

## **On Compulsory Insurance of Employee from Accidents upon Performance of Labour (Official) Duties by them**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 7 February, 2005 No.30.

#### **Unofficial translation**

Footnote. Heading is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

Footnote. Throughout the text of the Law the words “of civil responsibility of employer for infliction of damage to life and health of employee upon performance by the, the labour (official duties)”, “of responsibilities of employer” are substituted by the words “of employee from accidents” by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

This Law regulates the public relations, arising in the field of compulsory insurance of employee from accidents and establishes the legal, economic and organizational bases of its conducting.

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

The following basic definitions shall be used in this Law:

1) State Corporation “Government for Citizens” (hereinafter referred to as the State Corporation) is a legal entity created by decision of the Government of the Republic of Kazakhstan to provide public services in accordance with the legislation of the Republic of Kazakhstan, organize work on accepting applications and issuing their results to the service recipient on one contact principle, ensuring the provision of public services in electronic form ;

1-1) preventive measures - precautionary measures aimed at creating and improving safe working conditions;

1-2) annuity insurance contract (hereinafter referred to as the annuity contract) - an insurance contract, under which the insurer is obliged to make insurance payments in the form of periodic payments in favor of the beneficiary within the period established by the contract;

1-3) organization for the formation and maintenance of a database - a non-profit organization created in the legal form of a joint stock company, whose one hundred percent of the voting shares are held by the National Bank of the Republic of Kazakhstan, engaged in formation and maintenance of a unified database on insurance in accordance with the Law Republic of Kazakhstan “On insurance activities”;

2) an authorized state body on labour (hereinafter – an authorized body) – the state body of the Republic of Kazakhstan, carrying out implementation of the state policy in the scope of labour relations in accordance with the legislation of the Republic of Kazakhstan;

2-1) pre-retirement annuity insurance contract (hereinafter referred to as the pre-retirement annuity contract) - an insurance contract concluded in favor of an employee engaged in work with harmful conditions, upon occurrence of the conditions specified in paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan, under which the insurer is obliged to make monthly insurance payments in favor of the insurance payment beneficiary;

2-2) insurance payment under a pre-retirement annuity agreement - insurance payment to employees engaged in work with harmful conditions, upon the occurrence of the conditions stipulated in paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan;

3) occupational capacity – the capacity of employee to execution of work of certain qualification, volume and quality;

4) degree of loss of occupational capacity – the level of reduction of capacity of employee to perform the labour (official) duties, determined in accordance with the legislation of the Republic of Kazakhstan;

5) class of occupational risk – the level of industrial injuries and occupational morbidity, formed by economic activity;

6) insurance of employee from accidents – a complex of relations on protection of property interests of employee, to life and health of which the damage is inflicted upon performance by him (her) of labour (official) duties;

7) beneficial owner – a person who in accordance with this Law is recipient of insurance payment;

8) insured event - an accident during the performance of labor (official) duties (accident) that occurred with an employee (workers) during the performance of his (their) labor (official) duties as a result of exposure to a harmful and (or) dangerous production factor that resulted in an occupational injury, sudden deterioration in health or poisoning of an employee, which led to the establishment of the degree of loss of professional capacity, occupational disease or death, under the circumstances stipulated in Article 16-1 of this Law, as well as in the occurrence of conditions specified in paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan;

8-1) unified insurance database (hereinafter referred to as the database) – a set of information (including in electronic form) about the insurer, policyholder, insured and the beneficiary;

8-2) insurance ombudsman - an individual independent in his activities who resolves disputes between the insurance market parties in accordance with the Law of the Republic of Kazakhstan “On Insurance Activity”;

9) insurance sum – an amount of money, on which the insurance object is insurant and which represent ceiling of the responsibility of insurer upon occurrence of insurance event;

10) insurance premium – an amount of money, which the insurer is obliged to pay to the insurer for assumption by insurer the duty to make insurance payment to the beneficial owner in the amount, determined by agreement of compulsory insurance of employee from accident;

11) insurance payment – an amount of money, paid by the insurer to the beneficial owner within the insurance sum upon occurrence of insurance event;

12) insurer – a legal entity, obtained a license for the right of carrying out of insurance activity in the branch of “life insurance” on class of annuity insurance and this type of compulsory insurance in the territory of the Republic of Kazakhstan in the manner established by the legislation of the Republic of Kazakhstan;

13) insurant – an employer, concluded an agreement of compulsory insurance of employee from accidents.

**Footnote.** Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

## **Article 2. Relations, regulating by this Law**

1. This Law shall not regulate insurance of employee of the state institutions from accidents upon performance by him (her) of labour (official) duties.

2. Conclusion of agreement by the employer of voluntary insurance of employee from the accidents shall not relieve him (her) from duty on conclusion of agreement of compulsory insurance of employee.

**Footnote.** Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

## **Article 3. The legislation of the Republic of Kazakhstan on compulsory insurance of employee from accidents**

1. The legislation of the Republic of Kazakhstan on compulsory insurance of employee from accidents shall be based on the Constitution of the Republic of Kazakhstan and consist of the Civil Code of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by the international treaty, ratified by the Republic of Kazakhstan, made other rules than those that contained in this Law, the rules of the international treaty shall be applied.

3. The provisions of this Law applied to an insurer, including an insurance company, shall apply to branches of insurance companies that are non-residents of the Republic of Kazakhstan, opened on the territory of the Republic of Kazakhstan.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 02.01.2021 № 399-VI (shall be enforced from 16.12.2020).**

#### **Article 4. The state control and supervision in the field of compulsory insurance of employee from accidents**

1. State control and supervision over the activities of insurance organizations shall be carried out by the authorized body for regulation, control and supervision of the financial market and financial organizations in accordance with the legislation of the Republic of Kazakhstan.

2. Control of compliance with the requirements of this Law by the insurant shall be carried out by the authorized body.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 № 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020).**

#### **Article 5. The object and subjects of compulsory insurance of employee from accidents upon performance by him (her) the labour (official) duties**

1. The object of compulsory insurance of an employee against accidents in the performance of his labor (official) duties (hereinafter - compulsory insurance of an employee against accidents) is the property interest of an employee, whose life and health have been harmed by an accident resulting in the determination of the degree of loss of professional ability to work or his death, as well as in the occurrence of the conditions stipulated by paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan.

