co-foundation) in organization independently from legal organizational form and form of ownership;

establishment or change of the disability group;

award of pension and receipt of other incomes.

2. In case of concealing the above listed details or provision of deliberately misleading details or forged documents, the unemployed persons shall be removed from registration and may be brought to responsibility in accordance with the Laws of the Republic of Kazakhstan.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 22 October 2005 No. 84 (shall be enforced from the date of its official publication).**

## **Article 18. Suitable work**

1. For registered unemployed citizens, the suitable work is the work that conforms to professional training, labour experience and professional experience on former specialty, conditions of the last place of work (with the exception of paid public works) , health condition, transport accessibility of new place of work, and for persons engaged in care of children at the age up to seven years, from among the low-income persons – the work in regime of flexible and part-time work. Transport accessibility shall be determined by the relevant executive body.

2. For the persons, seeking employment for the first time, but not having profession (specialty), as well as not having a work for more than two years, the work, requiring preliminary professional training may be considered as suitable work, and in case of impossibility of its provision, the other paid work (including temporary work) in recognition of age and other special aspects of citizens and requirements of the labour legislation of the Republic of Kazakhstan.

3. For employed persons from among low-income persons, the suitable work is the work, conforming to conditions, mentioned in paragraph 1 of this Article, average monthly salary of which is higher than in their last place of work.

**Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 15 May 2007 No. 253; dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication).**

### **Article 18-1. Social work place**

1. Creation of social work place shall be carried out by an employer on the basis of contract with local executive body.

2. The contract shall contain the obligations of parties, types, volumes of work, amount and conditions of payment for labour, term and sources of financing the social work places.

3. Social work place shall be organized by provision or creation of temporary work places and shall have the following special aspects:

1) shall be intended specially for target groups;

2) quantity of work places is unlimited, the work is temporary and for its organizations the permanent work places and vacancies may not be used.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV.*

**Footnote.** Chapter 3 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); as amended by the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 18-2. Youth practice**

1. Creation of work place for undertaking youth practice shall be carried out by an employer on the basis of contract with local executive body.

2. The contract shall contain the obligations of parties, types, volumes of work, amount and conditions of payment for labour, term and sources of financing the youth practice.

3. Youth practice shall be organized by providing or creating temporary work places and shall have the following special aspects:

1) shall be intended specially for registered unemployed persons from among the graduates of educational organizations, implementing the professional educational programmes of technical and professional, post-secondary, higher education, not older than twenty nine years;

2) the performed work shall conform to profession (specialty) received by graduate or to level of his (her) qualification;

3) quantity of work places is unlimited, the work is temporary and for its organization the permanent work places and vacancies may not be used;

4) payment for labour of the participants of the youth practice shall be carried out at the expense of budget funds.

**Footnote.** Chapter 3 is supplemented by Article 18-2 in accordance with the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 19. Professional training, retraining and advanced training**

1. The authorized body shall refer the following persons to professional training, retraining and advanced training:

1) unemployed persons in the case, if it's impossible to find suitable work due to the absence of their required professional qualification;

2) employed persons and persons engaged in care of children at the age up to seven years, from among of low-income persons;

3) terminated force from 01.01.2011 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-IV.

2. Professional training, retraining and advanced training shall be performed according to referral of the central executive body in educational organizations on the enterprises, having the right of educational activity, in accordance with the legislation of the Republic of Kazakhstan at the expense of budget funds in recognition of the needs of the labour market in the manner, established by the Government of the Republic of Kazakhstan.

Referral to professional training, retraining and advanced training of persons, working under labour contract shall be carried out in recognition of requirements of the labour legislation of the Republic of Kazakhstan.

Unemployed persons, employed persons and persons, engaged in care of children at the age up to seven years, from among the low-income citizens, undertaking professional training, retraining and advanced training shall have the right to receive the state targeted social assistance in accordance with the legislation of the Republic of Kazakhstan.

3. Unemployed persons, included in target groups shall have the priority right to undertake professional training, retraining and advanced training.

4. Persons referred to the professional training, retraining and advanced training by the authorized body that willfully terminated training without reasonable excuse may be referred to training repeatedly upon expiry of a year from the date of repeated registration (application) in the authorized body.

**Footnote. Article 19 as amended by the Laws of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication); dated 05.05.2009 No. 159-IV (the order of enforcement see Article 2); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).**

## **Article 20. Public works**

1. Public works shall be organized by local executive bodies in organizations and shall be financed at the expense of budget funds and funds of employers upon their applications.

2. Participation of citizens in public works shall be carried out in the manner of priority according to the registration date. Unemployed persons included to the target groups shall have the priority right to participate in public works.

3. Persons that terminated participation in public works willfully, without reasonable excuse may be referred repeatedly only upon expiry of three months from the date of repeated registration (application) in the authorized body.

4. Public works shall be organized by creation of temporary work places and shall have the following special aspects:

1) intended specially for unemployed persons;

1-1) terminated force from 01.01.2011 in accordance with the Law of the Republic of Kazakhstan dated 05.05.2009 No. 159-V;

2) quantity of work places is unlimited in actual fact, the works are temporary and for their organization the permanent work places and vacancies may not be used;

3) possibility to organize the works on conditions of part-time business day and on flexible schedule;

4) shall have economic, social and environmental usefulness for a region;

5) provide an opportunity of temporary arrangement of labour to persons that do not have special education.