2. The subject of compulsory insurance of employee from accidents shall be: insurant, insurer and beneficial owner.

**Footnote. Article 5 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); as amended by the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).**

#### **Article 6. The purpose and basic principles of compulsory insurance of employee from accidents**

1. The purpose of compulsory insurance of employee from accidents shall be ensuring protection of property interests of employees; the damage is inflicted to their life and health

upon performance by them the labour (official) duties by implementation of insurance payments.

2. The basic principles of compulsory insurance of employee from accidents:

ensuring performance by parties of their duties on agreement of compulsory insurance of employee from accidents;

economic interest of employers in improving safety of labour.

#### **Article 6-1. Special aspects for compulsory insurance of employee from accidents**

An activity directed to restriction or elimination of competition, provision or reception of unjustified advantages on conclusion of agreements of compulsory insurance of employee from accidents by one insurer before others, impairment of the rights and legal interests of insurant shall not be allowed.

**Footnote.** The Law is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 07.05.2007 № 244; is in the wording of the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 6-2. Information interaction**

The authorized agency, its territorial divisions, prosecutorial authorities, healthcare organizations, other state authorities and organizations that have the information necessary to confirm the occurrence of an insured accident and determine the amount of compensation for harm caused to the life and health of an employee shall be required to provide this information to an insurer, insurant (beneficiary), to insurance ombudsman when they apply.

The organization for the formation and maintenance of the database shall interact and exchange data on contracts of compulsory insurance of employee against accidents with the authorized body through the integration of information systems.

**Footnote.** The Law is supplemented by Article 6-2 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (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 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

#### **Article 7. Responsibility, subjected to the compulsory insurance by the employer**

**Footnote.** Article 7 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

#### **Article 8. Rights and duties of insurant**

1. Insurant shall have a right to:

1) choice of insurer for conclusion of agreement of compulsory insurance of employee from accidents;

2) present at the examination of employee by the territorial subdivision of the authorized body upon occurrence of insurance event;

3) protect their rights and legal interests, as well as rights and legal interests of beneficial owners in a judicial order;

4) require explanations of conditions of compulsory insurance, rights and duties on agreement of compulsory insurance of employee from accidents from the insurer;

5) call an independent expert for insurance risk appraisal;

5-1) apply to an insurer, subject to the specific aspects provided by Article 24-1 of this Law, or to an insurance ombudsman or the court to resolve issues arising from an agreement of compulsory insurance of employee from accidents;

6) send an application and attached documents to the insurance ombudsman (directly to the insurance ombudsman, including through its Internet resource, or through the insurer, including through its branch, representative office, another separate structural unit, or Internet resource), taking into account the features provided for Law of the Republic of Kazakhstan "On Insurance Activities";

7) for reimbursement of costs for preventive measures and (or) rehabilitation measures in the manner determined by the authorized body.

2. The insurant shall be obliged to:

1) conclude a contract on compulsory insurance of an employee against accidents with the insurer in accordance with the standard agreement on compulsory insurance of an employee against accidents, approved by the authorized body for regulation, control and supervision of the financial market and financial organizations;

1-1) conclude agreement of compulsory insurance of employee from accidents with insurer during the first decade of the month following the month, in which the carrying out of activity is begun;

1-2) submit an application in electronic form for concluding an agreement of compulsory insurance of employee from accidents in electronic form with an insurer in case of state registration of an insurant related to a small and medium-sized business through the web portal of "electronic government";

2) pay the insurance premium in the amount, procedure and terms, which are established by agreement of compulsory insurance of employee from accidents, and ensure safety of all existing documents on insurance in accordance with the legislation of the Republic of Kazakhstan;

2-1) notify the insurer during ten business days from the date of change of the class of occupational risk of employee (employees);

3) carry out measures, directed to prevention of insurance events;

4) immediately notify the insurer, but not later than three business days, as he (she) became aware of the occurrence of an accident;

5) ensure investigation of the circumstances of occurrence of insurance events with obligatory participation of representatives of the authorized body and insurer;

6) prove occurrence of insurance event, as well as damages caused to them;

7) provide the insurer, within the terms established by the contract, the documents and information on the beneficiary (including the subscriber's mobile phone number and (or) e-mail address) necessary for calculating the insurance payment, concluding an annuity agreement;

8) ensure timely implementation of mandatory medical examinations of employees in accordance with the Code of the Republic of Kazakhstan "On Public Health and Healthcare System";

9) present the documents on labour conditions of employees, preceded to the insurance events, to the authorized body and health care organization;

10) train the employees without breakaway from production by safe method and ways of labour;

11) execute decision of the authorized body on issues of preventive measures, prevention and investigation of accidents;

12) promptly report to the insurer on its reorganization or liquidation;

13) take measures to reduction of losses from insurance event;

14) provide transfer of right of demand to the person, responsible for occurrence of insurance event to the insurer;

15) conclude an agreement of annuity in favor of employee or person, having the right for compensation of damage in connection with the death of employee in the cases, provided by this Law, within the insurance sum, established by agreement of compulsory insurance of employee from accident;

15-1) conclude a pre-retirement annuity contract in favor of an employee engaged in work with harmful conditions, in accordance with Article 23-1 of this Law and enter information into the information system on labor protection and safety;

16) within ten working days from the date of conclusion of the annuity agreement, submit a copy of it to the beneficiary in whose favor the annuity agreement was concluded;

17) within ten working days from the date of conclusion of the pre-retirement annuity contract, provide a copy of it to the beneficiary in whose favor the pre-retirement annuity agreement was concluded.

3. Other rights and duties of insurant, not contradicting to the legislative acts of the Republic of Kazakhstan may be provided by agreement of compulsory insurance of employee from accidents.

**Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); dated**

29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced from 01.01.2018); dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024); dated 06.04.2024 № 71-VIII (comes into force sixty calendar days after the date of its first official publication).

## **Article 9. Rights and duties of insurer**

1. Insurer shall have a right to:

- 1) participate in investigation of insurance events;
- 2) present at the examination of employee by the territorial subdivision of the authorized body;
  - 2-1) check the information for compliance with the classification of types of economic activity to occupational risk classes according to the staffing table or other information provided by the insured and (or) requested by the insurer;
- 3) verify information on insurance events and if it is necessary direct inquiries in the relevant authorized bodies;
- 4) execute inspection of objects of insurant for insurance risk assessment;
- 5) to refuse insurance payment in cases stipulated by the Civil Code of the Republic of Kazakhstan, the Social Code of the Republic of Kazakhstan and this Law;
- 6) provide recommendations on prevention of insurance events;
- 7) call an independent expert for insurance risk appraisal;
- 8) counter demand to the person, caused the damage.

2. Insurer shall be obliged to:

- 1) (Is excluded - dated 7 May, 2007 № 244);
- 2) familiarize an insurant with conditions of agreement of compulsory insurance of employee from accidents and clarify his (her) rights and duties, arising from agreement of compulsory insurance of employee from accidents;
- 3) make insurance payment and compensation of expenses for burial upon occurrence of insurance event in accordance with this Law and agreement of compulsory insurance of employee from accidents;
  - 3-1) upon notification of an insured event (an event considered as an insured event) that occurred during the period of validity of insurance protection under a contract of compulsory insurance of an employee against accidents, immediately register it and provide information on this insured event (an event considered as an insured event) to the organization for the

formation and maintenance of the database in accordance with the regulatory legal act of the authorized body for regulation, control and supervision of the financial market and financial organizations;

3-2) in case of occurrence of the conditions stipulated by paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan, to make monthly insurance payments under the pre-retirement annuity contract in accordance with the concluded pre-retirement annuity contract and this Law;

4) ensure the confidentiality of received details on insurant and beneficial owner in the result of its activity;

5) in the event of a decision to refuse an insurance payment, send to the beneficiary within seven working days from the date of receipt of the application and all documents provided for in paragraph 2 of Article 20 of this Law, a reasoned justification of the reasons for the refusal and a notice of the right of the insured (beneficiary) to apply to the insurance ombudsman to resolve disagreements, taking into account the peculiarities of the legislation of the Republic of Kazakhstan;

5-1) upon receipt of an application from an insurant (beneficiary) to consider the requirements of an insurant (beneficiary) and provide a written response indicating the further procedure for resolving dispute within five working days;

5-2) upon receipt from an insurant (beneficiary) of an application sent to an insurance ombudsman, redirect this application, as well as the documents attached to it, to an insurance ombudsman within three working days from the date of receipt;

6) recompense expenses of the insurant, which made by him (her) to reduce the losses in the insurance case; 7) Is excluded by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010);

**8) Is excluded by the Law of the Republic of Kazakhstan dated 07.05.2007 № 244;**

9) pay a fine to the beneficial owner in the amount of 1.5 per cent of the outstanding amount for each day of delay upon untimely making of insurance payments, provided by paragraph 1 of Article 19 of this Law;

10) to reimburse the policyholder for the costs of preventive measures in the amount not exceeding six percent of the insurance premium calculated as of the date of the insurance contract expiration;

11) to indemnify the policyholder and/or the beneficiary for the expenses incurred for rehabilitation measures in the amount not exceeding six percent of the insurance premium calculated as of the date of the insurance contract expiry;

12) to reimburse to the beneficiary the expenses for sanatorium-resort treatment in the amount not exceeding one hundred times the monthly calculation index established for the relevant financial year by the law on the republican budget.

An insurer, having a license for the right of carrying out of insurance activity in the branch of “life insurance” on class of annuity insurance shall be obliged to conclude an

agreement of annuity in favor of employee or person, having a right for compensation of damage in connection with the death of employee in the cases, provided by this Law within the insured amount, established by agreement of compulsory insurance of employee from accident.

The insurer that has a license for the right to carry out insurance activities in the field of "life insurance" in the annuity insurance class shall be obliged to conclude a pre-retirement annuity contract in favor of the employee entitled to receive insurance payments under the pre-retirement annuity contract in accordance with Article 23-1 of this Law.

The insurer is obliged, within twenty working days after the date of conclusion of the annuity agreement, to notify the beneficiary (his/her legal representative) of the annuity agreement concluded in his favour.

3. Other rights and duties of insurer, not contradicting to the legislative acts of the Republic of Kazakhstan may be provided by agreement of compulsory insurance of employee from accidents.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.12.2020 № 386-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).**

## **Article 10. Rights of beneficial owner**

Beneficial owner shall have a right to:

1) receipt insurance payment in the manner and conditions, established by this Law and agreement of compulsory insurance of employee from accidents;

2) receive free of charge from the policyholder and the insurer information on the terms and conditions of the compulsory insurance of the employee against accidents, as well as copies of annuity and pre-retirement annuity contracts concluded in his favor;

3) appeal against decisions on the issues of investigation of an insured event to the authorized body, court in the manner prescribed by the laws of the Republic of Kazakhstan;

4) apply on issues of medical and social assessment to the territorial subdivisions of the authorized body;

5) inform the insurer on occurrence of insurance event;

6) participate in the investigation of insurance event, as well as with participation of representatives of employees or their authorized representative;

7) contact the insurer, taking into account the specifics provided for in Article 24-1 of this Law, or the insurance ombudsman, the territorial division of the authorized state body for

labor, the authorized body or the court to resolve issues arising from the contract of compulsory insurance of the employee against accidents;

8) send an application and attached documents to the insurance ombudsman (directly to the insurance ombudsman, including through its Internet resource, or through the insurer, including through its branch, representative office, another separate structural unit, or Internet resource), taking into account the features provided for Law of the Republic of Kazakhstan "On Insurance Activities";

9) for reimbursement of expenses for rehabilitation measures and sanatorium-resort treatment expenses in accordance with paragraph 2-1 of Article 19 of this Law in the amount not exceeding one hundred times the amount of the monthly calculation index established for the relevant fiscal year by the law on the republican budget.

**Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall be enforced from 01.07.2021); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024); dated 08.07.2024 № 116-VIII (comes into force ten calendar days after the date of its first official publication).**

## **Article 11. An agreement of compulsory insurance of employee from accidents**

1. Compulsory insurance of employee from accident shall be carried out on the basis of agreement, concluded between insurant and insurer in accordance with this Law and the Civil Code of the Republic of Kazakhstan in favor of employee, to the life and health of which may be inflicted the damage upon performance by him (her) labor (official) duties.

2. The contract of compulsory insurance of an employee against accidents shall be concluded only with an insurer that has a license for the right to carry out insurance activities in the class of annuity insurance and this type of compulsory insurance.

The conclusion of such an agreement for the insurer is mandatory, except for cases provided for by the laws of the Republic of Kazakhstan..

3. An agreement of compulsory insurance of employee from accidents shall be concluded in written form.

The basis for conclusion of agreement of compulsory insurance of employee from accidents shall be application of insurant. The insurer has the right, in addition to the application, to require the submission of a staffing table or other information to verify the correctness of classifying the types of economic activity declared by the insured as occupational risk classes.