5. Under decision of local executive bodies:

1) demand and supply for public works shall be determined;

2) the list of organizations in regions, types, volumes and specific conditions of public works, amounts of payment for labour of participants and sources of their financing shall be approved.

6. Public works shall not include the types of activity linked with necessity of urgent liquidation of accident consequences, effects of disasters, catastrophes and other emergencies.

7. Procedure for organization and financing of public works shall be determined by the central executive body.

8. Labour legislation of the Republic of Kazakhstan, legislation of the Republic of Kazakhstan on social security and insurance shall be applied to the persons, participated in paid public works.

9. This Law shall not regulate legal relations on involvement to public works, provided by the criminal legislation.

**Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); dated 15.05.2007 No. 253; dated 05.05.2009 No. 159-IV (the order of enforcement see**

Article 2); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 20-1. Active measures of promotion of employment**

1. Active measures of promotion of employment shall include:

- 1) training and supporting in the employment;
- 2) promotion of development of entrepreneurship in the village;
- 3) raising of mobility of labour forces.

2. Measures designed for training and supporting in the employment shall be implemented by:

- 1) consultation on the issues of training and arrangement of labour;
- 2) referral to free courses of raising of qualification, professional training and retraining with payment of scholarship;
- 3) provision of subsidies to trainees (for passway to the training place and return, residence in residence hall or compensation for expenses, linked with leasehold (lease) of a dwelling place);
- 4) search for suitable vacancies and supporting in the employment (as well as for social work places);
- 5) partially subsidizing of salary of individuals participating in active measures of promotion of employment;
- 6) psychological adaptation.

3. Measures, designed for promotion of development of entrepreneurship in the village shall be implemented by:

- 1) extension of microcredits;
- 2) development of engineering and communication infrastructure;
- 3) provision of consulting services;
- 4) training of the grounds of entrepreneurship.

4. Measures, designed for promotion of mobility of labour forces shall be implemented by:

- 1) provision of subsidies for moving;
- 2) training at courses of professional training, retraining and advanced training, as well as supporting in the employment at new place of residence;
- 3) psychological adaptation;
- 4) provision of service housings to citizens of the Republic of Kazakhstan, participating in active measures of promotion of employment.



Footnote. Chapter 3 is supplemented by Article 20-1 in accordance with the Law of the Republic of Kazakhstan dated 27.06.2011 No. 444-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 4. State control and reporting in the scope of public employment**

Footnote. Title of chapter 4 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

### **Article 21. Department statistical monitoring in the scope of public employment**

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 19.03.2010 No. 258-IV.

1. For objective assessment of the provision in the field of public employment, as well as situation at labour market, its forecasting and regulation in accordance with the legislation of the Republic of Kazakhstan, the departmental statistical monitorings shall be conducted.

2. Individuals and legal entities, engaged in labour mediation, as well as employers, received the permissions for engagement of foreign labour force or that have working foreign workers, received the permissions to employment, shall be obliged to provide primary statistics to the authorized body and bodies of internal affairs in the manner and in terms, established in accordance with the legislation of the Republic of Kazakhstan.

3. The authorized bodies shall exchange reporting documentation and details with the authorized body in the field of state statistics, bodies of government revenue, bodies of internal affairs and other interested state bodies without compensation at republican and regional levels, required to each of parties for performance of own functions in the manner, established by the legislation of the Republic of Kazakhstan.

4. The authorized bodies shall represent primary statistics to central executive body in the manner and terms, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 06.07.2007 No. 276; dated 05.05.2009 No. 159-IV (the order of enforcement see Article 2); dated 19.03.2010 No. 258-IV; dated 29.12.2010 No. 372-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.11.2014 No. 248-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

## **Article 22. Bodies carrying out the state control in the scope of public employment**

Footnote. Title of Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2).

State control in the scope of public employment shall be carried out by central and local executive bodies.

Footnote. Article 22 as amended by the Laws of the Republic of Kazakhstan dated 22.10.2005 No. 84 (shall be enforced from the date of its official publication); dated 05.06.2006 No. 146 (the order of enforcement see Article 2); dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication); dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 No. 269-V (shall be enforced from 01.01.2015).

### **Article 22-1. State control in the scope of public employment**

1. State control in the scope of public employment shall be carried out in the form of inspection and other forms.

2. Inspection shall be carried out in accordance with the Law of the Republic of Kazakhstan “On state control and supervision in the Republic of Kazakhstan”. Other forms of the state control shall be carried out in accordance with this Law.

Footnote. Article 22-1 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 No. 188-IV (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 23. Responsibility for breach of the legislation of the Republic of Kazakhstan on public employment**

Individuals and legal entities that breached the legislation of the Republic of Kazakhstan on public employment shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 27 January 2004 No. 524 (shall be enforced from 1 March 2004); dated 16.01.2009 No. 121 (shall be enforced from the date of its first official publication).

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