An insurant's application submitted in electronic form in accordance with Subparagraph 1 -2) of Paragraph 2 of Article 8 of this Law shall contain:

1) estimated size of annual labor compensation fund and total number of employees;

2) type of economic activity and occupational risk class in accordance with the procedure for classifying types of economic activity as occupational risk classes.

An agreement of compulsory insurance of employee from accidents concluded by submitting an electronic application shall be signed by electronic digital signature of an insurant and insurer.

Failure to comply with the written form of an agreement of compulsory insurance of employee from accidents entails its nullity.

Responsibility for incompleteness of conditions to be indicated in an agreement of compulsory insurance of employee from accidents shall bear an insurer. In the event of a dispute under an agreement of compulsory insurance of employee from accidents due to the incompleteness of its certain conditions, the dispute shall be resolved in favor of an insurant.

4. In the case of loss of agreement of insurance, the insurer shall be obliged to issue him (her) a duplicate of agreement of insurance on the basis of written application of insurant.

Expenses for duplicating of agreement of insurance shall be reimbursed by the insurant, upon that the total amount of reimbursable expenses shall not exceed 0,1 monthly calculation index, established by the Law of the Republic of Kazakhstan on republican budget on the relevant financial year, on the date of application.

5. If an agreement of compulsory insurance of employee from accidents is concluded on the conditions, aggravating the situation of insurant or beneficial owner compared to that which is provided by this Law, upon occurrence of insurance event the insurer shall bear obligations to the insurant and beneficial owner on the conditions, established by this Law.

6. An agreement of compulsory insurance of employee from accidents shall contain:

- 1) the name, location and bank details of the insurer;
- 2) surname, first name, patronymic (in its existence) and place of residence of insurant (if he (she) is an individual) or his (her) name, location and bank details (if it is a legal entity);
- 3) indication of the object of insurance;
- 4) indication of insurance event;
- 5) the amounts of insurance sum, procedure and terms of making of insurance payment;
- 6) the amount of insurance premium, procedure and terms of its payment.

In the existence of the branch (branches) of the insurant, carrying out (carrying out) activity different from the insurant, the amount of insurance premium shall be established separately on the insurant and its branch (branches) with indication of the class of occupational risk according to the type of economic activity, carrying out by him (her) (them) within one agreement of compulsory insurance of employee from accidents;

- 7) rights, duties and responsibility of parties of agreement;
- 8) events and procedure of making amendments to the agreement and its prolongation;
- 9) the date of conclusion and duration of agreement;
- 10) number and series of insurance agreement;

11) Excluded by the Law of the Republic of Kazakhstan dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication);

12) Excluded by the Law of the Republic of Kazakhstan dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

An agreement may include other conditions by agreement of the parties.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced from 01.01.2018); dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.12.2020 № 386-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 12.07.2022 № 138-VII (effective sixty calendar days after the date of its first official publication).

## **Article 12. Validity of agreement of compulsory insurance of employee from accidents**

1. An agreement of compulsory insurance of employee from accidents shall enter into force and become compulsory for parties from the date established by agreement of compulsory insurance of employee from accidents.

2. An agreement of compulsory insurance of employee from accidents shall be concluded for the term of twelve months from the date of entry into force, except for the case, provided by paragraph 3 of this Article.

An agreement of compulsory insurance of employee from accidents valid during all term of insurance and shall not terminate on the first insurance event.

3. Upon carrying out activity of employer for the term less than twelve months, the agreement shall be concluded for the term of carrying out of this activity.

## **Article 13. Termination of agreement of compulsory insurance of employee from accidents**

1. An agreement of compulsory insurance of employee from accidents shall terminate in the cases:

1) expiration of agreement;

2) early termination of agreement;

3) making of insurance payment (insurance payments) by insurer in the amount of total insurance sum, established by agreement of insurance.

2. Termination of agreement of compulsory insurance of employee from accidents shall not release the insurer from responsibility on making of insurance payment to the beneficial owner on the accidents, recognized in the subsequent as insurance events, which are occurred in the period of validity of agreement of compulsory insurance of employee from accidents.

In the case of death or establishment of the degree of loss of occupational capacity to the injured employee, the insurance payment shall be made by the insurer, concluded an agreement of compulsory insurance of employee from accidents, in the period of which the accident is occurred.

Upon that the date of accident shall be:

upon death or establishment of the degree of loss of occupational capacity to the employee in the result of labour injure – the date of accident, specified in the act of an accident;

when determining the degree of loss of professional ability to work for an employee as a result of the detection of an occupational disease - the date of the conclusion of the healthcare organization providing specialized medical care in the field of occupational pathology and examination.

**Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).**

#### **Article 14. Early termination of agreement of compulsory insurance of employee from accidents**

An agreement of compulsory insurance of employee from accidents shall be terminated early in the cases, established by the Civil Code of the Republic of Kazakhstan.

#### **Article 15. Invalidity of agreement of compulsory insurance of employee from accidents**

The grounds and consequences of recognition of agreement of compulsory insurance of employee from accidents as invalid shall be determined in accordance with the Civil Code of the Republic of Kazakhstan.

#### **Article 16. Insurance sum**

1. Insurance sum shall be determined by agreement of compulsory insurance of employee from accidents, but shall not be less than the annual labor compensation fund of all employees at the time of conclusion of agreement of compulsory insurance of employee from accidents.

2. The insurance amount is reduced by the amount of the insurance payment (insurance payments) and (or) funeral expenses, costs of preventive and rehabilitation measures provided for in accordance with Article 19 of this Law.

3. Insurance sum may be changed in the case of change of annual labor compensation fund of employees.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 07.05.2007 № 244; as amended by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (the order of enforcement see Article 2); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

**Article 16-1. Consequences of occurrence of insurance event**

Consequences, upon that the accident led to the establishment of the degree of loss of occupational capacity to the employee or his (her) death shall be provided by paragraph 2 of Article 322 of the Labour Code of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

**Article 17. Determination of the amount of insurance premium and procedure of its payment on agreement of compulsory insurance of employee from accidents**

1. Insurance premium on agreement of insurance of employee from accidents shall be determined by agreement of parties on the basis of insurance tariff, established by paragraph 2 of this Article, multiplied to the insurance sum on agreement of insurance.

Upon determination of annual labor compensation fund by the insurant, the monthly income of each employee shall be accepted no more than ten-fold minimum size of salary, established by the Law on republican budget on the relevant financial year, multiplied to twelve.

If during the term of the insurance agreement the labor compensation fund and (or) staff number of employees are changed, the amendments (in a part of amount of insurance sum and insurance premium) shall be made in the insurance agreement by agreement of the parties by conclusion of additional agreement for the period of validity of the basic agreement. The insurance premium shall be calculated on the basis of the sum of the change of labor compensation fund and term, remaining before the termination of basic agreement. Insurance tariff shall be calculated in proportion to the remaining period of insurance of the tariff, on which the insurance agreement (basic agreement) was concluded.

If an insurant submits an application for the purpose of concluding an agreement of compulsory insurance of employee from accidents in accordance with Subparagraph 1-2) of Paragraph 2 of Article 8 of this Law, the annual labor compensation fund shall be determined on the basis of the data specified in an insurant application.

2. Establish the following insurance tariffs, differentiated by types of economic activity, depending on the class of occupational risk:

Class of occupational risk	Insurance tariff
1	0,12%

2	0,29%
3	0,48%
4	0,49%
5	0,52%
6	0,53%
7	0,54%
8	0,65%
9	0,56%
10	0,88%
11	0,75%
12	0,76%
13	1,29%
14	1,55%
15	1,13%
16	1,17%
17	1,21%
18	2,43%
19	1,75%
20	2,05%
21	2,54%
22	2,96%

2-1. In case in the amount of insurance premium, calculated in accordance with paragraphs 1, 2 of this Article less than the minimum earnings, established by the Law on the republican budget on the relevant financial years, the amount of insurance premium on agreement of compulsory insurance of employee from accidents shall consist the minimum earnings. Upon that the insurance sum shall be increased in proportion to the increase of the amount of insurance premium.

3. The procedure for classifying types of economic activity as occupational risk classes is determined by the authorized body.

In the case when the insurant carries out the several types of economic activity, it shall subject to assignment to the class of occupational risk, relevant to the basic type of his (her) activity.

In the event that the insured carries out activities under the contract for the provision of services for provision of personnel as a sending party, then it is classified as a type of economic activity that has an occupational risk class not lower than the occupational risk class of the host party or the highest occupational risk class of the host party, in accordance with the contracts concluded by him for the provision of services for the provision of personnel.

In the case when the insurant carries out several types of economic activity, uniformly distributed in the total volume of production, it shall subject to assignment to the type of

economic activity to which corresponds the higher class of occupational risk. In the case when the insurant has the branch (branches), carrying out (carrying out) activity, different from the insurant, it shall subject to assignment to the type of economic activity to which corresponds its class of occupational risk.

Upon that the branch (branches) shall have confirmation on type of economic activity carried out by it (them).

4. Payment of insurance premium shall be made by the insurant in a lump sum or by instalment in the manner and terms which are provided by agreement of compulsory insurance of employee from accidents. If by agreement of compulsory insurance of employee from accidents provided otherwise, the insurant shall be obliged to pay the penalty to the insurer in the manner and amount, established by the Civil code of the Republic of Kazakhstan for the late payment of premium installment.

5. In the case of change of the class of occupational risk of employee during validity of agreement of compulsory insurance of employee from accidents, the insurance premium shall subject to recalculation in proportion to the term, remaining before the expiration of agreement of compulsory insurance of employee from accidents.

**Footnote.** Article 17 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.02.2017 № 49-VI (shall be enforced from 01.01.2018); dated 24.05.2018 № 156-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.12.2020 № 386-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 17-1. Insurance Premium Correction Factor**

**Footnote.** Heading is in the wording of the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

1. If the insurance event (insurance events) is occurred due to a fault of insurant in the validity term of agreement, the insurance premium, calculated in accordance with Article 17 of this Law shall be multiplied to the correction coefficient.

2. The correction coefficient shall be determined on the basis of the average annual number of injured employees during the last three years preceding the date of conclusion of the contract of compulsory insurance of the employee against accidents and the corresponding total number of employees of the policyholder as of the date of conclusion of the contract of compulsory insurance of the employee against accidents. Significance of correctional coefficients shall be applied in the following amount:

Total number of employees
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Annual average numbers of injured employees	to 100	from 101 to 500	from 501 to 1 000	from 1 001 to 10 000	from 10 001 to 20 000	more 20 000
from 2 to 9	3	2	1,75	1	1	1
from 10 to 19	3,4	3,2	3	2,5	1,25	1,1
from 20 to 49	3,8	3,3	3,2	2,75	2,4	1,25
from 50 to 99	4	3,5	3,3	3	3,1	1,5
from 100 to 199		3,6	3,5	3,4	3	2
from 200 to 299		4	3,75	3,5	3,2	3
from 300 and more			4	3,8	3,6	3,5

2-1. In the absence of insured events during the last three years preceding the date of conclusion of the contract of compulsory insurance of the employee against accidents, the insurer shall have the right to reduce by no more than 10 percent the insurance premium amount under the contract of compulsory insurance of the employee against accidents determined in accordance with Article 17 of this Law.

3. In the case of the insurant has the branch (branches), carrying out (carrying out) activity , different form the insurant, correctional coefficient shall be calculated in recognition of annual average numbers of all injured employees and total number of employees of employer and its branch (branches).

4. The numbers of accidents, led to establishment of degree of loss of occupational capacity to the employee from 30 to 100 per cent inclusively or to his (her) death shall be considered for calculating the numbers of injured employees.

5. The procedure for applying the correction coefficient shall be determined by the regulatory legal act of the authorized body for regulation, control and supervision of the financial market and financial organizations.

**Footnote.** The Law is supplemented by Article 17-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 01.01.2011); is in the wording of the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication).; dated 02.07.2018 № 166-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

## **Article 18. Determination of the extent of inflicted damage**

1. Is excluded by the Law of the Republic of Kazakhstan dated 07.05.2007 № 244.

2. The damage inflicted to life and health of employee shall include material expression of damage, related with his (her) death or with establishment him (her) the degree of loss of occupational capacity, except for the damage, related with temporary incapacity of employee.

The extent of damage, inflicted to life and health of employee shall be determined on the basis of documents, presented in accordance with this Law.

**Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (the order of enforcement see Article 2).**

**Article 19. Procedure of determination of the extent of damage. The insurance payments on agreement of compulsory insurance of employee from accidents**

1. The extent of damage related with loss of earnings (income) in connection with the death of employee or with establishment him (her) the degree of loss of occupational capacity shall be determined in accordance with requirements of the Civil Code of the Republic of Kazakhstan.

Compensation of damage, related with loss of earnings (income) by employee in connection with establishment him (her) the degree of loss of occupational capacity from five to twenty nine per cent inclusively shall be carried out by the insurant according to the labour legislation of the Republic of Kazakhstan.

Monthly insurance payment, due to the employee as compensation of damage, related with loss of earnings (income) by employee in connection with establishment him (her) the degree of loss of occupational capacity from thirty to one hundred per cent inclusively shall be carried out by insurer.

The amount of average monthly earnings (income), considered for calculation of lost earnings (income), subjected to compensation shall not exceed ten-fold amount of minimum earnings, established on the relevant financial year by the Law on republican budget, on the date of conclusion of agreement of compulsory insurance of employee from accidents.

The amount of the insurance payment is made minus social benefits in case of loss of ability to work from the State Social Insurance Fund.

Insurance payment, due as compensation of damage, related with loss of earnings (income) by the employee in connection with establishment him (her) degree of loss of occupational capacity for the term less than one year shall be made by the insurer on monthly basis on the basis of annuity agreement. Upon that the first insurance payment shall be made by the insurer during seven business days from the date of presentation of documents, provided by paragraph 2 of Article 20 of this Law.

The insurance payment due as compensation for damage associated with the loss of earnings (income) by the employee in connection with the establishment of the degree of loss of occupational ability for a period of one year or more shall be made in the form of annuity payments in favor of the employee for a period equal to the period of establishment or extension (re-certification) of the degree of loss of occupational capacity of the employee in

accordance with the annuity agreement concluded with the insurant under Article 23 of this Law, but not exceeding the term of reaching by the employee of the retirement age established by the legislation of the Republic of Kazakhstan on social protection.

Compulsory pension contributions shall be held and transferred from the insurance payments, made by the insurer as compensation of damage, related with loss of earnings (income), to the unified retirement savings fund.

Insurance payment on compensation of damage, related with the death of employee upon occurrence of accident, as well as by reason of health impairment due to occurred accident shall be carried out in the form of annuity payments in favor of person, having the right to compensation of damage according to the Laws of the Republic of Kazakhstan during the term established by the Civil Code of the Republic of Kazakhstan.

In the cases, provided by this Law, the persons, who are the beneficial owners shall have a right to receipt the insurance payment.

The procedure for calculating annuity payments under an annuity contract shall be determined by the regulatory legal act of the authorized body for regulation, control and supervision of the financial market and financial organizations.

In the case of liquidation of legal entity, recognized as responsible for damage, inflicted to life and health in the established procedure, the annuity agreement shall be concluded with injured employee or person, having the right to compensation of damage in connection with the death of employee according to the legislative acts of the Republic of Kazakhstan in the manner provided by this Law.

2. Reimbursement of additional expenses caused by damage to the health of an employee in the event of establishing the degree of loss of professional capacity for him, with the exception of expenses for one sanatorium-resort treatment in accordance with paragraph 2-1 of this article, shall be made by the insurer on the basis of documents confirming these expenses, submitted by the employee or the person who incurred these expenses. At that, expenses for medical care provided within the framework of the guaranteed volume of free medical care and in the system of compulsory social health insurance are not subject to reimbursement.

The total amount of insurance payments on compensation of additional expenses, caused by injure to health shall not exceed the following amounts (in the monthly calculation indices, established on the relevant financial year by the Law on republican budget):

1) upon establishment the degree of loss of occupational capacity from thirty to fifty nine per cent inclusively – 500;

2) upon establishment the degree of loss of occupational capacity from sixty to eighty nine per cent inclusively – 750;

3) upon establishment the degree of loss of occupational capacity from ninety to one hundred per cent inclusively – 1000.

Insurance payments on compensation of additional expenses, caused by injury to health shall be carried out by the insurer within the amounts, established by this paragraph during seven business days from the date of presentation of documents, approving these expenses by employee or person, suffered these expenses.

The total insurance payments on compensation of additional expenses, caused by injury to health shall be carried out by insurer on the relevant primary established degree of loss of occupational capacity within the amounts, determined by the second part of this paragraph.

2-1. After the initially established degree of loss of professional ability, the injured employee has the right to receive compensation for expenses incurred for one sanatorium-resort treatment, regardless of the individual rehabilitation program of the injured employee.

The incurred expenses shall be reimbursed up to a hundred times the monthly calculation index established for the corresponding financial year by the law on the republican budget, on the basis of documents confirming these expenses.

2-2. Employees whose degree of occupational disability between thirty percent and one hundred percent inclusive was initially determined prior to May 10, 2015, and extended (re-certified) without a certification period between May 10, 2015, and January 1, 2024, are eligible to receive insurance benefits for a period of time equal to the period of extension (re-certification) of the employee's degree of occupational disability.

Insurance payments specified in this paragraph shall be assigned from the date of application by the policyholder (beneficiary) with the submission of documents provided for in paragraph 2 of Article 20 of this Law.

3. In the event of death of an injured employee, the person who carried out his burial shall be reimbursed by the insurer for funeral expenses in the amount of one hundred times the monthly calculation index established for the corresponding financial year by the law on the republican budget.

4. If the amount of the insurance payment (insurance payments) and (or) funeral expenses provided for in this article exceeds the size of the insurance amount established by the contract of compulsory insurance of the employee against accidents, the difference is paid to the insurer at the expense of the insured.

If the costs of preventive measures, taking into account the amount(s) of insurance payment(s) and funeral expenses, costs of rehabilitation measures, sanatorium-resort treatment, exceed the size of the insurance amount established by the contract of compulsory insurance of the employee against accidents, then the costs of preventive measures shall not be incurred.

5. The expenses related with transfer of insurance payment shall be incurred at the expense of insurer.

6. The insurer shall reimburse to the policyholder the expenses actually incurred by the policyholder for preventive measures in the amount not exceeding six percent of the insurance

premium in accordance with the procedure determined by the authorized body, provided that the insurance premium is paid in full and only upon the expiry of the insurance contract.

**Footnote.** Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023); dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

#### **Article 19-1. Features of making of insurance payments on agreement of compulsory insurance of employee from accidents**

1. In the case of conclusion of agreement of compulsory insurance of employee from accidents by the insurant with insurer, carrying out insurance activity in the branch of “general insurance”, the following insurance payments shall be made by this insurer:

1) compensation of damage, related with loss of earnings (income) by employee in connection with establishment him (her) the degree of loss of occupational capacity for the term less than one year;

2) compensation of expenses, caused by injure to health of employee, upon occurrence of insurance event.

Insurance payment, due as compensation of damage, related with loss of earnings (income) by the employee in connection with establishment him (her) degree of loss of occupational capacity for the term of one year and more, as well as in connection with the death of employee shall be made by the insurance organization, having a license for the right of carrying out of annuity insurance, in accordance with annuity agreement.

The insurer, carrying out insurance activity in the branch of “general insurance” shall be obliged to carry out transfer of money to the insurance organization, having a license for the right of carrying out of annuity insurance in accordance with this Law during seven business days from the date of reception them the documents, provided by paragraph 2 of Article 20 of this Law.

2. In the case of conclusion of agreement of compulsory insurance of employee from accidents by the insurant with insurer, having a license for the right of carrying out of insurance activity in the branch of “life insurance” on the class of annuity insurance, the insurance payments shall be made by this insurer upon occurrence of insurance event in the manner provided by Article 19 of this Law.

**Footnote.** The Law is supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010 and valid until 01.01.2012).

#### **Article 20. General conditions of making of insurance payments**

1. The requirement on insurance payments to the insurer shall be presented by the insurant or other person, being the beneficial owner, in a written form with notification of the place of residence, contact telephone numbers of beneficial owner, bank details (if it is necessary), procedure of reception of insurance payment – by cash or by transfer to the bank account with annex of documents, necessary for implementation of insurance payments.

2. An application of insurance payment shall include the following documents:

1) in the case of establishment of degree of loss of occupational capacity:

a copy of insurance agreement;

an act of an accident;

a copy of document of identification of injured person;

a copy of certificate of territorial subdivision of the authorized body on establishment of the loss of occupational capacity;

a copy of certificate of territorial subdivision of the authorized body on necessity in additional types of assistance and care;

documents confirming actually incurred expenses for treatment (invoice, cash receipt and others);

a copy of a certificate from the territorial unit of the authorized body on the amount of the assigned social payment for the loss of occupational ability or refusal to assign it;

a copy of a document confirming the presence of an occupational disease, issued by a healthcare organization providing specialized medical care in the field of occupational pathology and expertise;

a copy of document, approving the rate of earnings of injured employee for the period worked by him (her), but not more than twelve months, certified by employer;

2) in the case of death of employee:

a copy of insurance agreement;

an act of accident;

a copy of the death certificate or notification of the employee's death;

notary certified copy of document, approving the right of beneficial owner for compensation of damage in the case of the death of employee;

a copy of document of identification of beneficial owner;

a copy of document, approving the rate of earnings for the period worked by employee, but not more than twelve months, certified by the employer;

3) the documents, approving the expenses, suffered by the insurant for the purposes of prevention or reduction of losses upon occurrence of insurance event, in their existence.

Reclamation of other documents in addition by insurer from insurant or beneficial owner shall not be allowed.

The documents provided for in part one of this paragraph shall not be submitted by the applicant if they are available (availability of the information specified in them) in electronic

form in the databases and (or) information systems of state bodies, access to which is provided to the insurer by the organization for the formation and maintenance of the database.

To calculate the amount of the insurance payment, the insurer shall have the right to receive the documents (information specified in them) provided for in part one of this paragraph, in electronic form from the database and (or) information systems of state bodies, with the written consent of the injured employee or his legal representative and compliance with the requirements of the legislation of the Republic of Kazakhstan on personal data and their protection and information containing a secret protected by law.

3. An insurer accepted the documents shall be obliged to make certificate with notification of complete list of documents presented by applicant and the date of their acceptance in two copies.

One copy of certificate shall be issued to the applicant; the second copy with the mark of applicant in its acceptance shall be at the insurer.

In the case of nonpresentation of all documents, provided by paragraph 2 of this Article by the insurant or other person, being a beneficial owner, the insurer shall be obliged to notify them on missing documents in written form during three business days.

4. A beneficial owner shall be injured employee (in the case of his (her) death – a person, having the right for compensation of damage in connection with the death of employee according to the Laws of the Republic of Kazakhstan), as well as the insurant or other person, compensated the inflicted damage to the beneficial owner within the volume of responsibility of insurer, established by this Law and obtained the right for insurance payment.

5. Is excluded by the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V ( shall be enforced upon expiry of ten calendar days after its first official publication).

6. Upon implementation of insurance payment, the insurer shall not have a right to require acceptance of conditions, limiting its right of requirement to insurer from beneficial owner.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); as amended by the Law of the Republic of Kazakhstan dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.11.2015 № 415-V (shall be enforced from 01.01.2016); dated 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Article 21. The right of counter demand to the person, inflicted a damage**

Footnote. Article 21 is excluded by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010).

## **Article 22. The grounds of release of insurer from implementation of insurance payment**

The insurer has the right to refuse, in whole or in part, an insurance payment in cases stipulated by the Civil Code of the Republic of Kazakhstan, as well as in the event of cases stipulated by paragraph 3 of Article 186 of the Labor Code of the Republic of Kazakhstan.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 30.12.2009 № 234-IV (shall be enforced from 09.08.2010); dated 06.04.2024 № 71-VIII (comes into force sixty calendar days after the date of its first official publication).**

## **Article 23. Conclusion of annuity agreement**

1. In the case of establishment or prolongation (recertification) of degree of loss of occupational capacity of employee or his (her) death, the employer shall be obliged to conclude an annuity agreement in favor of employee or person, having the right for compensation of damage in connection with the death of employee according to the legislative acts of the Republic of Kazakhstan, with insurance organization chosen by employer, having a license for the right of implementation of annuity insurance, in recognition of requirements of paragraph 1 of Article 19 of this Law.

2. An annuity agreement shall be concluded not later than five business days from the date of presentation of documents, provided by paragraph 2 of Article 20 of this Law.

3. An annuity agreement shall be concluded on the conditions, providing earning of incomes in the amount and terms, which established by the Civil Code of the Republic of Kazakhstan, by the injured employee or persons, having the right for compensation of damage in connection with the death of employee.

An annuity agreement shall be concluded with the insurer, concluded an agreement of compulsory insurance of employee from accidents, in the period of action of which the insurance event is occurred.

4. Insurance premium on annuity agreement shall not be payable by the beneficial owner.

5. Requirements for an annuity contract and the permissible level of expenses of the insurer for conducting business under the concluded annuity contracts shall be established by the regulatory legal act of the authorized body for regulation, control and supervision of the financial market and financial organizations.

**Footnote. Article 23 as amended by the Laws of the Republic of Kazakhstan dated 07.05.2007 № 244; dated 30.12.2009 № 234-IV (the order of enforcement see Article 2); dated 05.07.2012 № 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020).**

## **Article 23-1. Conclusion of a pre-retirement annuity contract**

1. In the presence of the employee's application for insurance payments under the pre-retirement annuity contract and the conditions stipulated in paragraph 1 of Article 195-1

of the Social Code of the Republic of Kazakhstan, the insurer is obliged to enter into a pre-retirement annuity contract in favor of the beneficiary with the insurer who has entered into an contract on compulsory insurance of the employee against accidents, during the period of which an event occurred that entailed the making of an insurance payment under a pre-retirement annuity contract.

2. The pre-retirement annuity contract shall be concluded no later than seven working days from the date of submitting a notification by the policyholder through the information system of the authorized body for an insurance payment under the pre-retirement annuity contract.

3. Insurance payments under a pre-retirement annuity contract shall be made through the contract on compulsory insurance of an employee against accidents, under which the insurance premium is determined on the basis of the insurance tariff provided for in paragraph 2 of Article 17 of this Law.

4. The calculation of the insurance premium under a pre-retirement annuity contract shall be carried out in accordance with the procedure determined by the authorized body for regulation, control and supervision of the financial market and financial organizations.

5. The requirements for a pre-retirement annuity contract and the permissible level of expenses of the insurer for administration of the case under concluded pre-retirement annuity contracts shall be established by the authorized body for regulation, control and supervision of the financial market and financial organizations.

**Footnote.** The Law has been supplemented with Article 23-1 in pursuance of the Law of the Republic of Kazakhstan dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

#### **Article 23-2. Organization of insurance payment under a pre-retirement annuity contract**

1. An employee is entitled to an insurance payment under a pre-retirement annuity contract if the conditions specified in paragraph 1 of Article 195-1 of the Social Code of the Republic of Kazakhstan arise.

2. Insurance payment under a pre-retirement annuity contract shall be made from the date of applying.

The day of applying for an insurance payment under a pre-retirement annuity contract is considered the day of registration of the application and necessary documents or the day of receiving consent to make an insurance payment under a pre-retirement annuity contract through proactive service in accordance with the Law of the Republic of Kazakhstan “On State Services”.

3. The monthly amount of insurance payment under a pre-retirement annuity contract shall be one amount of the subsistence minimum established for the corresponding financial year by the law on the republican budget.

The insurance benefit under a pre-retirement annuity contract shall be paid taking into account changes in the subsistence minimum amount established for the corresponding financial year by the law on the republican budget.

4. The insurance benefit under a pre-retirement annuity contract shall be paid out until the recipient reaches the retirement age established by Article 207 of the Social Code of the Republic of Kazakhstan.

5. The insurance payments under a pre-retirement annuity contract shall be organized and implemented through the State Corporation.

6. Services of the State Corporation for organizing and making insurance payments under a pre-retirement annuity contract shall be paid at the authorized body's expense.

7. The procedure for making, suspending, renewing and terminating insurance payments under a pre-retirement annuity contract shall be determined by the authorized body for regulation, control and supervision of the financial market and financial organizations in coordination with the authorized body.

**Footnote.** The Law has been supplemented with Article 23-2 in pursuance of the Law of the Republic of Kazakhstan dated 21.12.2023 № 49-VIII (shall come into effect from 01.01.2024).

#### **Article 24. Procedure of certification of employee for determination of degree of loss of capacity**

1. Each of accident, caused the loss of capacity of the employee (employees) more than one day, shall be formed by the act on accident in accordance with medical conclusion in the manner established by the legislation of the Republic of Kazakhstan.

2. Certification of employee for determination of degree of loss of capacity shall be conducted by the territorial subdivision of the authorized body on application of insurant, insurer or employee or by court decision in accordance with the legislation of the Republic of Kazakhstan. The grounds for certification shall be conclusion of health care organization and act on accident.

Examination of an employee to determine the degree of disability as a result of an accident or occupational disease, as well as determination of the need for additional types of assistance and care, shall be carried out through medical and social examination in accordance with the legislation of the Republic of Kazakhstan on social protection.

The list of occupational diseases shall be approved by the authorized body in the field of health care service.

**Footnote.** Article 24 as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.04.2015 № 311-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.06.2022 № 129-VII (shall come into effect ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

## **Article 24-1. Special aspects for settlement of disputes on agreement of compulsory insurance of employee from accidents**

1. If there is a dispute arising from the contract of compulsory insurance of an employee against accidents, the insured (beneficiary) shall have the right to:

send to the insurer (including through a branch, representative office, or insurer's Internet resources) a written application indicating the requirements and attaching documents confirming its requirements, or send an application to the insurance ombudsman (directly to the insurance ombudsman, including through its Internet resource, or through of the insurer, including through its branch, representative office, another separate structural unit, Internet resource) or to the court to resolve disputes arising from the contract of compulsory employee insurance against accidents, taking into account the specifics provided for by the Law of the Republic of Kazakhstan "On Insurance Activities".

2. Upon receipt of an application from an insurant (beneficiary), an insurer shall consider and provide a written response within five working days indicating the further procedure for resolving dispute.

3. If an insurant (beneficiary) applies to an insurance ombudsman, an insurer shall be obliged, upon request of an insurant (beneficiary), insurance ombudsman, to submit documents related to consideration and resolution of dispute within three working days from the date of receipt of the request.

**Footnote.** The Law is supplemented by Article 24-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2018 № 166-VI (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 12.07.2022 № 138-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

## **Article 25. Resolution of disputes**

All disputed, arising between the subjects of compulsory insurance of employee from accidents on execution of this Law shall be resolved in accordance with the legislation of the Republic of Kazakhstan.

## **Article 26. The state statistical accounting of subjects of compulsory insurance of employee from accidents**

**Footnote.** Article 26 is excluded by the Law of the Republic of Kazakhstan dated 19.03.2010 № 258-IV.

## **Article 27. Responsibility for violation of the legislation of the Republic of Kazakhstan on compulsory insurance of employee from accidents**

Persons guilty in violation of the legislation of the Republic of Kazakhstan on compulsory insurance of employee from accidents shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

**Article 28. The order of enforcement of this Law**

This Law shall be enforced from 1 July, 2005.

*The President  
of the Republic of Kazakhstan*

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